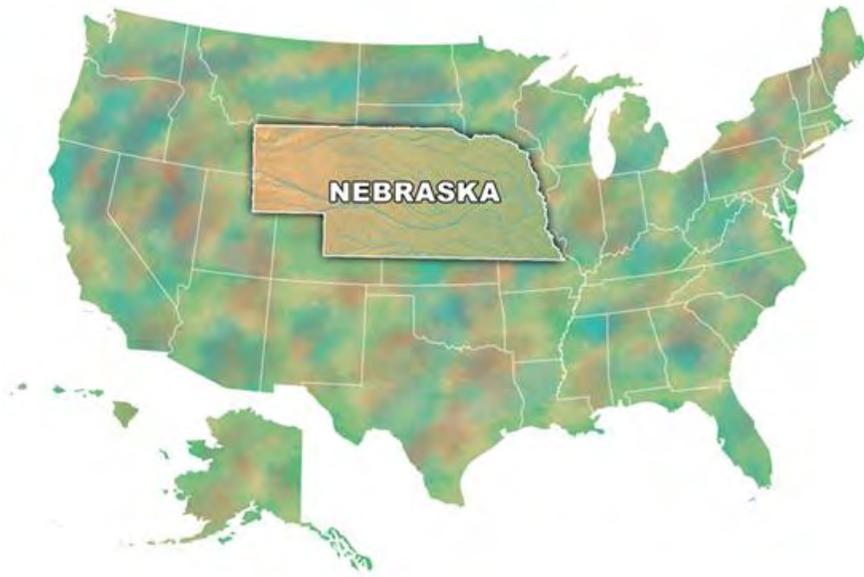


# REPORT TO CONGRESS ON THE PREVENTION AND REDUCTION OF UNDERAGE DRINKING

November 2012



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Substance Abuse and Mental Health Services Administration  
[www.samhsa.gov](http://www.samhsa.gov)



# Nebraska

## State Profile and Underage Drinking Facts

**State Population: 1,826,341**  
**Population Ages 12–20: 231,000**

	Percentage	Number
<b>Ages 12–20</b>		
Past-Month Alcohol Use	26.0	60,000
Past-Month Binge Alcohol Use	17.8	41,000
<b>Ages 12–14</b>		
Past-Month Alcohol Use	5.1	4,000
Past-Month Binge Alcohol Use	2.8	2,000
<b>Ages 15–17</b>		
Past-Month Alcohol Use	24.1	17,000
Past-Month Binge Alcohol Use	14.9	10,000
<b>Ages 18–20</b>		
Past-Month Alcohol Use	45.4	39,000
Past-Month Binge Alcohol Use	33.0	29,000
		<b>Number</b>
<b>Alcohol-Attributable Deaths (under 21)</b>		26
<b>Years of Potential Life Lost (under 21)</b>		1,538

	<b>Percentage of All Traffic Fatalities</b>	<b>Number</b>
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC &gt; 0.01</b>	27.0	15

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited with the following exception(s):

- Parent/guardian’s home

*Note:* Nebraska makes an exception for persons who are at least 16 years old to carry alcohol from licensed establishments when they are accompanied by any person who is not a minor.

### **Underage Consumption of Alcohol**

Consumption is prohibited with the following exception(s):

- Parent/guardian’s home

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

*Note:* Although Nebraska does not prohibit internal possession as defined by the Stop Act State Report, it provides that “no minor may...consume, or have in his or her possession or physical control any alcoholic liquor...” (see Neb. Rev. St. § 53-180.02). “Consume” is defined as “knowingly and intentionally drinking or otherwise ingesting alcoholic liquor” (see Neb. Rev. St. § 53-103.11). 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 as prohibiting internal possession, for purposes of this report.

### **Underage Purchase of Alcohol**

Purchase is prohibited, but youth may purchase for law enforcement purposes.

### **False Identification for Obtaining Alcohol**

#### ***Provision(s) Targeting Minors***

- Use of a false ID to obtain alcohol is a criminal offense.
- No driver’s license suspension procedure.

#### ***Provision(s) Targeting Suppliers***

- It is a criminal offense to manufacture or distribute a false ID.

#### ***Provisions 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.

## **Laws Targeting Underage Drinking and Driving**

### **BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)**

- BAC limit: 0.02
- BAC level at or above the limit is per se (conclusive) evidence of a violation
- Applies to drivers under age 21

### **Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)**

Use/lose penalties apply to minors under age 18.

