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Underage Drinking in Nebraska
Sarbinaz Bekmuratova, Nicole Carritt, Tim Kaldahl, and Jim P. Stimpson

SUMMARY
This brief describes the prevalence of underage drinking in Nebraska and its associated outcomes, as well as state policies pertinent to underage drinking and evidence-based strategies that can prevent underage drinking. We defined underage drinking as alcohol consumption by persons younger than 21 years. In 2010, Nebraska’s underage drinking costs, including medical care, work loss, and pain and suffering, totaled more than an estimated $423 million, which translates to a cost of $2,309 per year for each youth in Nebraska or $2.92 per drink. Underage customers consumed about a quarter of all alcohol sold in Nebraska. In a ranking of states based on the alcohol percentage consumed by youth, with 1 being the highest, Nebraska ranked fifth. Nebraska policy makers should strongly consider the following state-level policies: increasing taxes on alcohol products, prohibiting youth exposure to alcohol advertising, limiting access to excessive drinking by maintaining limits on days of sale and hours of sale, maintaining and upholding the integrity of the minimum legal drinking age laws, and expanding dram shop liability laws. Cities should study innovative methods of regulating alcohol outlets that balance commerce and protection of citizens. Both local municipalities and the state government should ensure there are sufficient resources available to enforce existing and new underage drinking laws.

Prevalence of Underage Drinking in Nebraska
In 2007, the US Surgeon General declared that consumption of alcohol by individuals younger than 21 years is a major public health issue and a safety problem in the nation, causing serious personal, social, and economic consequences for individuals, families, and communities. Underage drinking has also been documented as a concern in Nebraska.

We first compared Nebraska youth behaviors related to alcohol with national survey results (Exhibits 1-5). In 2011, more than two-thirds of Nebraska’s 11th and 12th graders and nearly half of 9th graders reported that they drank alcohol at least once in their lifetime. About 19% of the state’s 9th graders and 14.5% of 11th and 12th graders reported their first drink of alcohol occurred before age 13. Nearly a third of 12th graders reported drinking at least one alcoholic beverage in the past 30 days, which was significantly less than the national average. About 1 in 5 (20%) 12th graders reported binge drinking (5+ alcoholic drinks within 2 hours) during the past 30 days, which was significantly less than the national average. More than 40% of Nebraska’s 11th graders reported that they usually obtained alcohol by someone giving it to them, but this dropped to under 30% by 12th grade.
Exhibit 1. Percentage of High School Students by Grade Who Have Had at Least One Drink of Alcohol in their Lifetime, Nebraska and the United States, 2011


Exhibit 2. Percentage of High School Students by Grade Who Drank Alcohol for the First Time before Age 13, Nebraska and the United States, 2011

Exhibit 3. Percentage of High School Students by Grade Who Had at Least One Drink of Alcohol at Least Once in the Past 30 Days, Nebraska and the United States, 2011


Exhibit 4. Percentage of High School Students by Grade Who Had Five or More Drinks of Alcohol in a Row within Two Hours at Least Once in the Past 30 Days, Nebraska and the United States, 2011

Outcomes of Underage Drinking

Underage drinking takes a toll—personal, societal, and economic. In regard to drinking and driving, in 2011, 1 in 4 high school students reported either being a passenger in a vehicle that was driven by someone drinking, or driving a vehicle while or after drinking themselves during the past 30 days, and 6% reported doing both. In 2006, 7 in 10 substance abuse treatment admissions in Nebraska for all ages (70.9%) listed alcohol as the primary drug of choice.

Nationally, alcohol is a contributing factor in nearly one-third of all fatal traffic accidents involving drivers aged 15 to 20 years, and each year, more than 4,300 people are killed in car crashes while under the influence of alcohol. In addition, approximately 1 in 5 crimes where alcohol is a factor involve people aged 18 years or younger.

The depth and breadth of alcohol-related harms in Nebraska is significant. The Pacific Institute for Research and Evaluation (PIRE) identified the following harms associated with underage drinking in Nebraska:

- During 2009, an estimated 16 traffic fatalities and 667 nonfatal traffic injuries were attributable to driving after underage drinking.
- In 2009, an estimated 5 homicides; 4,300 nonfatal violent crimes such as rape, robbery and assault; and 10,000 property crimes, including burglary, larceny, and car theft, were attributable to underage drinking.
- In 2009, an estimated 268 teen pregnancies and 5,206 teens having risky sex were attributable to underage drinking.

