

# **A REPORT COMPARING FLORIDA'S ALCOHOL LAWS AND POLICIES WITH OTHER STATES**

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## Highlights – A Report Comparing Florida’s Alcohol Laws and Policies with Other States

- Florida is one of 35 states that establish 18 as the minimum age for on-premises servers of alcohol. There are 14 states that have a higher minimum age.
- Florida is one of 36 states where drivers under the age of 21 are subject to a blood alcohol concentration (BAC) limit of 0.02 g/dL. Fourteen states have more restrictive standards.
- Florida, along with 6 other states, provides an enhanced penalty for DUI offenders with a BAC of 0.20 g/dL. A total of 32 states have established a stricter and lower threshold than Florida.
- Florida is one of 9 states that make the installation of an ignition interlock device mandatory for those convicted of a DUI offense with a BAC of at least 0.15 g/dL. There are 13 states that make the installation of an ignition interlock device mandatory for those convicted of a DUI offense with a BAC of 0.08 g/dL.
- Forty-seven states prohibit the sale of alcohol to intoxicated individuals. Florida, Nevada, and Wyoming are the only states that do not.
- Florida does not require keg registration. Thirty states have a keg registration law.
- Florida is one of 23 states that have a *voluntary* Responsible Vendor Training law. Seventeen states have *mandatory* server training laws.
- Florida is one of 24 states with a law prohibiting hosting underage drinking parties. Florida is one of 7 states where preventive action by the social host may negate criminal liability. Florida is also one of 19 states that require the host to have actual knowledge in order for liability to be imposed.
- Florida is one of 26 states that do not have provisions prohibiting advertising that targets minors. Twenty-four states have provisions prohibiting ads that target minors.
- Florida is one of 22 states that do not have any statutes or regulations specifically targeting drink specials or promotions. Twenty-eight states do have some statutes or regulations prohibiting at least one of several forms of drink specials or promotions.
- Florida is one of 39 states that do not have laws prohibiting the portrayal and/or the encouragement of intoxication.
- Florida is one of the 32 “license” (or “open”) states in which the government does not take ownership of alcohol at any point in the transaction cycle or in the three-tiered system. Only 18 states (and Montgomery and Worcester counties in Maryland) maintain public monopolies over the distribution/wholesale tier, controlling the sale of distilled spirits and, in some cases, wine through government agencies.
- Florida’s beer excise tax is \$0.48 per gallon, which is higher than the national average of \$0.29. Florida has the 7<sup>th</sup> highest beer excise tax in the country.
- Beer taxes have eroded dramatically because they are not protected against inflation. Between 1968 and 2000, only 6 states managed to keep up with inflation, while 35 states (including Florida) had erosions of over 50% of their 1968 value.
- Only 10 states earmark alcohol excise tax revenues to fund alcohol treatment programs and Florida is not one of them.

## INTRODUCTION AND OVERVIEW

Laws and policies that impact how alcohol is produced, distributed, sold, and consumed can be effective tools for reducing the harmful consequences of alcohol consumption.<sup>1</sup> States across the country have implemented a variety of alcohol policies to control alcohol sales and consumption and prevent alcohol-related harms.

Researchers have found that the presence of stronger state alcohol policies may protect against binge drinking and that a more comprehensive set of state-level policies is associated with less drinking and less driving after drinking.<sup>2</sup> A truly comprehensive approach to preventing alcohol abuse and alcohol-related disease and injury must address all dimensions of alcohol policy. This report provides information on the status of policies across the 50 states, grouped into the following 7 major categories: (1) Minimum Age Requirements for Servers, (2) Impaired Driving Countermeasures, (3) Controls on Intoxication, (4) Underage Drinking Countermeasures, (5) Marketing, Advertising, and Promotion, and (6) Alcohol Control and Licensing Systems, and (7) Taxation.

The inclusion of certain laws and policies in this report should not be construed as an endorsement of those laws or policies. While this report focuses on variations in state policies, Appendix T provides an overview and comparison of patterns of alcohol consumption (including binge drinking), perceptions of harm from drinking, and the prevalence of alcohol dependence or abuse across states.

### (1) MINIMUM AGE REQUIREMENTS FOR SERVERS

Florida is one of 35 states (and the District of Columbia) that establish 18 as the minimum age for on-premises servers of alcohol.<sup>3</sup> Maine is the only state that sets the minimum age at 17. There are 14 states that have a minimum age higher than 18, including 10 that set it at age 19, one that sets it at age 20, and three that set it at age 21 (see Appendix A for more detail).<sup>4</sup>

Florida is one of 25 states that establish 18 as the minimum age to bartend beer (some states set a higher minimum for bartending of wine or liquor). Maine is the only state to set the minimum age for bartending beer at 17. There are 24 states that have a higher minimum age, including 4 states that set it at age 19, one that sets it at age 20, and 19 states (and the District of Columbia) that set it at age 21 (see Appendix B for more detail).<sup>5</sup>

### (2) IMPAIRED DRIVING COUNTERMEASURES

**Blood Alcohol Concentration Limits for Underage Drivers:** Florida is one of 36 states where drivers under the age of 21 are subject to a blood alcohol concentration (BAC) limit of 0.02 g/dL.<sup>6</sup> Fourteen states have more restrictive standards, including 12 states (and the District of Columbia) that set the limit at 0.00 g/dL, and 2 states that set the limit at 0.01 g/dL (see Appendix C for more detail).<sup>7</sup>

**Penalty Enhancements for High Blood Alcohol Concentrations:** There are 11 states that do not have a penalty enhancement for a particularly high BAC at the time of the offense, however many states do impose harsher penalties on DUI offenders with a high BAC. The enhanced penalty threshold is 0.20 g/dL in Florida, along with 6 other states. A total of 32 states and the District of Columbia have established a stricter/lower threshold than Florida, including 13 states (and the District of Columbia) that set the threshold at 0.15 g/dL, 9 states that set the threshold at 0.16 g/dL, 3 states that set it at 0.17 g/dL, and 7 states that set it at 0.18 g/dL (see Appendix D for more details).<sup>8</sup>

**Ignition Interlock Laws:** There are 3 states that do not have ignition interlock laws. There are 19 states where the installation of an ignition interlock device is discretionary. Six states make the installation of an ignition interlock device mandatory for offenders with repeat DUI convictions. Florida is one of 9 states that make the installation of an ignition interlock device mandatory for those convicted of a DUI offense with a BAC of at least 0.15 g/dL. There are 13 states<sup>9</sup> that make the installation of an ignition interlock device mandatory for those convicted of a DUI offense with a BAC of 0.08 g/dL (see Appendix E for more details).<sup>10</sup>

### (3) CONTROLS ON INTOXICATION

**Serving Intoxicated Persons (Dram Shops and Liquor Liability Laws):** Forty-seven states and the District of Columbia prohibit the sale of alcohol to intoxicated individuals. Florida, Nevada, and Wyoming are the only states without these prohibitions.<sup>11</sup> Florida's intoxication liability law states that:

“A person who sells or furnishes alcoholic beverages to a person of lawful drinking age shall not thereby become liable for injury or damage caused by or resulting from the intoxication of such person, except that a person who willfully and unlawfully sells or furnishes alcoholic beverages to a person who is not of lawful drinking age or who knowingly serves a person habitually addicted to the use of any or all alcoholic beverages may become liable for injury or damage caused by or resulting from the intoxication of such minor or person.”<sup>12</sup>

**Underage Alcohol Consumption and Internal Possession:** Florida is one of 18 states that do not prohibit consumption of alcohol by minors. Thirty-two other states and the District of Columbia prohibit consumption of alcohol by minors.<sup>13</sup>

Florida is also one of 42 states that do not prohibit internal possession of alcohol by minors. Only 8 states prohibit internal possession (UT, CO, KS, MO, MI, NC, SC, and NH). Internal possession laws typically require evidence of alcohol in the minor's body, but do not require any specific evidence of possession or consumption. States are regarded as having a prohibition on internal possession if statutes/regulations prohibit a minor from having alcohol in his/her system as determined by a blood, breath, or urine test. Laws that punish minors for displaying “indicators of consumption,” or for “exhibiting the effects” of having consumed alcohol, are not considered internal possession laws in this particular analysis.<sup>14</sup>

#### (4) UNDERAGE DRINKING COUNTERMEASURES

**Keg Registration:** Florida does not require keg registration. Thirty states and the District of Columbia have a keg registration law. Utah, which is not part of this count, prohibits the sale of kegs entirely.<sup>15</sup>

**Responsible Vendor Training:** Florida is one of 23 states that have a *voluntary* Responsible Vendor Training law. Seventeen states and the District of Columbia have *mandatory*<sup>16</sup> server training laws (see Appendix F for more detail).<sup>17</sup>

**Prohibitions Against Hosting Underage Drinking Parties:** This section addresses laws that establish state-imposed liability against individuals (social hosts) responsible for underage drinking events on property they own, lease, or otherwise control. State-imposed liability involves a statutory prohibition that is enforced by the state, generally through criminal proceedings that can lead to sanctions such as fines or imprisonment. These laws often are closely linked to laws prohibiting furnishing alcohol to minors, although laws establishing criminal liability for hosting underage drinking parties may apply without regard to who furnishes the alcohol. The provisions examined here are those that prohibit persons from allowing or permitting underage possession or consumption on property within the person's ownership or control, without regard to whether the person furnished alcohol to minors. This analysis does not address the considerable variation across jurisdictions regarding the description of the social host's relationship to the property (like whether they have legal possession, control, or ownership of the property or whether they are the owner or occupant of property), nor does it address the variation across jurisdictions in the age of the social host to whom liability is applied.<sup>18</sup>

Florida is one of 24 states with a law prohibiting hosting underage drinking parties. Florida is among 7 states with laws that specifically and explicitly address parties by making reference to the words “party,” “gathering,” “open house,” “hosting” and similar terms. There are 17 states with laws that prohibit individuals from allowing or permitting underage drinking on their property generally, without reference to “parties,” “gatherings” or similar terms (see Appendix G for more detail).<sup>19</sup>

Florida is one of 7 states where preventive action by the social host may negate state-imposed liability. In Florida, for example, hosting an open house party where alcoholic beverages or drugs are possessed or consumed is only an offense if the host “fails to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug.”<sup>20</sup> Florida is also one of 19 states with provisions that require the host to have actual knowledge in order for liability to be imposed. There are 4 states that impose liability only if the host has actual knowledge *and* commits an act that contributes to the violations that occur at the party. There are 3 states that impose liability when the host knew or should have known of the violations that occur at the party (also referred to as negligence or constructive knowledge) (see Appendix H for more detail).<sup>21</sup>

**Use/Lose Laws: Suspension/Revocation of Driving Privileges for Alcohol Violations:** As a penalty for underage purchase, possession, or consumption of alcoholic

beverages, some states authorize suspension or revocation of driving privileges. For the purposes of this analysis, license suspension is defined as “loss of the driving license for a specified period, after which the license is reinstated.” License revocation is defined as “loss of the driving privilege for a specified period, after which the offender may reapply for a license.”<sup>22</sup> This analysis only addresses provisions related to first offenses, underage purchase, possession, and consumption violations. This analysis also only applies to minors who already have a driver’s license; it does not address sanctions involving the loss of eligibility to obtain a driver’s license. This analysis does not count violations of “internal possession” provisions or provisions limited to the prohibition of underage “intoxication” as opposed to underage “consumption.” Also, states that prohibit minors from purchasing alcohol only when the minor makes a false statement of his/her age or presents a false identification are not counted as having a use/lose provision for purchase.