#### ***Type(s) of Violation Leading to Driver’s License Suspension, Revocation, or Denial***

- Underage possession
- Underage consumption

#### ***Authority To Impose Driver’s License Sanction***

- Discretionary

#### ***Length of Suspension/Revocation***

- 30 days

### **Graduated Driver’s License**

#### ***Learner Stage***

- Minimum entry age: 15
- Minimum learner-stage period: 6 months
- No minimum supervised driving requirement—with driver education; 50 hours without (10 of which must be at night)

#### ***Intermediate Stage***

- Minimum age: 16
- Unsupervised night driving prohibited after 12 a.m.
- No primary enforcement of the night-driving rule
- Passenger restrictions exist: No more than one unrelated passenger under 19
- No primary enforcement of the passenger-restriction rule

#### ***License Stage***

- Minimum age to lift restrictions: 17—passenger restrictions expire 6 months after issuance of intermediate license; unsupervised night-driving restrictions remain until age 17.

## **Laws Targeting Alcohol Suppliers**

### **Furnishing Alcohol to Minors**

Furnishing is prohibited—no explicit exceptions noted in the law.

### **Compliance Check Protocols**

#### ***Age of Decoy***

- Minimum: Not specified
- Maximum: 20

***Appearance Requirements***

- No alteration to the normal dress and/or appearance.
- Hats or caps shall not be pulled down over the eyes.

***ID Possession***

- Required

***Verbal Exaggeration of Age***

- Permitted

***Decoy Training***

- Not specified

**Penalty Guidelines for Sales to Minors**

- Time period/conditions: 4 years
- First offense: \$500–\$1,000 fine
- Second offense: 2-day license suspension and \$2,000 fine
- Third offense: 5-day license suspension and \$2,000 fine
- Fourth offense: License revocation

*Note:* Retailer has option to take additional suspension days in lieu of fines (\$50/suspension day for first offense; \$100/suspension day for repeat offenses). First- and second-offense penalties are reduced if person making sale has received RBS training. Penalties are more severe if second or third offense occurs in shorter time periods.

**Responsible Beverage Service*****Voluntary Beverage Service Training***

- The law does not specify on- or off-sale establishments.
- The law does not specify new or existing outlets.

**Minimum Ages for Off-Premises Sellers**

- Beer: 19
- Wine: 19
- Spirits: 19

**Minimum Ages for On-Premises Sellers**

- Beer: 19 for both servers and bartenders
- Wine: 19 for both servers and bartenders
- Spirits: 19 for both servers and bartenders

**Dram Shop Liability**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Injury or property damage must be a proximate result of the negligence of an intoxicated minor.

**Social Host Liability Laws**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Injury or property damage must be a proximate result of the negligence of an intoxicated minor.

### **Host Party Laws**

No State-imposed liability for hosting underage drinking parties

### **Direct Sales/Shipments of Alcohol by Producers**

Direct sales/shipments from producers to consumers are permitted for beer, wine, and distilled spirits with the following restrictions:

#### ***Age Verification Requirement***

- Producer must verify age of purchaser.

#### ***State Approval/Permit Requirements***

- Producer/shipper must obtain State permit.

***Reporting Requirements:*** None

***Shipping Label Statement Requirements:*** None

### **Keg Registration**

- Keg definition: 5 or more gallons
- Prohibited:
  - Possessing an unregistered, unlabeled keg—maximum fine/jail: \$500/3 months
  - Destroying the label on a keg—maximum fine/jail: \$500/3 months
- Purchaser information collected:
  - Purchaser’s name and address
  - Verified by a government-issued ID
- Warning information to purchaser: Passive—no purchaser action required
- Deposit: Not required
- Provisions do not specifically address disposable kegs.

## **Alcohol Pricing Policies**

### **Home Delivery**

- Beer: Permitted
- Wine: Permitted
- Spirits: Permitted

### **Alcohol Tax**

- Beer (5 percent alcohol): Specific excise tax is \$0.31 per gallon.
- Wine (12 percent alcohol): Specific excise tax is \$0.95 per gallon.
- Spirits (40 percent alcohol): Specific excise tax is \$3.75 per gallon.

### **Drink Specials**

- Free beverages: Not prohibited
- Multiple servings at one time: Not prohibited
- Multiple servings for same price as single serving: Prohibited

- Reduced price at specified day or time: Not prohibited
- Unlimited beverages: Prohibited
- Increased volume: Not prohibited

### **Wholesale Pricing**

Pricing restrictions exist.