PIRE has also quantified the monetary costs of underage drinking in Nebraska. In 2010, underage drinking costs, including medical care, work loss, and pain and suffering, totaled more than an estimated $423 million. That total translates into a cost of $2,309 per year for each youth in Nebraska or $2.92 per drink. PIRE also estimates that the direct costs of underage drinking incurred through medical care and loss of work cost Nebraska $175 million each year. Furthermore, in 2009, underage customers consumed 25.6% of all alcohol sold in Nebraska. In a ranking of states based on the alcohol percentage consumed by youth, with 1 being the highest, Nebraska ranked fifth.
# Nebraska Policies related to Underage Drinking

Policies at the state and local level are the most important and effective strategies in reducing access to alcohol products for minors. Nebraska’s current statutes and regulations specifically addressing underage drinking are shown in Exhibit 6.

## Exhibit 6. Nebraska Policies Related to Underage Drinking

<table>
<thead>
<tr>
<th>Policy/Law</th>
<th>Statutory/Regulatory Requirements</th>
<th>State Statutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Underage Possession of Alcohol</td>
<td>Possession is prohibited except in a parent/guardian’s home. Persons who are at least 16 years old may carry alcohol from licensed establishments when they are accompanied by any person who is not a minor.</td>
<td>Neb. Rev. Stat. s. 53-103; Neb. Rev. Stat. s. 53-168.06; 2001 Neb. Laws 114; Neb. Rev. Stat. s. 53-180.02</td>
</tr>
<tr>
<td>Internal Possession by Minors</td>
<td>Internal possession is not explicitly prohibited. Nebraska law provides that “…no minor may…consume, or have in his or her possession or physical control any alcoholic liquor…” “Consume” is defined as “knowingly and intentionally drinking or otherwise ingesting alcoholic liquor.” Laws that prohibit minors from having alcohol in their bodies, but which do so without reference to a blood, breath, or urine test, are not considered by the Alcohol Policy Information System as prohibiting internal possession.</td>
<td>2001 Neb. Laws 114; Neb. Rev. Stat. s. 53-103; Neb. Rev. Stat. s. 53-180.02</td>
</tr>
<tr>
<td>False Identification for Obtaining Alcohol</td>
<td>Provision(s) targeting minors: Use of a false ID to obtain alcohol is a criminal offense. Provision(s) targeting suppliers: It is a criminal offense to manufacture or distribute a false ID. Provision(s) targeting retailers: State provides incentives to retailers who use electronic scanners that read birthdate and other information digitally encoded on valid identification cards. Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older. Specific affirmative defense: the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid.</td>
<td>Neb. Rev. Stat. s. 53-180.01; Neb. Rev. Stat. s. 53-180.05; Neb. Rev. Stat. s. 53-180.07; Neb. Rev. Stat. s. 60-4,119</td>
</tr>
<tr>
<td>Blood Alcohol Concentration (BAC) Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)</td>
<td>BAC limit: A BAC level above 0.02 is per se (conclusive) evidence of a violation. Applies to drivers under age 21.</td>
<td>Neb. Rev. Stat. s. 60-6,211.01</td>
</tr>
<tr>
<td>Use/Lose: Driving Privileges</td>
<td>Type(s) of violation leading to driver’s license suspension, revocation, or denial: Underage possession. Underage consumption. Use/lose penalties apply to minors under age 18. Authority to impose driver’s license sanction: discretionary. Length of suspension/revocation: 30 days.</td>
<td>Neb. Rev. Stat. s. 53-181</td>
</tr>
</tbody>
</table>

What Can Nebraska Do to Prevent Underage Drinking and Related Harms?

In Exhibit 7, we describe nationally recognized, evidenced-based strategies that have helped communities prevent underage drinking. For each strategy, we provide information on recent related actions in Nebraska.

Exhibit 7. Evidence-Based Strategies to Prevent Underage Drinking, and Actions in Nebraska