Eleven states do not have laws suspending the driver’s license of underage youth charged with alcohol violations. There are 3 states with laws suspending the driver’s license of youth charged with purchase only. There are 4 states with laws suspending the driver’s license of youth charged with possession only. Florida is one of 12 states with a law suspending the driver’s license of youth charged with underage purchase or possession of alcohol. Iowa is the only state that suspends the driver’s license of youth charged with underage purchase or consumption of alcohol. There are 3 states with a law suspending the driver’s license of youth charged with underage possession or consumption of alcohol. There are 16 states (and the District of Columbia) with a law suspending the driver’s license of youth charged with underage possession, purchase, or consumption of alcohol (see Appendix I for more detail).<sup>23</sup>

Florida is one of 9 states with a license suspension law that applies to youth under age 18. Wyoming is the only state whose law applies to youth under age 19. There are 29 states (and the District of Columbia) with a law that applies to youth under age 21 (see Appendix J for more detail).<sup>24</sup>

Florida is one of 30 states (and the District of Columbia) with a mandatory license suspension law for underage youth charged with an alcohol violation. There are 8 states with discretionary license suspension laws. Hawaii is the only state with a law that is both mandatory and discretionary (see Appendix K for more detail).<sup>25</sup>

## (5) MARKETING, ADVERTISING, AND PROMOTION

**Prohibitions on False and Misleading Advertising:** According to the Pacific Institute for Research and Evaluation, “any advertisement that targets underage persons for alcohol sales or consumption...can be interpreted as misleading because it invites an illegal transaction. Although legal interpretations of the terms ‘false’, ‘misleading’, and ‘targeting minors’ are not well developed as they apply to alcohol advertising, a state with such a provision provides a basis for conducting investigations, establishing specific rules regarding ad content that is attractive to minors, and developing remedies to ensure that the ads will not be misleading.”<sup>26</sup>

Florida is one of 21 states that do not have any provisions prohibiting false and misleading advertising. Twenty-nine states and the District of Columbia have laws that expressly prohibit false and misleading advertising. Most of these provisions cover all types of alcoholic beverages (distilled spirits, wine, and beer) except for Maryland and Tennessee where the provisions apply only to distilled spirits and wine (see Appendix L for more detail).<sup>27</sup>

In a separate 2003 report by the Center on Alcohol Marketing and Youth (CAMY), a different way of classifying states was used. CAMY identified three best practice components to an effective false or misleading law: it includes “misleading” as a specific term and has language to the effect that the provision covers advertising that can create a misleading impression irrespective of falsity, it applies to alcohol advertising generally in the state, and it does not focus on product quality or ingredients.

- Only 3 states have laws with all elements of best practices (ID, IL, MA).
- Nineteen states and the District of Columbia have at least one element of best practices.
- The remaining 28 states, including Florida, do not have a false or misleading statute or the provision was ineffective in addressing alcohol advertising that appeals to youth.<sup>28</sup>

**Prohibitions on Alcohol Advertising that Targets Minors:** According to the Pacific Institute for Research and Evaluation, “legal provisions in many states prohibit ads of any type in which advertisers intend to target children, minors, or those under the legal drinking age, or encourage them, induce them, or make a special appeal to them to buy or consume alcoholic beverages. Targeting minors provisions can also prohibit advertising that uses images of children or models who are under the legal drinking age...[A]lthough a state agency can pursue legal action against such ads through false or misleading provisions, enforcement is much easier when there is a specific provision against targeting minors.” There is considerable variation in how states have defined the audience that is not to be targeted, whether ads are prohibited in specific places, whether the use of certain symbols is restricted, and how the provisions are worded.<sup>29</sup>

Florida is one of 26 states that do not have provisions prohibiting advertising that targets minors. Twenty-four states and the District of Columbia have provisions prohibiting ads that target minors (see Appendix M for more detail).<sup>30</sup>

The Center on Alcohol Marketing and Youth (CAMY) identifies states with a best practice provision by determining if the provision was not constrained by any of the following four elements: (1) proof that the advertiser “intended” to target underage persons, (2) limitations regarding the types of advertising included, (3) use of the term “child” or “children” which can be interpreted to omit those 18 to 20 years of age, and (4) proof that the ad has a “special appeal” or is particularly attractive to underage persons.

- Eleven states have targeting provisions that were not constrained by any of the limitations listed above (AL, DE, ME, NH, NJ, NC, OR, UT, VT, VA, and WV).
- The remaining 39 states, including Florida, and the District of Columbia, do not have a law restricting the targeting of minors or had a law that includes limitations that are counterproductive or less effective than no law at all.<sup>31</sup>

**Drink Specials:** Florida is one of 22 states and the District of Columbia that do not have any statutes or regulations specifically targeting drink specials or promotions.<sup>32</sup> Twenty-eight states do have some statutes or regulations prohibiting at least one of several forms of drink specials or promotions (see Appendix N for more detail).<sup>33</sup> The only drink specials or promotions counted in this analysis include prohibitions against the distribution of free alcoholic beverages (10 states), prohibitions on increasing the volume of alcoholic beverages in a drink without increasing the price (12 states), prohibitions against the provision of additional servings of alcohol until previous servings have been consumed (16 states), prohibitions against giving alcoholic beverages as prizes (16 states), prohibitions on sales of alcoholic beverages at reduced prices during specified days or times (18 states), and prohibitions on the sale of alcoholic beverages during a fixed period of time for a fixed price (23 states).

A separate analysis of state laws and regulations limiting happy hour specials and drink price specials, conducted by the Iowa Alcoholic Beverages Commission, reached different counts and conclusions than those presented above. According to the Commission's White Paper on High-Risk Drinking on College Campuses, Florida is one of only 11 states that do not have any regulations (in statutes or administrative rules) on happy hour specials and drink price specials (including CO, HI, IA, MN, MS, ND, SD, WV, WI, and WY).<sup>34</sup>

The remainder of the topics dealing with marketing, advertising, and promotion are reproduced from the previously referenced report by the Center on Alcohol Marketing and Youth. In this report state laws (both statutory and regulatory) that restrict media advertising content and placement were categorized and rated according to whether the laws contain all, at least one, or none of the elements of best practices.<sup>35</sup> The 12 categories of laws used to rate states (in terms of degree of incorporation of best practices) have "very specific and narrow definitions that may not mirror either the law of any particular state or a customary definition in any one state or group of states." The ratings are based on a review of state statutes and regulations and not on their implementation or enforcement. Also, since this report focuses only on state legislation, states like Hawaii and Maryland that regulate alcohol industry practices primarily through local legislation might have artificially low ratings.<sup>36</sup>

**Prohibitions on Images of Children in Alcohol Advertisements:** Some states prohibit the portrayal of children in alcohol advertising, something which can probably be inferred if a state has provisions prohibiting false/misleading advertising or prohibiting alcohol advertising that targets minors. Regardless, some states prohibit the portrayal of children in alcohol advertising and it provides a basis for state action and for this reason it was included in CAMY's analysis. In order to receive a best practice rating, state provisions must use language that clearly prohibits images of children in alcohol ads. The specific wording varies, with some provisions prohibiting advertisements that "depict," "make reference to," "portray likenesses of," "portray" or "are suggestive of the presence of," "children" or "minors."

- Eight states and the District of Columbia have laws that clearly prohibit images of children in alcohol ads and thus received a best practice designation (including CT, IL, MI, MN, NE, NH, OH, and WA).

- Florida is one of the remaining 42 states that do not have laws addressing this category or that have laws without any of the elements of best practices (or the law is unenforceable/unconstitutional).<sup>37</sup>

**Prohibitions on Images or Statements that Associate Alcohol with Athletic**

**Achievement:** Statutory language varies across state provisions. Some may relate to “pictures,” “illustrations,” and/or “statements” in the advertisements, and these may “contribute to,” “enhance,” or leave readers to “reasonably infer” that alcohol is involved in athletic achievement. All of these variations were treated equally in the CAMY analysis.

- Only 6 states (CT, NJ, NC, UT, VT, VA, and WA) and the District of Columbia restrict images or statements that associate alcohol with athletic achievement.
- Oregon only partially incorporates best practices because its provision requires proof of a causal relationship (rather than an association) between alcoholic beverages and athletic achievement.
- Florida is one of the remaining 43 states that do not have laws addressing this category or that have laws without any of the elements of best practices (or the law is unenforceable/unconstitutional).<sup>38</sup>

**Prohibitions on Images or Statements that Portray or Encourage Intoxication:** In order to qualify for a best practice rating, provisions need to prohibit the portrayal of intoxication in the ad and/or the promotion of intoxication in any way – through referring to its enhanced alcohol content or emphasizing its intoxicating qualities. Some states limit the provision’s application to only one type of alcoholic beverage (which counts against a best practice rating because it limits the scope of the prohibition).

- Only 9 states (DE, NC, OH, OR, UT, VT, VA, WA, and WV) prohibit the portrayal and/or the encouragement of intoxication without limitation as to the type of beverage and therefore had all elements of best practices.
- Two states (IL and PA) only partially incorporate best practices because their statutes do not apply to all alcoholic beverages.
- Florida is one of the remaining 39 states and the District of Columbia that do not have laws addressing this category or that have laws without any of the elements of best practices (or the law is unenforceable/unconstitutional).<sup>39</sup>

**Establishment of Explicit Jurisdiction Over In-State Electronic Media:** Broadcasts that originate within a state are subject to state regulation. Many states claim this jurisdiction. Some may claim jurisdiction without a provision that makes the authority explicit. An explicit statement of jurisdiction is preferable.

- Thirteen states have provisions that explicitly provide the alcohol control agency jurisdiction over both television and radio advertising and therefore had all elements of best practices (IL, KY, MD, MS, MO, NH, NC, OH, OR, PA, TN, UT, and VA).
- Texas and Washington only partially incorporated best practices: Texas’ provision includes radio but not television; Washington’s provision includes an “ambiguous exception that could be interpreted to exclude most licensees.”

- Florida is one of the remaining 35 states and the District of Columbia that do not have laws addressing this category or that have laws without any of the elements of best practices (or the law is unenforceable/unconstitutional).<sup>40</sup>

**Restrictions on Outdoor Alcohol Advertising in Locations Where Children Are Likely to Be Present:**

- Four states (AK, HI, ME, and VT) ban or severely restrict outdoor advertising without reference to ad content and therefore had all elements of best practices.
- Only 2 states (MS and TN) have at least an element of best practices because they have provisions that prohibit billboard advertising in “dry” counties only.
- Florida is one of the remaining 44 states and the District of Columbia that do not have laws addressing this category or that have laws without any of the elements of best practices (or the law is unenforceable/unconstitutional).<sup>41</sup>

**Prohibitions on Outdoor Alcohol Advertising Near Schools, Public Playgrounds, and Churches:**

- No states incorporate all elements of best practices, which for this category include (1) a distance threshold of 500 feet, (2) inclusion of all types of alcoholic beverage advertising, and (3) inclusion of schools, public playgrounds and churches as youth venues.
- Five states have at least one element of the best practices identified above (OH, IN, KY, PA, and WA).
- Florida is one of the remaining 45 states and the District of Columbia that do not have laws addressing this category or that have laws without any of the elements of best practices (or the law is unenforceable/unconstitutional).<sup>42</sup>

**Advertising Restrictions on Alcohol Retail Outlet Windows and Outside Areas:** This analysis examines specifically those provisions that restrict advertising on the outside of the building or the inside of windows (and viewable from the outside). For this analysis, a best practices rating requires strict limitations on advertising on the inside or outside of retail outlet windows (no more than 10% of the space or a functional equivalent).

- Virginia is the only state with a provision that qualifies for a best practice rating according to the criteria above. The Virginia law limits the number of signs and the content of the signs and it also prohibits interior advertising that can be viewed from the outside.
- Six states have provisions with at least one element of the best practices (CA, KS, MS, SC, TX, and UT).
- Florida is one of the remaining 43 states and the District of Columbia that do not have laws addressing this category or that have laws without any of the elements of best practices (or the law is unenforceable/unconstitutional).<sup>43</sup>

**Prohibitions on Alcohol Advertising on College Campuses:** The key criteria of best practices for this category include a prohibition on advertising in college newspapers and other publications, a prohibition on advertising on campus (through handbills, etc.), and a provision stipulating that all college campuses in the state are included.

- Only 3 states have provisions meeting all three best practices criteria (NH, PA, and UT).
- Virginia is the only state with at least one element of the best practices.
- Florida is one of the remaining 46 states and the District of Columbia that do not have laws addressing this category or that have laws without any of the elements of best practices (or the law is unenforceable/unconstitutional).<sup>44</sup>

**Provisions that Restrict Civic Events:** The best practices in this category include: (1) prohibitions on alcohol industry sponsorship of college/school events, (2) prohibitions on sponsorship of events in public venues, and (3) significant limits on sponsorship of events in private venues other than alcohol retail outlets.

- There are no states that have all three of the best practice provisions.
- According to the CAMY report, Florida is one of only five states (including MI, MN, UT, and VA) that have at least one of these provisions; all five have provisions addressing sponsorship of college and school events. According to the CAMY report, Florida's provision applies only to the University of Florida. However, a search of Florida Statutes and administrative rules did not reveal any prohibitions on alcohol industry sponsorship specific to the University of Florida. It is possible that the CAMY report was identifying the University of Florida as a voluntary signatory to the Center for Science in the Public Interest's College Commitment to promote alcohol-free sports telecasts and programs.<sup>45</sup>
- The remaining 45 states and the District of Columbia do not have laws addressing this category or that have laws without any of the elements of best practices (or the law is unenforceable/unconstitutional).<sup>46</sup>

**Provisions that Restrict Giveaways:** The specific focus of this category is on provisions that restrict the ability of *distributors and producers* to provide rewards or prizes directly to consumers, including promotions that award consumers prizes when proof of purchase is provided and distribution of consumer goods with company logos or advertising on them as reward for winning a contest or lottery. This analysis *does not address giveaways by retailers* within the establishment that are not derived from producers or distributors, like free drinks or contests that result in free drinks. A best practice designation applies to: (1) provisions that prohibit any giveaways as reward for purchasing the producer's or distributor's products, and (2) provisions that prohibit the distribution of promotional materials at commercial or civic events at least to those under the legal drinking age.

- Eight states prohibit giveaways as reward for purchasing the producer's or distributor's products (CA, CT, MS, NC, OH, PA, UT, and VA).
- There are no states that prohibit the distribution of promotional materials at commercial or civic events at least to those under the legal drinking age.
- Florida is one of the remaining 42 states and the District of Columbia that do not have laws addressing this category or that have laws without any of the elements of best practices (or the law is unenforceable/unconstitutional).<sup>47</sup>

## (6) ALCOHOL CONTROL AND LICENSING SYSTEMS

**Background on the Origins of the Three-Tier System:** During the late 1800s and early 1900s, the temperance movement “mobilized against saloons as a source of personal and public corruption” and various forms of vice including prostitution and gambling.<sup>48</sup> “Most often saloons were ‘tied houses’ that served only the products of the brewer or distiller that owned them, and at the behest of the owner engaged in promotion to encourage heavy drinking. The industry routinely sought to circumvent or change local regulations by playing an active role in politics and corrupting local officials.”<sup>49</sup>

“Following repeal of Prohibition [in 1933], there was a determination to constitute a new order that would prevent the excesses of the saloon.”<sup>50</sup> The states adopted a three-tier regulatory structure that distinguishes between producers/manufacturers, distributors, and retailers.<sup>51</sup> “Producers and importers contract with distributors, who warehouse the product, deliver to retailers, engage in local advertising and point-of-sale promotions, and monitor the freshness of beer on store shelves.”<sup>52</sup> “To prevent the return of the tied house, states banned ownership of retail outlets by distillers or brewers.”<sup>53</sup>

### **The Three-Tier System:**

1. **Producers/Manufacturers** (breweries, wineries, and distilleries)
2. **Wholesalers/Distributors** (must be licensed and can only sell to licensed retailers)
3. **Retailers** (bars, restaurants, liquor stores, grocery stores, convenience stores)

“All the large brewers assign exclusive territories to their distributors so that retailers have only one source for each brand. To ensure their distributors’ interests are closely aligned with theirs, in 1997 Anheuser Busch began requiring that its distributors devote their primary effort to its brands. In some cases distributors carry only one brewer’s product line, or are actually owned by the brewer. The quest for vertical integration sometimes crosses over the legal line to include retailers; for a while in the 1970s it was common for brewers to give bars and restaurants kickbacks in exchange for exclusive sale of its products. That sort of “tied house” arrangement is illegal and is just what the reformers of the 1930s were trying to prevent.”<sup>54</sup>

By requiring a wholesaler to serve as the middle-man between manufacturers and retailers, the three-tier system increases the cost of alcohol. For example, it is estimated that “the wholesalers’ cut typically amounts to about 18-25 percent of the price to the retailer for wine, and a similar percentage for liquor.”<sup>55</sup> The system ensures that “wine and spirits have the most expensive distribution system of any packaged-goods industry by far, with margins more than twice those in the food business.”<sup>56</sup>

In the interest of encouraging temperance and limiting the scope of the profit motive that stimulates use, 18 states and Montgomery and Worcester counties in Maryland maintain public monopolies over the distribution/wholesale tier, controlling the sale of distilled spirits and, in some cases, wine through government agencies. According

to the National Alcohol Beverage Control Association, “Fourteen of those jurisdictions also exercise control over retail sales for off-premises consumption – either through government-operated package stores or designated outlets over which the state supervises a sales agency relationship.”<sup>57</sup> There are also 6 states with a monopoly on wine at the wholesale level and 4 states with a monopoly on wine at the retail level (see Appendix O for more detail).<sup>58</sup> Florida is one of the 32 “license” (or “open”) states in which the government does not take ownership of the alcohol at any point in the transaction cycle or in the three tiered system.

**Florida’s Licensing Structure:** It is illegal to sell alcoholic beverages without a license or, in the case of licensees, to sell alcoholic beverages except as permitted by his or her license.<sup>59</sup> It is also illegal to sell any intoxicating liquors, wines, or beer in any county that has voted against the sale of such beverages.<sup>60</sup> The dry counties in Florida are Lafayette, Liberty, Madison, Suwannee, and Washington. It is a second degree misdemeanor to manufacture, bottle, distribute, sell, or in any way deal in alcoholic beverages without first obtaining a license from the state.<sup>61</sup>

Florida’s three-tier system provides that licensees may only hold licenses within one tier of the system, either as a manufacturer, distributor, or vendor, although Florida law permits wineries to hold a license in more than one tier. Manufacturers of alcoholic beverages must be licensed as manufacturers.<sup>62</sup> Distributors must be licensed and may purchase alcoholic beverages from manufacturers to sell to retail vendors only. A retail vendor must be licensed and may sell alcoholic beverages to consumers 21 years of age or older. The annual license fee for an alcoholic beverage retail license ranges between \$28 and \$1,820, depending on the type of beverages sold, and the county where the vendor is located. Vendor-to-vendor purchases or sales of alcoholic beverages are not allowed. Alcoholic beverages must be purchased from a licensed wholesale distributor.

Beer and wine retailers can purchase a consumption-on-premise license or a package license. There are no restrictions on the number of licenses issued to sell beer and wine. A license to sell beer and wine can be transferred from county to county. A change of location fee is applicable. Non-profit civic organizations can obtain a temporary permit for the sale of alcoholic beverages, for consumption on premises only, and for a period not to exceed 3 days per event. Each non-profit organization may obtain up to 3 such permits per calendar year.<sup>63</sup>

Liquor retailers must obtain a quota license. For every increase in the population of a county by 7,500 residents, a new quota (liquor) license is created. In order to obtain a quota license, you must either buy an existing license, or enter the quota drawing to win the right to apply for a quota license. The winner may then apply for the issuance of the new license (for more information on "quota" licenses see F.S. 561.19 and 561.20).

In addition to the annual license fee, there is a one-time (Hughes Act) fee of \$10,750 for every new quota license. This fee is used for alcohol and drug abuse education, treatment, and prevention programs.<sup>64</sup> In addition to the license transfer fee (not to exceed \$5,000), when purchasing an existing license from a current owner, the price can vary.<sup>65</sup> Florida does not set the price for quota licenses sold on the open market;

the price is usually dictated by supply and demand. A license to sell liquor cannot be transferred out of the county in which it was initially issued, due to the limitation of the number of licenses for each county.

A special (SRX) restaurant alcoholic beverage license can be obtained (if certain requirements are met) at any time, and is an exception to the number of licenses per county restrictions. The SRX license authorizes the sale beer, wine, and liquor for consumption-on-premises, in connection with a restaurant. However, a restaurant must derive 51% of their revenue from food and non-alcoholic beverages to qualify for this special license. If this percentage cannot be met and maintained, the restaurant would not qualify for the special license and would then be required to obtain a regular (quota) license.<sup>66</sup>

The operating hours are regulated by the county or municipality in which the business is located. However, in the absence of county or municipal ordinances, no alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in any place holding a license with the division between the hours of midnight and 7 a.m. of the following day.<sup>67</sup>

### (7) TAXATION

All 50 states and the District of Columbia tax alcohol, but each state taxes beer, wine, and spirits at different rates. Florida’s current excise tax rates, which are based on quantity and which vary by alcohol content (for wine and liquor), are as follows:

<u>BEER:</u>	Pints:	\$0.06 per pint
	Quarts:	\$0.12 per quart
	Gallons:	\$0.48 per gallon
<u>WINE:</u>	Under 17.259%:	\$2.25 per gallon
	17.259% or more:	\$3.00 per gallon
	Natural Sparkling:	\$3.50 per gallon
	Cider 0.5%-7%:	\$0.89 per gallon
<u>LIQUOR:</u>	Under 17.259%:	\$2.25 per gallon
	17.259% - 55.78%:	\$6.50 per gallon
	Over 55.78%:	\$9.53 per gallon

Beer taxes are always based on quantity (with the exception of Hawaii), making it easy to compute averages across states. Florida’s beer excise tax is \$0.48 per gallon, which is higher than the national average of \$0.29. Florida has the 7<sup>th</sup> highest beer excise tax in the country (see Appendix Q for more detail on state beer excise taxes).<sup>68</sup> However, because beer excise taxes are assessed on volume rather than value, the rates do not have an automatic protection against inflation. Average state-level beer taxes have eroded dramatically over the past three decades. After adjusting for inflation, the average state beer tax in 2000 was only around one-third as much as the beer tax in 1968.<sup>69</sup>

Some states have periodically raised their beer taxes to recover part of the losses due to inflation. However, between 1968 and 2000, only six states managed to keep up with inflation, while 35 states (including Florida) had erosions of over 50% of their 1968 value (of these, ten states had erosions of over 75% of their 1968 value) (see Appendix P for more detail).<sup>70</sup> Florida has not raised its beer excise tax since 1983 (see Appendix U for a historical timeline of changes to Florida's alcohol taxes). The following example illustrates how the value of Florida's beer excise tax has eroded over the last 30 years. A 12-pack of beer in 1990 cost \$7.88 and had \$0.54 in excise taxes applied (a 12-pack of beer is equivalent to 1.13 gallons, which in Florida is taxed at a rate of \$0.48 per gallon). Today, the same 12-pack of beer costs \$11.75 and still has only \$0.54 in excise taxes applied.

Florida has the 3<sup>rd</sup> highest table wine excise tax in the nation (at \$2.25 per gallon), which is above the national average of \$0.85 (see Appendix R for more detail on state wine taxes).<sup>71</sup> Florida's excise tax on distilled spirits is \$6.50 per gallon, which is higher than the national average of all states for which data are available (including some control states). When excluding control states from consideration, Florida's excise tax on distilled spirits is the 3<sup>rd</sup> highest in the nation (see Appendix S for more detail on state liquor taxes).<sup>72</sup>

Only 10 states (AZ, ID, KS, MS, MT, NJ, NV, OR, TN, and UT) earmark alcohol excise tax revenues to fund alcohol treatment programs and Florida is not one of them.<sup>73</sup> However, Florida Statute 212.0306 appears to allow local jurisdictions to impose taxes, by ordinance, on alcoholic beverages. It is not clear how many local jurisdictions, if any, currently use this local tax option.

**Appendix A: Minimum Age for On-Premises Servers of Alcohol** <sup>74</sup>

Age 17	Age 18	Age 19	Age 20	Age 21
Maine	California Colorado Connecticut <b>Florida</b> Georgia Hawaii Illinois Iowa Kansas Louisiana Maryland Massachusetts Michigan Minnesota Mississippi Missouri Montana New Hampshire New Jersey New York North Carolina Oklahoma Oregon Pennsylvania Rhode Island South Carolina South Dakota Tennessee Texas Vermont Virginia Washington Wisconsin West Virginia Wyoming District of Columbia	Alabama Arizona Arkansas Delaware Idaho Indiana Nebraska New Mexico North Dakota Ohio	Kentucky	Alaska Nevada Utah

**Appendix B: Minimum Age for Bartending Beer** <sup>75</sup>

<b>Age 17</b>	<b>Age 18</b>	<b>Age 19</b>	<b>Age 20</b>	<b>Age 21</b>
Maine	Colorado Connecticut <b>Florida</b> Georgia Hawaii Illinois Iowa Louisiana Maryland Massachusetts Michigan Minnesota Montana New Hampshire New Jersey New York North Carolina Oregon Pennsylvania Rhode Island Tennessee Texas Vermont West Virginia Wisconsin	Arizona Nebraska Idaho Ohio	Kentucky	Alabama Alaska Arkansas California Delaware Indiana Kansas Mississippi Missouri Nevada New Mexico North Dakota Oklahoma South Carolina South Dakota Utah Virginia Washington Wyoming District of Columbia

**Appendix C: Blood Alcohol Concentration Limits for Underage Drivers** <sup>76</sup>

0.00 g/dL Limit	0.01g/dL Limit	0.02g/dL Limit
Alaska Arizona Illinois Maine Maryland Minnesota North Carolina Oklahoma Oregon Texas Utah Wisconsin District of Columbia	California New Jersey	Alabama Arkansas Colorado Connecticut Delaware <b>Florida</b> Georgia Hawaii Idaho Indiana Iowa Kansas Kentucky Louisiana Massachusetts Michigan* Mississippi Missouri Montana Nebraska Nevada New Hampshire New Mexico New York North Dakota Ohio Pennsylvania* Rhode Island South Carolina South Dakota Tennessee Vermont Virginia Washington West Virginia Wyoming

\* The Alcohol Policy Information System, from which these findings are derived, appears to misclassify Michigan and Pennsylvania as states with a 0.00 g/dL. However, a careful review of the current statutes in these states indicates that they are properly classified as states with a 0.02 g/dL limit.