<table>
<thead>
<tr>
<th>Evidence-Based Strategy</th>
<th>Actions in Nebraska</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Limit alcohol advertising.</strong> Alcohol companies, advertising companies, and commercial media should refrain from marketing practices that have substantial underage appeal.¹ Restrictions on alcohol advertising include any policies that limit advertising of alcoholic beverages, particularly advertising that exposes young people to alcohol messages. Restrictions can be in the form of a local ordinance or state law, or can be implemented voluntarily by a business, event, or organization and can include the following:¹⁰</td>
<td></td>
</tr>
<tr>
<td>- Banning ads on buses, trains, kiosks, billboards, and supermarket carts, and in bus shelters, schools, and theme parks.</td>
<td></td>
</tr>
<tr>
<td>- Banning or limiting advertising and sponsorship at community events such as festivals, parties, rodeos, concerts, and sporting events.</td>
<td></td>
</tr>
<tr>
<td>- Banning advertising in areas surrounding schools, residential areas, faith organizations, etc.</td>
<td></td>
</tr>
<tr>
<td>- Restricting or banning TV and/or radio alcohol commercials.</td>
<td></td>
</tr>
<tr>
<td>- Restricting alcohol advertising in newspapers and/or on the Internet.</td>
<td></td>
</tr>
<tr>
<td>- Countering alcohol ads with public service announcements.</td>
<td></td>
</tr>
<tr>
<td>- Restricting the size and placement of window advertisements in liquor and convenience stores.</td>
<td></td>
</tr>
<tr>
<td>- Requiring all alcohol ads in the local media to include warnings about the health risks of alcohol consumption.</td>
<td></td>
</tr>
<tr>
<td>- Setting a maximum for the percentage of total advertising space that alcohol ads can cover.</td>
<td></td>
</tr>
<tr>
<td>- Reducing the disproportionately high number of alcohol billboards in low-income neighborhoods.</td>
<td></td>
</tr>
<tr>
<td>- Prohibiting images and statements that portray or encourage intoxication.</td>
<td></td>
</tr>
<tr>
<td>- Enforcing existing restrictions on alcohol advertising.</td>
<td></td>
</tr>
<tr>
<td>There are no known actions in Nebraska nor are there any known planned actions regarding this strategy.</td>
<td></td>
</tr>
</tbody>
</table>

| **Limit alcohol access.** The minimum drinking age laws of a state should prohibit the purchase or attempt to purchase, possession, and consumption of alcoholic beverages by persons under 21, and should also prohibit underage drinking in private clubs and establishments.¹¹ |
| In 2010, the state expanded where alcohol could be consumed when a ban on wine, beer, and liquor in Nebraska State Parks was lifted (with the exception of Lake McConaughy near Ogallala). The lifting of the ban came over the objections of public health advocates, local city officials, and law enforcement. |

Exhibit 7 continues on page 7.
**Exhibit 7. Evidence-Based Strategies to Prevent Underage Drinking, and Actions in Nebraska (continued)**

<table>
<thead>
<tr>
<th>Evidence-Based Strategy</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Maintain minimum legal drinking age (MLDA) law.</td>
<td>In 2010, “Use and Lose” state legislation was passed to provide the loss of driving privileges for people aged 18 years and younger for minor in possession violations. The legislation left the discretion of imposing the penalty to the courts and does not address youth ages 19 and 20 in those circumstances.</td>
</tr>
<tr>
<td>Enact dram shop liability laws.</td>
<td>Nebraska passed a limited dram shop and social host liability law in 2007, creating civil recovery for providing alcohol for minors. However, Nebraska is one of only a handful of states that does not hold alcohol establishments and servers partly responsible for deaths or injuries caused by serving an intoxicated person aged 21 or older. More recently, in the 2009 and 2011 Nebraska legislative sessions, senators have introduced dram shop bills that would have made liquor-licensed establishments liable for injury or death caused by serving an intoxicated person. The bills, which had broad support, never got out of committee.</td>
</tr>
<tr>
<td>Increase alcohol taxes.</td>
<td>In 2012, state legislators passed legislation with an emergency clause to classify alcopops (sweet, fruity alcohol-heavy beverages) as beer, as opposed to distilled spirits. In Nebraska, distilled spirits are taxed at a rate of $3.75 per gallon, while beer is taxed at a rate of $.31 per gallon. Nebraska increased the alcohol tax seven times during the 25 years between 1960 and 1985, but in the 25 years that followed rates were raised just once in 2003.</td>
</tr>
<tr>
<td>Maintain limits on days of sale and hours of sale.</td>
<td>Nebraska gave communities in the state the option to extend bar/liquor retail closing times to 2 a.m. in 2010. Currently, more than 100 municipalities have passed ordinances that extend the hours of sale. Also, in 2012, Nebraska began allowing liquor sales before noon on Sundays. Previously, only beer and wine sales had been allowed.</td>
</tr>
<tr>
<td>Enhanced enforcement of laws prohibiting sales to minors.</td>
<td>In the Omaha metro area alone, with the implementation of multiagency, collaborative compliance checks since the late 1990s, the community has experienced a reduction of retail outlets selling alcohol to minors, from a high of 41% in 1997 to 5% in 2011, according to analysis compiled by Project Extra Mile. Nebraska’s experience indicates this important enforcement tool is effective. Since 1997, over 7,500 licensed businesses have been checked by law enforcement across the state. These efforts have been conducted in coordination with Project Extra Mile and other partners across the state. Over the past 14 years, nearly 97% of the compliant businesses have checked and verified ID during compliance checks. Nebraska law enforcement partners have followed national research recommendations to maintain the deterrent effect by conducting alcohol compliance checks in waves, at least 2 or more per year, with targeted focus on repeat violators in previous operations.</td>
</tr>
</tbody>
</table>

*Exhibit 7 continues on page 8.*
Exhibit 7. Evidence-Based Strategies to Prevent Underage Drinking, and Actions in Nebraska (continued)

<table>
<thead>
<tr>
<th>Evidence-Based Strategy</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Regulation of alcohol outlet density.</strong> Regulation of alcohol outlet density is defined as applying state, county, city, or other type of governmental control to reduce or limit the number of places that can legally sell alcohol within a given area. Regulation is often implemented through licensing or zoning processes. An alcohol outlet is a place where alcohol may be legally sold for the buyer to drink there or elsewhere.¹¹</td>
<td>Liquor licenses in Nebraska have grown at a rate nearly twice that of the state’s population during the past 20 years. In an effort to address the increase in alcohol outlet density and the related harms, the City of Omaha in 2012 passed an alcohol retail outlet ordinance that allows the city to use its land-use powers to address alcohol-sales establishments with business practices that endanger the public health, safety, and quality of life of residents. The effort has led to a case study published in the Community Anti-Drug Coalitions of America (CADCA) Strategizer 55, Regulating Alcohol Outlet Density An Action Guide, published in 2012. The case study highlighting the work was recently recognized by the Center on Alcohol Marketing and Youth at the Johns Hopkins School of Public Health in a report that documents the effectiveness of this strategy.¹²</td>
</tr>
</tbody>
</table>

**Regulating Alcohol Outlet Density**

The following maps illustrate alcohol outlet density per capita in the state of Nebraska and in the Omaha and Lincoln metropolitan areas using data from the state and the US Census Bureau.¹³⁻¹⁵ This information may be useful in policy planning and study efforts.

**Results**

The Nebraska map of alcohol outlets illustrates that the Cherry (6.81), Keya Paha (8.71), Grant (11.1), Hooker (6.88), Thomas (10.4) and Garfield (6.98) counties have the highest concentration of alcohol outlets per 1,000 residents in Nebraska (Exhibit 8). These counties are indicated by the darkest colors on the map.

The Omaha map of alcohol outlets shows 68102 as the ZIP code area with the highest concentration of alcohol outlets, at 19.7 per 1,000 residents (Exhibit 9). The 68102 ZIP code is located within Douglas County and includes the following notable locations: the Old Market, TD Ameritrade Park, CenturyLink Center, Omaha Civic Auditorium and Convention Center, and Heartland of America Park.

The Lincoln map of alcohol outlets indicates 68508 as the ZIP code area with the highest concentration of alcohol outlets, at 8.98 per 1,000 residents (Exhibit 10). The 68508 ZIP code is located within Lancaster County and includes the following notable locations: the University of Nebraska-Lincoln, Haymarket Park, and the Nebraska State Capitol.
Exhibit 8. Alcohol Outlets, Nebraska, 2013

Exhibit 9. Alcohol Outlets, Omaha, Nebraska, 2013

Data source: Nebraska Liquor Control Commission; United States Census Bureau.
Conclusion

Underage drinking is a public health problem in Nebraska. Given the evidence on the prevalence of underage drinking and the associated harms and cost to the state, Nebraska could improve its policy effort by enacting evidence-based strategies and appropriating resources to effectively enforce those policies. Nebraska policy makers should strongly consider the following state-level policies: increasing taxes on alcohol products, prohibiting youth exposure to alcohol advertising, limiting access to excessive drinking by maintaining limits on days of sale and hours of sale, maintaining and upholding the integrity of the minimum legal drinking age laws, and expanding dram shop liability laws. Cities should study innovative methods of regulating alcohol outlets that balance commerce and protection of citizens. Both local municipalities and the state government should ensure there are sufficient resources available to enforce existing and new underage drinking laws.
References


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Conflict of Interest

None.

Disclaimer

The views expressed herein are those of the authors and do not necessarily reflect the views of collaborating organizations or funders, or of the Regents of the University of Nebraska.

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