**Appendix D: Enhanced Penalty Thresholds for High Blood Alcohol Concentration**<sup>77</sup>

<b>No Enhanced Penalty</b>	<b>0.15 g/dL Enhanced Penalty Threshold</b>	<b>0.16 g/dL Enhanced Penalty Threshold</b>	<b>0.17 g/dL Enhanced Penalty Threshold</b>	<b>0.18 g/dL Enhanced Penalty Threshold</b>	<b>0.20 g/dL Enhanced Penalty Threshold</b>
Alabama Kansas Maryland Michigan Mississippi New Jersey Oregon Vermont West Virginia Wisconsin Wyoming	Arizona Georgia Hawaii Indiana Iowa Louisiana Maine Missouri Nebraska Oklahoma Rhode Island Texas Washington D.C.	Alaska California Connecticut Delaware New Hampshire New Mexico North Carolina Pennsylvania Utah	Colorado Ohio South Dakota	Arkansas Kentucky Montana Nevada New York North Dakota South Carolina	<b>Florida</b> Idaho Illinois Massachusetts Minnesota Tennessee Virginia

**Appendix E: State Comparison of Ignition Interlock Laws** <sup>78</sup>

<b>Mandatory with BAC .08 Conviction</b>	<b>Mandatory with BAC of at least .15</b>	<b>Mandatory with Repeat Convictions</b>	<b>Discretionary</b>	<b>No Interlock Law</b>
Alaska Arizona Arkansas California* Colorado Hawaii Illinois Louisiana Nebraska New Mexico New York Utah Washington	Delaware <b>Florida</b> Kansas New Jersey North Carolina Virginia West Virginia Wisconsin Wyoming	Massachusetts Missouri Montana Oklahoma South Carolina Texas	Connecticut Georgia Idaho Indiana Iowa Kentucky Maine Maryland Michigan Minnesota Mississippi Nevada New Hampshire North Dakota Ohio Oregon Pennsylvania Rhode Island Tennessee	Alabama South Dakota Vermont

\* California has a pilot program that includes the counties of Los Angeles, Alameda, Sacramento, and Tulare.

**Appendix F: Responsible Vendor Training Laws <sup>79</sup>**

<b>Mandatory Responsible Vendor Training</b>	<b>Voluntary Responsible Vendor Training</b>	<b>No Laws Regarding Responsible Vendor Training</b>
<p align="center">                     Alaska                      Delaware                      Indiana                      Louisiana                      Maryland                      Michigan                      Nevada                      New Hampshire                      New Jersey                      New Mexico                      Oregon                      Rhode Island                      Tennessee                      Utah                      Vermont                      Washington                      Wisconsin                      District of Columbia                 </p>	<p align="center">                     Alabama                      Arizona                      Arkansas                      California                      Colorado  <b>Florida</b>                      Illinois                      Maine                      Montana                      Nebraska                      New York                      North Carolina                      Ohio                      Pennsylvania                      South Dakota                      Texas                      Virginia                      Wyoming                 </p>	<p align="center">                     Connecticut                      Georgia                      Hawaii                      Idaho                      Iowa                      Kansas                      Kentucky                      Massachusetts                      Minnesota                      Mississippi                      Missouri                      North Dakota                      Oklahoma                      South Carolina                      West Virginia                 </p>

**Appendix G: Laws Prohibiting Hosting Underage Drinking Parties in  
Specifically or Generally <sup>80</sup>**

<b>Specifically and Explicitly Address Parties</b>	<b>General Laws Without Reference to Parties or Similar Terms</b>
<p align="center">Alabama Arizona <b>Florida</b> Kansas Michigan New Hampshire Wyoming</p>	<p align="center">Alaska Connecticut Hawaii Illinois Maine Maryland Massachusetts Missouri New Jersey Ohio Oklahoma Oregon Pennsylvania Rhode Island South Carolina Washington Wisconsin</p>

**Appendix H: Components of State Social Host Provisions** <sup>81</sup>

<b>Preventative Action May Negate Criminal Liability</b>	<b>Requires Actual Knowledge</b>	<b>Requires Actual Knowledge and Contributing Act</b>	<b>Negligence or Constructive Knowledge</b>
<p align="center">Alabama Connecticut <b>Florida</b> Michigan Missouri New Hampshire Wisconsin</p>	<p align="center">Alabama Alaska Connecticut <b>Florida</b> Hawaii Illinois Kansas Maine Maryland Massachusetts Michigan Missouri Ohio Oklahoma Oregon Pennsylvania Rhode Island Wisconsin Wyoming</p>	<p align="center">Illinois New Hampshire New Jersey South Carolina</p>	<p align="center">Arizona Ohio Washington</p>

**Appendix I: Application of Use/Lose License Suspension/Revocation for Alcohol Violations** <sup>82</sup>

<b>No Use/Lose Law</b>	<b>Use/Lose Applies to Purchase Only</b>	<b>Use/Lose Applies to Possession Only</b>	<b>Use/Lose Applies to Purchase or Possession</b>	<b>Use/Lose Applies to Purchase or Consumption</b>	<b>Use/Lose Applies to Possession or Consumption</b>	<b>Use Lose Applies to Purchase, Possession, or Consumption</b>
Alaska Kentucky Maine Michigan Minnesota Nebraska New York N. Dakota Ohio Vermont West Virginia	Georgia New Jersey N. Carolina	Connecticut Maryland Oklahoma Wyoming	Arkansas California <b>Florida</b> Indiana Massachusetts* Mississippi Missouri Nevada New Hampshire New Mexico Rhode Island South Carolina	Iowa	Delaware Montana Oregon	Alabama Arizona Colorado Hawaii Idaho Illinois Kansas Louisiana Pennsylvania South Dakota Texas Tennessee** Utah Virginia Washington Wisconsin D.C.

\* The state of Massachusetts has two laws on the suspension of a youth’s driver’s license for an alcohol violation. One law punishes underage possession, while the other law punishes underage purchase. Since the state punishes two offenses, Massachusetts was included as one of the states that punished underage purchase and possession.

\*\* The state of Tennessee has two laws on the suspension of a youth’s driver’s license for an alcohol violation. One law punishes underage purchase and possession, while the other law punishes underage purchase, possession, and consumption. Since the state punishes three offenses, Tennessee was included as one of the states that punished underage purchase, possession, and consumption.

**Appendix J: Application of License Suspension Law by Age** <sup>83</sup>

Under Age 18	Under Age 19	Under Age 21
<p>Arizona  <b>Florida</b>                      Iowa                      Maryland                      Montana                      Nevada                      New Mexico                      Oklahoma                      Washington</p>	<p>Wyoming</p>	<p>Alabama                      Arkansas                      California                      Colorado                      Connecticut                      Delaware                      Georgia                      Hawaii                      Idaho                      Illinois                      Indiana                      Kansas                      Louisiana                      Massachusetts                      Missouri                      Montana                      New Hampshire                      New Jersey                      North Carolina                      Oregon                      Pennsylvania                      Rhode Island                      South Carolina                      South Dakota                      Tennessee                      Texas                      Utah                      Virginia                      Wisconsin</p>

**Appendix K: Mandatory and Discretionary License Suspension Laws** <sup>84</sup>

Mandatory License Suspension	Discretionary License Suspension
Alabama Arkansas California Colorado Connecticut Delaware <b>Florida</b> Georgia Hawaii* Idaho Indiana Kansas Louisiana Massachusetts Mississippi Missouri Montana Nevada New Jersey North Carolina Oklahoma Oregon Pennsylvania Rhode Island South Carolina South Dakota Tennessee Texas Virginia Washington Wyoming District of Columbia	Arizona Hawaii* Illinois Iowa Maryland New Hampshire New Mexico Utah Wisconsin

\* Hawaii is the only state with a law that is both mandatory and discretionary.

**Appendix L: Prohibitions on False and Misleading Advertising** <sup>85</sup>

Prohibitions on False Advertising	No Laws Prohibiting False Advertising
<p align="center">Alabama Connecticut Delaware Georgia Indiana Illinois Kansas Kentucky Maryland* Maine Michigan Minnesota Mississippi Missouri Nebraska New Hampshire New Jersey New York North Carolina Oregon Pennsylvania Tennessee* Texas Utah Vermont Virginia Washington West Virginia Wyoming District of Columbia</p>	<p align="center">Alaska Arizona Arkansas California Colorado <b>Florida</b> Hawaii Indiana Iowa Louisiana Maine Montana Nevada New Mexico North Dakota Ohio Oklahoma Rhode Island South Carolina South Dakota Wisconsin</p>

\* Maryland and Tennessee only prohibit false advertising for distilled spirits and wine.

**Appendix M: Prohibitions on Advertising that Targets Minors** <sup>86</sup>

Prohibitions on Advertising Targeting Minors	No Prohibitions on Advertising Targeting Minors
<p>Alabama California Connecticut Delaware Georgia Illinois Kentucky Maine Michigan Minnesota Mississippi Nebraska New Hampshire New Jersey New Mexico North Carolina Ohio Oregon Pennsylvania Utah Vermont Virginia Washington West Virginia District of Columbia</p>	<p>Alaska Arizona Arkansas Colorado <b>Florida</b> Hawaii Idaho Indiana Iowa Kansas Louisiana Maryland Massachusetts Missouri Montana Nevada New York North Dakota Oklahoma Rhode Island South Carolina South Dakota Tennessee Texas Wisconsin Wyoming</p>

**Appendix N: Statutes or Regulations Specifically Targeting Drink Specials or Promotions**<sup>87</sup>

Regulations Regarding Drink Specials	No Regulations Regarding Drink Specials
<p align="center">Alabama Alaska Arizona Connecticut Delaware Illinois Indiana Kansas Louisiana Maine Massachusetts Michigan Nebraska New Jersey New Mexico New York North Carolina Ohio Oklahoma Oregon* Pennsylvania Rhode Island South Carolina Tennessee Texas Vermont Virginia Washington</p>	<p align="center">Arkansas California Colorado <b>Florida</b> Georgia Hawaii Idaho Iowa Kentucky Maryland Minnesota Mississippi Missouri Montana Nevada New Hampshire North Dakota South Dakota Utah West Virginia Wisconsin Wyoming District of Columbia</p>

\* The Pacific Institute for Research and Evaluation (2003) report does not count Oregon as one of the states that has some form of prohibition on drink specials or promotions, even though for consistency they should have counted it because the report indicates that Oregon does have a provision prohibiting alcohol as prizes, which is one of the 6 types of specials/promotions considered in their analysis. This is the reason why Oregon is counted as having some prohibition on drink specials or promotions.

**Appendix O: Monopoly (Control) States/Jurisdictions** <sup>88</sup>

<b>Monopoly Over Wholesale and Retail Sale of Spirits and Wine</b>	<b>Monopolies Over Wholesale and Retail Sale of Spirits Only</b>	<b>Monopolies Over Wholesale of Spirits and Wine</b>	<b>Monopolies Over Wholesale of Spirits Only</b>
Washington Utah Pennsylvania New Hampshire Maryland*	Oregon Idaho Alabama North Carolina Ohio Virginia Vermont Maine	Wyoming Mississippi	Montana Iowa Michigan West Virginia

\* Applies only to Montgomery and Worcester Counties in Maryland.

**Appendix P: Erosion of State Beer Taxes from 1968 to 2000 (Adjusted for Inflation)<sup>89</sup>**

<b>None</b>	<b>Less than 25% Erosion</b>	<b>25% to 49% Erosion</b>	<b>50% to 74% Erosion</b>	<b>More than 75% Erosion</b>
California Kentucky New Mexico Washington West Virginia	New York	Connecticut Illinois Maryland Montana New Jersey New Hampshire Nebraska Utah	Alabama Alaska Arizona Arkansas Colorado Delaware <b>Florida</b> Indiana Iowa Kansas Maine Massachusetts Minnesota Missouri Nevada North Carolina Ohio Oklahoma Oregon Rhode Island South Carolina Texas Vermont Virginia Wisconsin	Georgia Idaho Louisiana Michigan Mississippi North Dakota Pennsylvania South Dakota Tennessee Wyoming

**Appendix Q: State Beer Excise Tax Rates <sup>90</sup>**

<b>State</b>	<b>Beer Tax (Per Gallon)</b>	<b>State</b>	<b>Beer Tax (Per Gallon)</b>
1. Alaska*	\$1.07	27. Kansas	\$0.18
2. Alabama	\$1.05	28. Ohio	\$0.18
3. Georgia**	\$1.01	29. West Virginia	\$0.18
4. North Carolina	\$0.99	30. Arizona	\$0.16
5. Hawaii	\$0.93	31. Delaware	\$0.16
6. South Carolina	\$0.77	32. Nevada	\$0.16
<b>7. Florida</b>	<b>\$0.48</b>	33. North Dakota	\$0.16
8. Mississippi	\$0.43	34. Idaho	\$0.15
9. New Mexico	\$0.41	35. Minnesota	\$0.15
10. Utah	\$0.41	36. Montana	\$0.14
11. Oklahoma	\$0.40	37. New York	\$0.14
12. Maine	\$0.35	38. Tennessee	\$0.14
13. Louisiana	\$0.32	39. Indiana	\$0.12
14. Nebraska	\$0.31	40. New Jersey	\$0.12
15. New Hampshire	\$0.30	41. Massachusetts	\$0.11
16. South Dakota	\$0.27	42. Rhode Island	\$0.11
17. Vermont	\$0.27	43. Maryland	\$0.09
18. Virginia	\$0.26	44. District of Columbia	\$0.09
19. Washington	\$0.26	45. Colorado	\$0.08
20. Illinois	\$0.23	46. Kentucky	\$0.08
21. Arkansas	\$0.21	47. Oregon	\$0.08
22. California	\$0.20	48. Pennsylvania	\$0.08
23. Connecticut	\$0.20	49. Missouri	\$0.06
24. Michigan	\$0.20	50. Wisconsin	\$0.06
25. Texas	\$0.20	51. Wyoming	\$0.02
26. Iowa	\$0.19	<b>AVERAGE</b>	<b>\$0.29</b>

\* Includes a local rate of \$0.52 per gallon statewide.

\*\* Includes a local rate of \$0.53 per gallon statewide.

**Appendix R: State Table Wine Excise Tax Rates (Excluding Local Excise Taxes Unless Uniform and Statewide) <sup>91</sup>**

State	Wine Tax (Per Gallon)	State	Wine Tax (Per Gallon)
1. Alaska*	\$2.50	27. Rhode Island	\$0.60
2. North Carolina	\$2.34	28. Massachusetts	\$0.55
<b>3. Florida</b>	<b>\$2.25</b>	29. Vermont	\$0.55
4. Iowa	\$1.75	30. Michigan	\$0.51
5. Alabama	\$1.70	31. Kentucky	\$0.50
6. New Mexico	\$1.70	32. North Dakota	\$0.50
7. Georgia	\$1.51	33. Indiana	\$0.47
8. Virginia	\$1.51	34. Idaho	\$0.45
9. Illinois	\$1.39	35. Mississippi	\$0.43
10. Hawaii	\$1.38	36. Missouri	\$0.42
11. Tennessee	\$1.21	37. Maryland	\$0.40
12. South Carolina	\$1.08	38. Ohio	\$0.32
13. Montana	\$1.06	39. Kansas	\$0.30
14. West Virginia	\$1.00	40. Minnesota	\$0.30
15. Delaware	\$0.97	41. New York	\$0.30
16. Nebraska	\$0.95	42. D.C.	\$0.30
17. South Dakota	\$0.93	43. Colorado	\$0.28
18. New Jersey	\$0.88	44. Wisconsin	\$0.25
19. Washington	\$0.87	45. Texas	\$0.20
20. Arizona	\$0.84	46. California	\$0.20
21. Arkansas	\$0.77	47. Louisiana	\$0.11
22. Oklahoma	\$0.72	48. New Hampshire	^
23. Nevada	\$0.70	49. Pennsylvania	^
24. Oregon	\$0.67	50. Utah	^
25. Connecticut	\$0.60	51. Wyoming	^
26. Maine	\$0.60	<b>AVERAGE</b>	<b>\$0.85</b>

^ In these states, the government controls all wine sales are through state run stores. Revenue is generated from various taxes and fees. However, even in these states, products can be subject to ad valorem mark-up and excise taxes.

\* Includes a local rate of \$0.26 per gallon statewide.

**Appendix S: State Spirits Taxes (Local Excise Taxes Excluded) <sup>92</sup>**

State	Spirits Tax (Per Gallon)	State	Spirits Tax (Per Gallon)
1. New Hampshire	^	27. Minnesota	\$5.03
2. Wyoming	^	28. Connecticut	\$4.50
3. Washington	\$26.45	29. Tennessee	\$4.40
4. Oregon	\$24.63	30. Massachusetts	\$4.05
5. Virginia	\$20.13	31. South Dakota	\$3.93
6. Alabama	\$18.78	32. Georgia	\$3.79
7. North Carolina	\$13.39	33. Nebraska	\$3.75
8. Alaska	\$12.80	34. Rhode Island	\$3.75
9. Iowa	\$12.47	35. Nevada	\$3.60
10. Utah	\$11.41	36. California	\$3.30
11. Idaho	\$10.96	37. Wisconsin	\$3.25
12. Michigan	\$10.91	38. Arizona	\$3.00
13. Ohio	\$9.04	39. Indiana	\$2.68
14. Montana	\$8.62	40. Arkansas	\$2.58
15. Illinois	\$8.55	41. Kansas	\$2.50
16. Mississippi	\$6.75	42. Louisiana	\$2.50
17. Pennsylvania	\$6.54	43. North Dakota	\$2.50
<b>18. Florida</b>	<b>\$6.50</b>	44. Texas	\$2.40
19. New York	\$6.44	45. Colorado	\$2.28
20. New Mexico	\$6.06	46. Missouri	\$2.00
21. Hawaii	\$5.98	47. Kentucky	\$1.92
22. Oklahoma	\$5.56	48. West Virginia	\$1.85
23. New Jersey	\$5.50	49. District of Columbia	\$1.50
24. Delaware	\$5.46	50. Maryland	\$1.50
25. South Carolina*	\$5.42	51. Vermont	\$0.68
26. Maine	\$5.21	<b>AVERAGE</b>	<b>\$7.00</b>

□ Indicates states where the government controls/monopolizes sales (“control” states). In these states, products are subject to ad valorem mark-up and excise taxes. The excise tax rate is calculated using methodology developed by the Distilled Spirits Council of the United States.

^ The implied excise tax rate is calculated by the Distilled Spirits Council of the United States.

\*Includes a wholesale tax of \$5.36 per case.

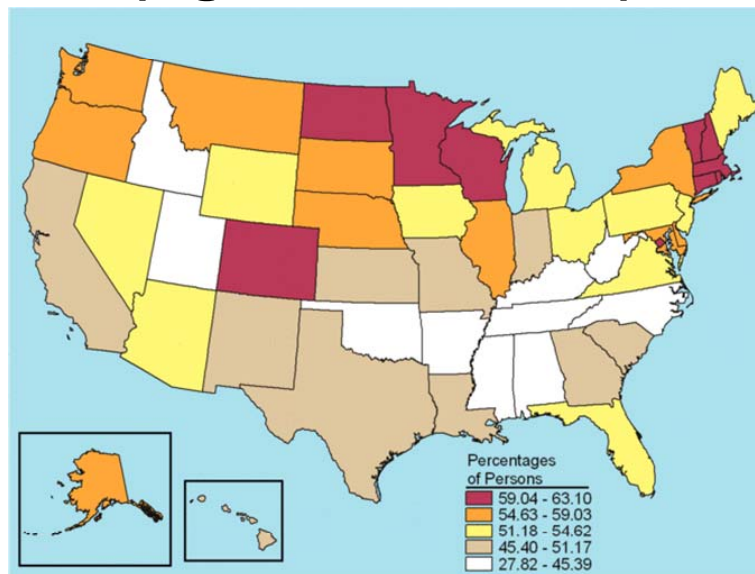
## Appendix T: State Comparisons of Alcohol Use, Dependence, and Acquisition

### Alcohol-Related Survey Items (by age):

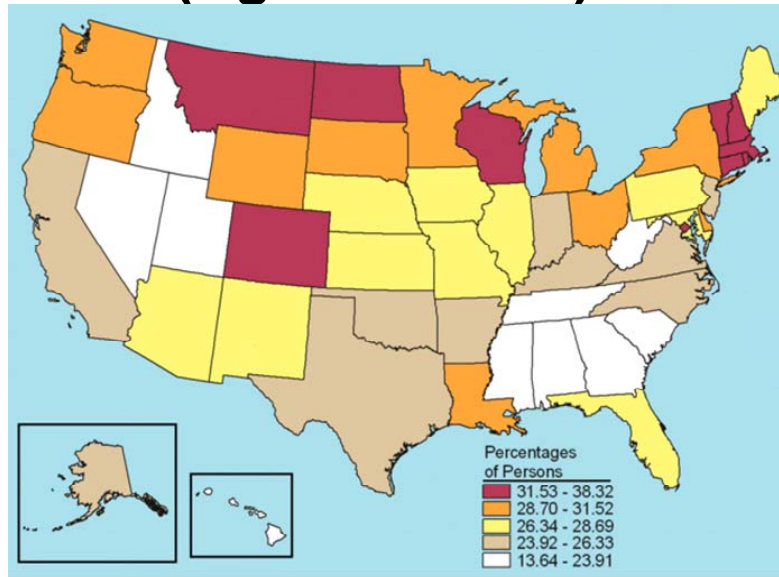
- Past Month Alcohol Use (12+, 12-17,12-20)
- Past Month Binge Drinking (12+, 12-17,12-20)
- Perceptions of Great Risk of Having Five or More Drinks Once or Twice a Week (12+)
- Past Year Alcohol Dependence or Abuse (12+)
- Needing But Not Receiving Treatment for Alcohol Use in the Past Year (12+)

All Based On Annual Average of 2007 and 2008  
National Survey on Drug Use and Health (NSDUH)

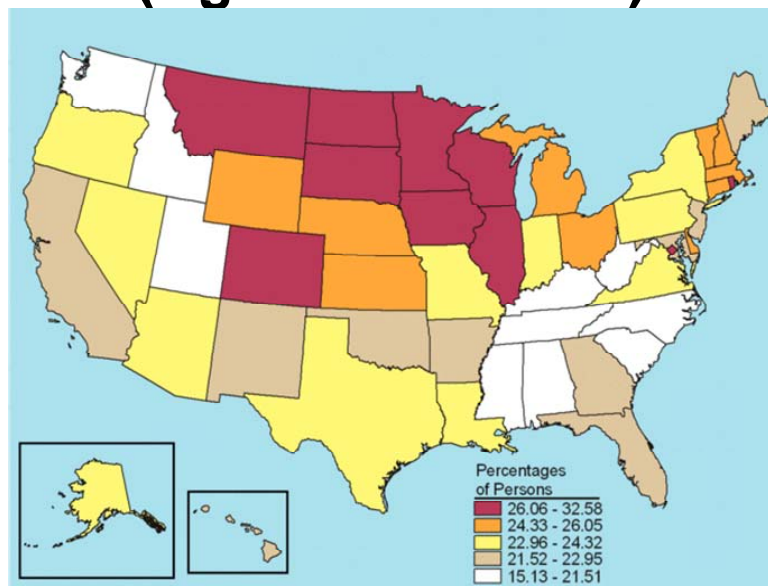
### Past Month Alcohol Use (Aged 12 or Older)



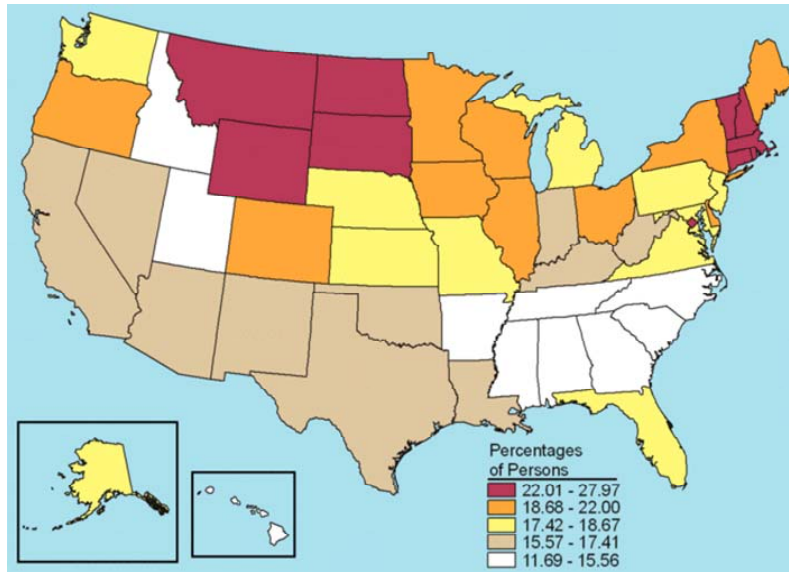
## Past Month Alcohol Use (Aged 12 to 20)



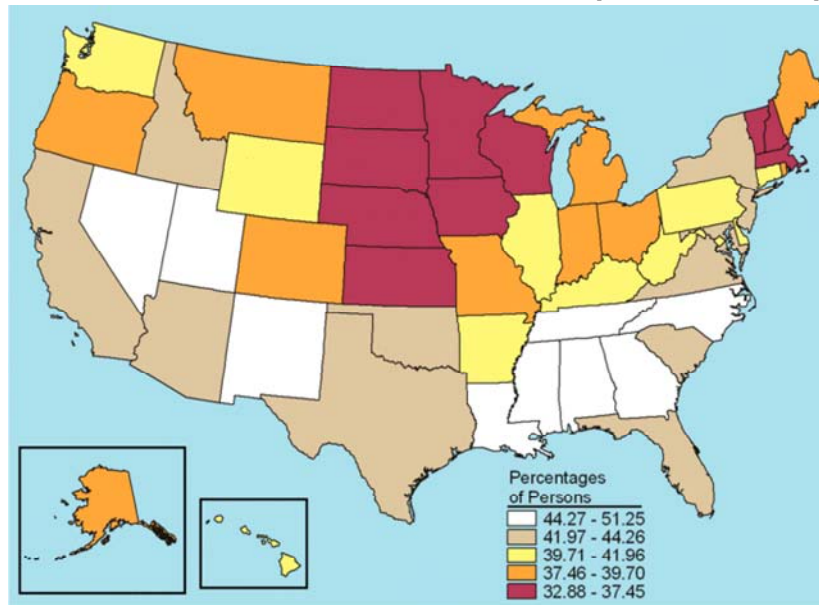
## Past Month Binge Drinking (Aged 12 or Older)



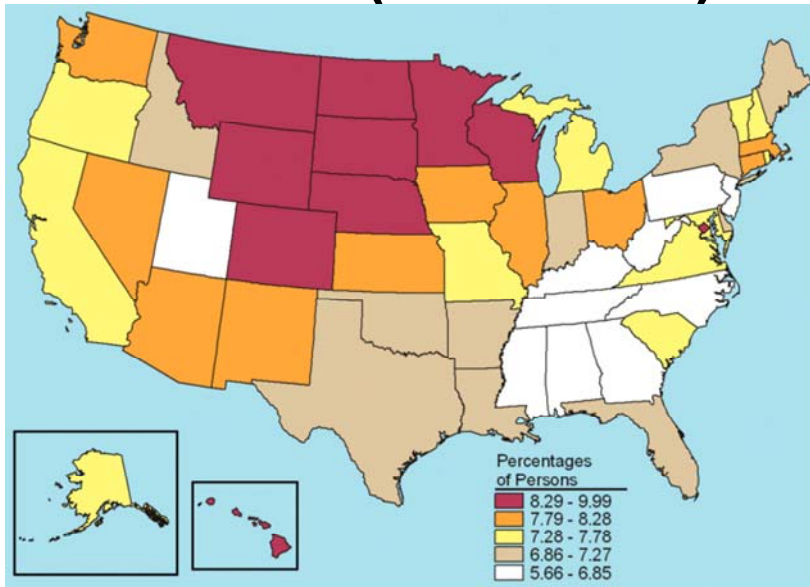
## Past Month Binge Drinking (Aged 12 to 20)



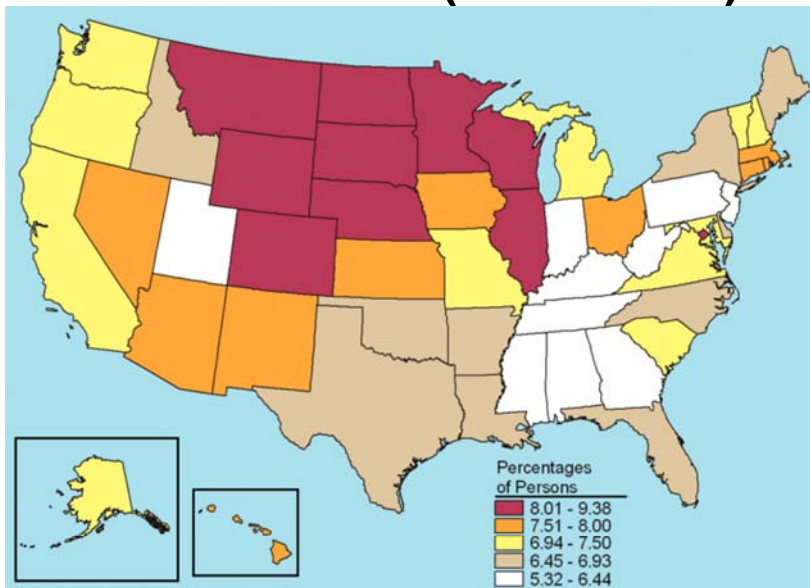
## Perceptions of Great Risk of Having Five or More Drinks Once or Twice a Week (12 or Older)



## Past Year Alcohol Dependence or Abuse (12 or Older)



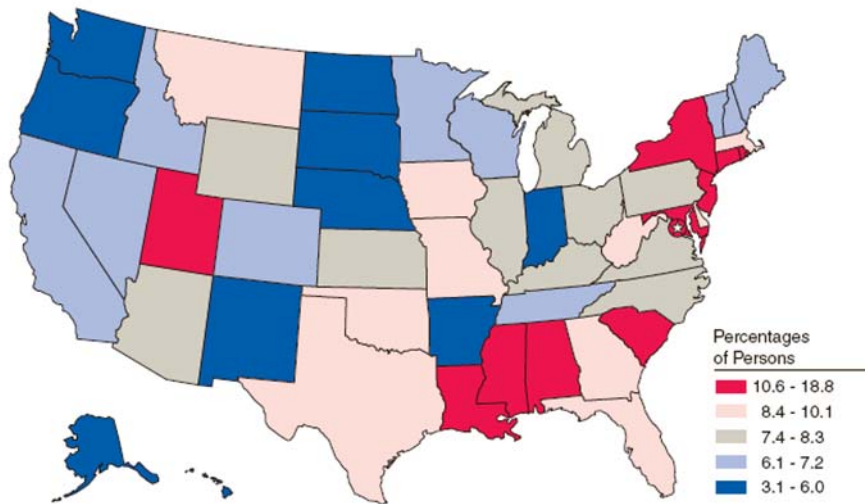
## Needing But Not Receiving Treatment for Alcohol Use (12 or Older)



# State Comparisons of Alcohol Acquisition

Based on Annual Average NSDUH Surveys from 2006 to 2008

## Past Month Drinkers (12 to 20) Who Purchased Their Own Alcohol

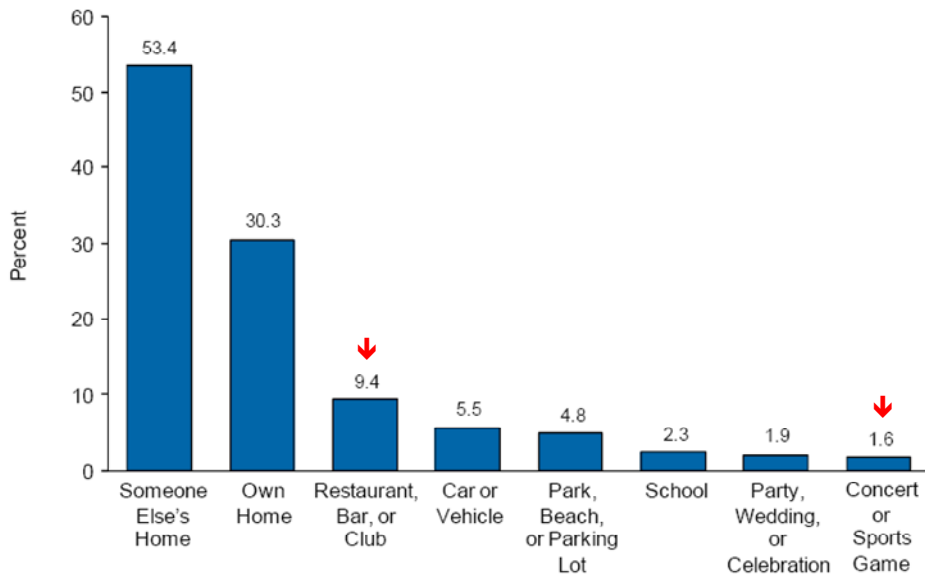


Source: 2006 to 2008 SAMHSA National Surveys on Drug Use and Health (NSDUHs).

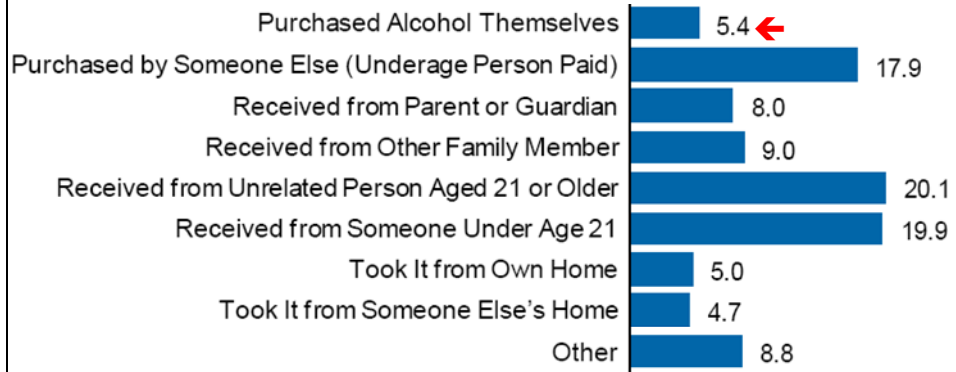
## Past Month Drinkers (12 to 20) Who Purchased Their Own Alcohol: 2006 to 2008

10.6% to 18.8%	8.4% to 10.1%	7.4% to 8.3%	6.1% to 7.2%	3.1% to 6.0%
Alabama	Delaware	Arizona	California	Alaska
District of Columbia	<b>Florida</b>	Illinois	Colorado	Arkansas
Connecticut	Georgia	Kansas	Idaho	Hawaii
Louisiana	Iowa	Kentucky	Maine	Indiana
Maryland	Massachusetts	Michigan	Minnesota	Nebraska
Mississippi	Missouri	North Carolina	New Hampshire	New Mexico
New Jersey	Montana	Ohio	Nevada	North Dakota
New York	Oklahoma	Pennsylvania	Tennessee	Oregon
Rhode Island	Texas	Virginia	Vermont	South Dakota
South Carolina	West Virginia	Wyoming	Wisconsin	Washington
Utah				

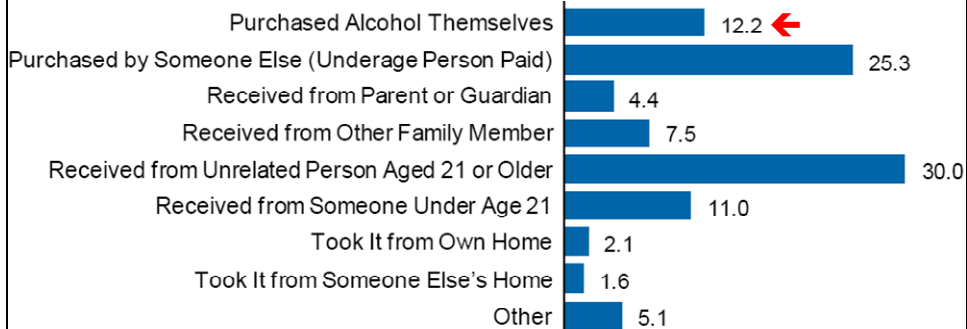
## Location of Last Alcohol Use Among Underage Drinkers



## Source of Alcohol Used in Past Month (Aged 15 to 17)



## Source of Alcohol Used in Past Month (Aged 18 to 20)



## Appendix U: A Historical Timeline of Changes to Florida’s Alcohol Taxes

Year of Rate Changes	Beer Excise		Wine Excise				Liquor Excise			Beverage Surcharge**			
	Pints or less	Bulk Gallons	Gallons Under 17.259%*	Gallons 17.259%* or More	Gallons Natural Sparkling	Gallons Cider	Gallons Under 17.259%*	Gallons 17.259%* to 55.78%	Gallons Over 55.78%	Beer 12 ozs	Wine 4 ozs	Cider 12 ozs	Liquor 1 oz
1933	0.01	0.06						0.80					
1935			0.10		0.50								
1937			0.20		0.75			1.20					
1941			0.30						2.40				
1943													
1945	0.03	0.24	0.50	0.70	1.00			1.92	3.84				
1947				1.00	2.00								
1949								2.17	4.34				
1963	0.04	0.28	1.15	1.60	2.30			2.50	5.00				
1967								2.52	5.04				
1968	0.04	0.32						3.75	7.50				
1971													
1972									7.52				
1977	0.05	0.40	1.75	2.43	<b>3.50</b>			4.75	<b>9.53</b>				
1983	<b>0.06</b>	<b>0.48</b>	<b>2.25</b>	<b>3.00</b>				<b>6.50</b>					
1985													
1986													
1988							<b>2.25</b>						
1990									0.04	0.10			0.10
1993													
1995													
1997						<b>0.89</b>						0.06	
1999									0.0267	0.0667	0.04	0.0667	
2000									0.0134	0.0334	0.02	0.0334	
2007									Repealed	Repealed	Repealed	Repealed	
2009													

\* Alcohol content measurement was converted to “by volume” in 1986 versus “by weight” in previous years.

\*\* Alcoholic beverage surcharges are placed at the retail level and applied to beverages sold for consumption on the licensed premises. All other taxes are excise taxes, and are placed at the wholesale level.

NOTE: Figures that are ***bold and italicized*** are current as of 2009.

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<sup>1</sup> Babor, T. et al. (2010). *Alcohol: No Ordinary Commodity* (Second Edition). New York: Oxford University Press.

<sup>2</sup> Nelson, T. F., Naimi, T. S., Brewer, R. D., & Wechsler, H. (2005). The State Sets the Rate: The Relationship Among State-Specific College Binge Drinking, State Binge Drinking Rates, and Selected State Alcohol Control Policies. *American Journal of Public Health, 95*(3), 441-446; Wechsler, H., Lee, J. E., Nelson, T. F., & Kuo, M. (2002). Underage College Students' Drinking Behavior, Access to Alcohol, and the Influence of Deterrence Policies: Findings from the Harvard School of Public Health College Alcohol Study. *Journal of American College Health, 50*, 223-236; Wechsler, H., Lee, J. E., Nelson, T. F., & Lee, H. (2003). Drinking and Driving Among College Students: The Influence of Alcohol Control Policies. *American Journal of Preventive Medicine, 25*, 212-218.

<sup>3</sup> Florida's 18 year minimum age does not apply to sales for off-premises consumption, with the exception of workers who work apart from the portion of hotel property where alcohol is sold for on-premises consumption, in bowling alleys or dinner theaters. It is also illegal for licensed vendors to employ as a manager or bartender any person convicted within the past 5 years for beverage law violations or felonies. See Florida Statute 562.13(2)(c).

<sup>4</sup> National Institute on Alcohol Abuse and Alcoholism. *Underage Drinking: Minimum Ages for On-Premises Servers and Bartenders*. Alcohol Policy Information System (APIS) Web site. Retrieved on June 4, 2010 from [www.alcoholpolicy.niaaa.nih.gov/Minimum\\_Ages\\_for\\_On-Premises\\_Servers\\_and\\_Bartenders.html](http://www.alcoholpolicy.niaaa.nih.gov/Minimum_Ages_for_On-Premises_Servers_and_Bartenders.html).

<sup>5</sup> Ibid.

<sup>6</sup> The Alcohol Policy Information System, from which these findings are derived, appears to misclassify Michigan and Pennsylvania as states with a 0.00 g/dL. However, a careful review of the current statutes in these states indicates that they are properly classified as states with a 0.02 g/dL limit.

<sup>7</sup> National Institute on Alcohol Abuse and Alcoholism. *Blood Alcohol Concentration (BAC) Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)*. Alcohol Policy Information System (APIS) Web site. Retrieved on June 4, 2010 from [www.alcoholpolicy.niaaa.nih.gov/Blood\\_Alcohol\\_Concentration\\_Limits\\_Youth\\_Underage\\_Operators\\_of\\_Noncommercial\\_Motor\\_Vehicles.html](http://www.alcoholpolicy.niaaa.nih.gov/Blood_Alcohol_Concentration_Limits_Youth_Underage_Operators_of_Noncommercial_Motor_Vehicles.html).

<sup>8</sup> "Comparing State DUI Laws." Retrieved on June 3, 2010 from [http://dui.findlaw.com/dui/dui-overview/dui\\_law.html#3](http://dui.findlaw.com/dui/dui-overview/dui_law.html#3).

<sup>9</sup> California is counted as one of these 13 even though California only has a pilot program that includes the counties of Los Angeles, Alameda, Sacramento, and Tulare.

<sup>10</sup> Mothers Against Drunk Driving. *Status of State Ignition Interlock Laws*. Retrieved on July 19, 2010 from [www.madd.org/Drunk-Driving/Drunk-Driving/Campaign-to-Eliminate-Drunk-Driving/Ignition-Interlocks/Status-of-State-Ignition-Interlock-Laws.aspx](http://www.madd.org/Drunk-Driving/Drunk-Driving/Campaign-to-Eliminate-Drunk-Driving/Ignition-Interlocks/Status-of-State-Ignition-Interlock-Laws.aspx).

<sup>11</sup> Pacific Institute for Research and Evaluation. (2003). *Alcohol Beverage Control Enforcement: Legal Research Report*. Available at [www.nllea.org/reports/ABCEnforcementLegalResearch.pdf](http://www.nllea.org/reports/ABCEnforcementLegalResearch.pdf).

<sup>12</sup> Florida Statute 768.125 (Liability for injury or damage resulting from intoxication).

<sup>13</sup> National Institute on Alcohol Abuse and Alcoholism. *Underage Drinking: Possession/Consumption/Internal Possession of Alcohol*. Alcohol Policy Information System (APIS) Web site. Retrieved on June 25, 2010 from [www.alcoholpolicy.niaaa.nih.gov/Underage\\_Possession\\_Consumption\\_Internal\\_Possession\\_of\\_Alcohol.html](http://www.alcoholpolicy.niaaa.nih.gov/Underage_Possession_Consumption_Internal_Possession_of_Alcohol.html).

<sup>14</sup> Ibid.

<sup>15</sup> National Institute on Alcohol Abuse and Alcoholism. *Retail Sales: Keg Registration*. Alcohol Policy Information System (APIS) Web site. Retrieved on June 25, 2010 from [www.alcoholpolicy.niaaa.nih.gov/Keg\\_Registration.html](http://www.alcoholpolicy.niaaa.nih.gov/Keg_Registration.html).

<sup>16</sup> A program is considered to be mandatory if State provisions require at least one specified category of individual (e.g., servers/sellers, managers, or licensees) to attend training. APIS examines only legal provisions that mandate Beverage Service Training and Related Practices programs or provide incentives for establishments to provide Beverage Service Training and Related Practices programs. Programs may exist independently of these legal provisions. Some States require training for licensees who have violated the law. This analysis does not include this form of mandatory training. Some States provide for after-the-fact participation in Beverage Service Training and Related Practices programs as a condition for reduced

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penalties associated with a violation of service or sales to minors and/or intoxicated persons. This analysis does not address these types of Beverage Service Training and Related Practices provisions.

<sup>17</sup> National Institute on Alcohol Abuse and Alcoholism. *Retail Sales: Beverage Service Training and related Practices*. Alcohol Policy Information System (APIS) Web site. Retrieved on June 25, 2010 from [www.alcoholpolicy.niaaa.nih.gov/Beverage\\_Service\\_Training\\_and\\_Related\\_Practices.html](http://www.alcoholpolicy.niaaa.nih.gov/Beverage_Service_Training_and_Related_Practices.html).

<sup>18</sup> National Institute on Alcohol Abuse and Alcoholism. *Underage Drinking: Prohibitions Against Hosting Underage Drinking Parties*. Alcohol Policy Information System (APIS) Web site. Retrieved on June 4, 2010 from

[www.alcoholpolicy.niaaa.nih.gov/Prohibitions\\_Against\\_Hosting\\_Underage\\_Drinking\\_Parties.html](http://www.alcoholpolicy.niaaa.nih.gov/Prohibitions_Against_Hosting_Underage_Drinking_Parties.html).

<sup>19</sup> Ibid.

<sup>20</sup> Florida Statute 856.015(2) specifically states that, “No person [meaning ‘an individual 18 years of age or older] having control [meaning ‘the authority or ability to regulate, direct, or dominate’] of any residence [meaning ‘a home, apartment, condominium, or other dwelling unit’] shall allow an open house party to take place at said residence if any alcoholic beverage or drug is possessed or consumed at said residence by any minor where the person knows that an alcoholic beverage or drug is in the possession of or being consumed by a minor at said residence and where the person fails to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug.”

<sup>21</sup> National Institute on Alcohol Abuse and Alcoholism. *Underage Drinking: Prohibitions Against Hosting Underage Drinking Parties*. Alcohol Policy Information System (APIS) Web site. Retrieved on June 4, 2010 from

[www.alcoholpolicy.niaaa.nih.gov/Prohibitions\\_Against\\_Hosting\\_Underage\\_Drinking\\_Parties.html](http://www.alcoholpolicy.niaaa.nih.gov/Prohibitions_Against_Hosting_Underage_Drinking_Parties.html).

<sup>22</sup> National Institute on Alcohol Abuse and Alcoholism. *Underage Drinking: Use/Lose: Driving Privileges*. Alcohol Policy Information System (APIS) Web site. Retrieved on June 4, 2010 from

[http://www.alcoholpolicy.niaaa.nih.gov/Loss\\_of\\_Driving\\_Privileges\\_for\\_Alcohol\\_Violations\\_by\\_Minors\\_Use\\_Lose\\_Laws.html](http://www.alcoholpolicy.niaaa.nih.gov/Loss_of_Driving_Privileges_for_Alcohol_Violations_by_Minors_Use_Lose_Laws.html).

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Pacific Institute for Research and Evaluation. (2003). *Alcohol Beverage Control Enforcement: Legal Research Report*. Retrieved on June 28, 2010 from

[www.nllea.org/reports/ABCEnforcementLegalResearch.pdf](http://www.nllea.org/reports/ABCEnforcementLegalResearch.pdf).

<sup>27</sup> Ibid.

<sup>28</sup> Center on Alcohol Marketing and Youth. (2003). *State Alcohol Advertising Laws: Current Status and Model Policies*. Retrieved on July 8, 2010 from <http://camy.org/research/files/statelaws0403.pdf>.

<sup>29</sup> According to the Pacific Institute for Research and Evaluation (2003), 9 states use the term “children” while 6 states refer to those “under the legal drinking age.” Fourteen states refer to “minors,” and in Kentucky and New Mexico the audience is not specified. Nine states prohibit the placement of alcohol advertisements in school-related locations (this may include schools, universities, school buses, and yearbooks). Three states prohibit advertising near churches, and 3 states prohibit advertisements near playgrounds. Six states prohibit the use of symbols of children; 4 states restrict symbols related to holidays such as Christmas or Easter; and 5 states prohibit the use of toys or other items that might appeal to children. Seven states prohibit advertising that “induces” minors to drink; 5 states prohibit advertising that “encourages” minors to drink; and 8 states prohibit advertising that “makes a special appeal” to minors.

<sup>30</sup> Pacific Institute for Research and Evaluation. (2003). *Alcohol Beverage Control Enforcement: Legal Research Report*. Retrieved on June 28, 2010 from

[www.nllea.org/reports/ABCEnforcementLegalResearch.pdf](http://www.nllea.org/reports/ABCEnforcementLegalResearch.pdf).

<sup>31</sup> Center on Alcohol Marketing and Youth. (2003). *State Alcohol Advertising Laws: Current Status and Model Policies*. Retrieved on July 8, 2010 from <http://camy.org/research/files/statelaws0403.pdf>.

<sup>32</sup> Pacific Institute for Research and Evaluation. (2003). *Alcohol Beverage Control Enforcement: Legal Research Report*. Retrieved on June 28, 2010 from

[www.nllea.org/reports/ABCEnforcementLegalResearch.pdf](http://www.nllea.org/reports/ABCEnforcementLegalResearch.pdf).

<sup>33</sup> The Pacific Institute for Research and Evaluation (2003) report does not count Oregon as one of the states that has some form of prohibition on drink specials or promotions, even though for consistency they should have counted it because the report indicates that Oregon does have a provision prohibiting alcohol

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as prizes, which is one of the 6 types of specials/promotions considered in their analysis. This is the reason why the count cited here is 28 instead of 27.

<sup>34</sup> Iowa Alcoholic Beverages Commission. (n.d.). *High-Risk Drinking on College Campuses* (White Paper).

<sup>35</sup> Center on Alcohol Marketing and Youth. (2003). *State Alcohol Advertising Laws: Current Status and Model Policies*. Retrieved on July 8, 2010 from <http://camy.org/research/files/statelaws0403.pdf>.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> The College Commitment to promote alcohol-free sports telecasts and programs is available here: [www.cspinet.com/booze/CAFST/schools.htm](http://www.cspinet.com/booze/CAFST/schools.htm).

<sup>46</sup> Center on Alcohol Marketing and Youth. (2003). *State Alcohol Advertising Laws: Current Status and Model Policies*. Retrieved on July 8, 2010 from <http://camy.org/research/files/statelaws0403.pdf>.

<sup>47</sup> Ibid.

<sup>48</sup> Cook, P. J. (2007). *Paying the Tab: The Costs and Benefits of Alcohol Control*. Princeton, NJ: Princeton University Press (p. 157).

<sup>49</sup> Ibid., p. 17.

<sup>50</sup> Ibid., p. 157.

<sup>51</sup> As an exception to these distinct tiers, Cook (2007) reports that all states have legalized brew pubs, which in effect merge the three tiers into a single entity.

<sup>52</sup> Ibid., p. 154.

<sup>53</sup> Ibid., p. 29.

<sup>54</sup> Ibid., p. 154.

<sup>55</sup> Ibid., p. 156.

<sup>56</sup> Ibid., p. 156.

<sup>57</sup> National Alcohol Beverage Control Association. (n.d.). *The Control State Systems: At Work for the Community*.

<sup>58</sup> The Alcohol Research Group. (n.d.). *Alcohol Control Systems and the Potential Effects of Privatization*.

<sup>59</sup> F.S. 562.12.

<sup>60</sup> F.S. 568.02.

<sup>61</sup> F.S. 562.12.

<sup>62</sup> See F.S. 561.14, but also note that individuals who make alcoholic beverages for personal or family consumption and for-profit businesses that provide facilities, equipment, raw materials and instruction to members of the public who desire to legally produce beer and wine in limited quantities for personal consumption do not need a manufacturer's license. The relevant statutes and rules are as follows: F. S. 561.01(7) defines "manufacturer" as "all persons who make alcoholic beverages except those who make beer or wine for personal or family consumption pursuant to Section 562.165, Florida Statutes." Rule 61A-1.006 (5), Florida Administrative Code, defines "manufacturer" as "any person, business enterprise, political subdivision of a government, receiver, trustee, or liquidating agent who makes alcoholic beverages in this country or any place outside the boundaries of the United States of America for distribution to any vendor licensed by the state." F.S. 561.165 states in pertinent part: "a person who is not prohibited by Section 562.111, Florida Statutes, from possessing alcoholic beverages may produce beer for personal or family use, and not for sale, in the amounts provided in this section without payment of taxes or fees or without a license."

<sup>63</sup> F.S. 561.422.

<sup>64</sup> F.S. 561.19.

<sup>65</sup> F.S. 561.32(3)(a).

<sup>66</sup> F.S. 561.20.

<sup>67</sup> F.S. 562.14.

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- <sup>68</sup> Tax Foundation. (2010). *State Beer Excise Tax Rates*. Retrieved on July 22, 2010 from [www.taxfoundation.org/taxdata/show/26075.html](http://www.taxfoundation.org/taxdata/show/26075.html).
- <sup>69</sup> Alcohol Epidemiology Program (University of Minnesota). (2000). *Alcohol Policies in the United States: Highlights from the 50 States*. Retrieved on July 20, 2010 from [www.impacteen.org/generalarea\\_PDFs/Alcohol%20Policies%20in%20the%20United%20States.PDF](http://www.impacteen.org/generalarea_PDFs/Alcohol%20Policies%20in%20the%20United%20States.PDF).
- <sup>70</sup> Ibid.
- <sup>71</sup> Tax Foundation. (2010). *State Table Wine Excise Tax Rates*. Retrieved on July 22, 2010 from [www.taxfoundation.org/taxdata/show/26077.html](http://www.taxfoundation.org/taxdata/show/26077.html).
- <sup>72</sup> Tax Foundation. (2010). *State Excise Tax Rates on Spirits*. Retrieved on July 22, 2010 from [www.taxfoundation.org/taxdata/show/26078.html](http://www.taxfoundation.org/taxdata/show/26078.html).
- <sup>73</sup> Ensuring Solutions. (2003). *Few States Dedicate Alcohol Excise Tax to Fund Alcohol Treatment Programs*. Retrieved on July 22, 2010 from [www.ensuringsolutions.org/media/media\\_show.htm?doc\\_id=326810](http://www.ensuringsolutions.org/media/media_show.htm?doc_id=326810).
- <sup>74</sup> National Institute on Alcohol Abuse and Alcoholism. *Underage Drinking: Minimum Ages for On-Premises Servers and Bartenders*. Alcohol Policy Information System (APIS) Web site. Retrieved on June 4, 2010 from [www.alcoholpolicy.niaaa.nih.gov/Minimum\\_Ages\\_for\\_On-Premises\\_Servers\\_and\\_Bartenders.html](http://www.alcoholpolicy.niaaa.nih.gov/Minimum_Ages_for_On-Premises_Servers_and_Bartenders.html).
- <sup>75</sup> National Institute on Alcohol Abuse and Alcoholism. *Underage Drinking: Minimum Ages for On-Premises Servers and Bartenders*. Alcohol Policy Information System (APIS) Web site. Retrieved on June 4, 2010 from [www.alcoholpolicy.niaaa.nih.gov/Minimum\\_Ages\\_for\\_On-Premises\\_Servers\\_and\\_Bartenders.html](http://www.alcoholpolicy.niaaa.nih.gov/Minimum_Ages_for_On-Premises_Servers_and_Bartenders.html).
- <sup>76</sup> National Institute on Alcohol Abuse and Alcoholism. *Blood Alcohol Concentration (BAC) Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)*. Alcohol Policy Information System (APIS) Web site. Retrieved on June 4, 2010 from [www.alcoholpolicy.niaaa.nih.gov/Blood\\_Alcohol\\_Concentration\\_Limits\\_Youth\\_Underage\\_Operators\\_of\\_Noncommercial\\_Motor\\_Vehicles.html](http://www.alcoholpolicy.niaaa.nih.gov/Blood_Alcohol_Concentration_Limits_Youth_Underage_Operators_of_Noncommercial_Motor_Vehicles.html).
- <sup>77</sup> "Comparing State DUI Laws." Retrieved on June 3, 2010 from [http://dui.findlaw.com/dui/dui-overview/dui\\_law.html#3](http://dui.findlaw.com/dui/dui-overview/dui_law.html#3).
- <sup>78</sup> Mothers Against Drunk Driving. *Status of State Ignition Interlock Laws*. Retrieved on July 19, 2010 from [www.madd.org/Drunk-Driving/Drunk-Driving/Campaign-to-Eliminate-Drunk-Driving/Ignition-Interlocks/Status-of-State-Ignition-Interlock-Laws.aspx](http://www.madd.org/Drunk-Driving/Drunk-Driving/Campaign-to-Eliminate-Drunk-Driving/Ignition-Interlocks/Status-of-State-Ignition-Interlock-Laws.aspx).
- <sup>79</sup> National Institute on Alcohol Abuse and Alcoholism. *Retail Sales: Beverage Service Training and related Practices*. Alcohol Policy Information System (APIS) Web site. Retrieved on June 25, 2010 from [www.alcoholpolicy.niaaa.nih.gov/Beverage\\_Service\\_Training\\_and\\_Related\\_Practices.html](http://www.alcoholpolicy.niaaa.nih.gov/Beverage_Service_Training_and_Related_Practices.html).
- <sup>80</sup> National Institute on Alcohol Abuse and Alcoholism. *Underage Drinking: Prohibitions Against Hosting Underage Drinking Parties*. Alcohol Policy Information System (APIS) Web site. Retrieved on June 4, 2010 from [www.alcoholpolicy.niaaa.nih.gov/Prohibitions\\_Against\\_Hosting\\_Underage\\_Drinking\\_Parties.html](http://www.alcoholpolicy.niaaa.nih.gov/Prohibitions_Against_Hosting_Underage_Drinking_Parties.html).
- <sup>81</sup> Ibid.
- <sup>82</sup> National Institute on Alcohol Abuse and Alcoholism. *Underage Drinking: Use/Lose: Driving Privileges*. Alcohol Policy Information System (APIS) Web site. Retrieved on June 4, 2010 from [http://www.alcoholpolicy.niaaa.nih.gov/Loss\\_of\\_Driving\\_Privileges\\_for\\_Alcohol\\_Violations\\_by\\_Minors\\_Use\\_Lose\\_Laws.html](http://www.alcoholpolicy.niaaa.nih.gov/Loss_of_Driving_Privileges_for_Alcohol_Violations_by_Minors_Use_Lose_Laws.html)
- <sup>83</sup> Ibid.
- <sup>84</sup> Ibid.
- <sup>85</sup> Pacific Institute for Research and Evaluation. (2003). *Alcohol Beverage Control Enforcement: Legal Research Report*. Retrieved on June 28, 2010 from [www.nllea.org/reports/ABCEnforcementLegalResearch.pdf](http://www.nllea.org/reports/ABCEnforcementLegalResearch.pdf).
- <sup>86</sup> Ibid.
- <sup>87</sup> Ibid.
- <sup>88</sup> The Alcohol Research Group. (n.d.). *Alcohol Control Systems and the Potential Effects of Privatization*.
- <sup>89</sup> Alcohol Epidemiology Program (University of Minnesota). (2000). *Alcohol Policies in the United States: Highlights from the 50 States*. Retrieved on July 20, 2010 from [www.impacteen.org/generalarea\\_PDFs/Alcohol%20Policies%20in%20the%20United%20States.PDF](http://www.impacteen.org/generalarea_PDFs/Alcohol%20Policies%20in%20the%20United%20States.PDF).

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<sup>90</sup> Tax Foundation. (2010). *State Beer Excise Tax Rates*. Retrieved on July 22, 2010 from [www.taxfoundation.org/taxdata/show/26075.html](http://www.taxfoundation.org/taxdata/show/26075.html).

<sup>91</sup> Tax Foundation. (2010). *State Table Wine Excise Tax Rates*. Retrieved on July 22, 2010 from [www.taxfoundation.org/taxdata/show/26077.html](http://www.taxfoundation.org/taxdata/show/26077.html).

<sup>92</sup> Tax Foundation. (2010). *State Excise Tax Rates on Spirits*. Retrieved on July 22, 2010 from [www.taxfoundation.org/taxdata/show/26078.html](http://www.taxfoundation.org/taxdata/show/26078.html).