#### ***Beer (5 percent alcohol)***

- Retailer credit: Not permitted

#### ***Wine (12 percent alcohol)***

- Retailer credit: Restricted—30 days maximum

#### ***Spirits (40 percent alcohol)***

- Retailer credit: Restricted—30 days maximum

## Nebraska State Survey Responses

<b>State Agency Information</b>	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Nebraska State Patrol and Nebraska Liquor Control Commission	
<i>Methods by which local and State enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> Under the Nebraska Liquor Control Act, employees of the Commission and law enforcement officers may enter establishments to enforce the law. The Nebraska State Patrol coordinates training, is the lead agency for liquor enforcement, and supports and participates in local Alcohol Merchant Server Training Programs required by several municipalities.	
<b>Enforcement Strategies</b>	
<i>State law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	No
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	
Primary State agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	Nebraska Liquor Control Commission
Such laws are also enforced by local law enforcement agencies	Yes
<b>Enforcement Statistics</b>	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession by State law enforcement agencies	8,091
Number pertains to the 12 months ending	12/31/2009
Data include arrests/citations issued by local law enforcement agencies	Yes
<i>State conducts underage compliance checks/decoy operations<sup>2</sup> to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	No
Number of licensees checked for compliance by State agencies	Data not collected
Number of licensees that failed State compliance checks	Data not collected
Numbers pertain to the 12 months ending	Data not collected
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	No
Number of licensees checked for compliance by local agencies	Data not collected
Number of licensees that failed local compliance checks	Data not collected
Numbers pertain to the 12 months ending	Data not collected
<b>Sanctions</b>	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the State <sup>3</sup>	Data not collected
Total amount in fines across all licensees	Data not collected
Numbers pertain to the 12 months ending	Data not collected
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	
Number of suspensions imposed by the State <sup>4</sup>	278
Total days of suspensions across all licensees	3,600
Numbers pertain to the 12 months ending	06/30/2010

State collects data on license revocations imposed on retail establishments specifically for furnishing minors	Yes
Number of license revocations imposed <sup>5</sup>	15
Numbers pertain to the 12 months ending	06/30/2010

**Additional Clarification**

The Commission may not fine a licensee; however, a licensee may elect to pay a fine in lieu of suspension in most cases. There are mandatory closure dates for second and subsequent violations.

<sup>1</sup> Or having consumed or purchased per State statutes

<sup>2</sup> Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors

<sup>3</sup> Does not include fines imposed by local agencies

<sup>4</sup> Does not include suspensions imposed by local agencies

<sup>5</sup> Does not include revocations imposed by local agencies

**Underage Drinking Prevention Programs Operated or Funded by the State:  
Programs SPECIFIC TO Underage Drinking**

**Communities Mobilizing for Change on Alcohol (CMCA)**

Number of youth served	541,890
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	12/30/2010
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report	Not applicable
URL for more program information:	<a href="http://www.epi.umn.edu/alcohol/cmca/index.shtm">http://www.epi.umn.edu/alcohol/cmca/index.shtm</a>

Program description: A community-organizing effort designed to change policies and practices of major community institutions in ways that reduce teenagers' access to alcohol (target ages include 13- to 20-year-olds) by using environmental strategies.

**Nebraska's Enforcing Underage Drinking Laws Program**

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	No data
Program has been evaluated	No data
Evaluation report is available	No data
URL for evaluation report	Not applicable
URL for more program information:	No data

Program description: Nebraska's Enforcing Underage Drinking Laws (EUDL) program is led by the Nebraska Office of Highway Safety (NOHS). The NOHS was established in 1967 to coordinate, develop, and implement Nebraska's annual traffic safety plan in accordance with the Federal Highway Safety Act of 1966. Alcohol awareness activities are coordinated through the NOHS to insure continuity, uniformity, and comprehensiveness in this area. The reduction of fatal and injury crashes requires the continued combined efforts of an informed public and dedicated government officials willing to address alcohol issues. A good working relationship, including resources and support for local officials, businesses, and others in the community, between the NOHS staff and its partners, is essential for improved compliance of impaired driving and underage age drinking laws. This coordination and assistance provides an essential element in a successful alcohol awareness program for our State. The following summary provides a few highlights from the NOHS FY2010 (October 1, 2009–September 30, 2010) Annual Evaluation Report:

- Nebraska is a predominantly rural state with a population of 1.78 million people. In 2008, traffic crashes resulting 5,514 fatal, A, and B injury crashes occurred, killing 208 people and injuring another 6,913 people. Alcohol was known to be involved in 61 (32%) of the 188 fatal crashes that occurred in Nebraska in 2008. Alcohol was involved in 624 (11%) of the 5,326 A and B injury crashes.

- Arrest and conviction totals for Driving Under the Influence are starting to level off (13,421, 13,437, and 13,660 arrests, and 11,370, 10,711, and 11,504 convictions) from 2006 to 2008.
- NOHS conducted the May 2010 “Click It or Ticket” news conference on May 18. Television, radio, print ads, and billboards were used to remind the motoring public that failure to wear a safety belt is a traffic violation. A total of 6,371 television and radio ads were played during the May and June “Click It or Ticket” period.
- In January 2009, NOHS established a toll-free TIP Line (1-866-MUST-BE-21). The purpose of the tip-line is to prevent underage drinking and the problems cause by such behavior. This toll-free line is operational 24 hours a day, 7 days a week.
- A Web site was created ([www.reportunderagedrinking.com](http://www.reportunderagedrinking.com)) and a Facebook cause was established, with 1,077 members joining the cause as of September 2010.
- NOHS used truck-side billboards for a motorcycle safety campaign that ran from May 1 through June 30, 2010. On 10 trucks, the safety message was placed on the overcab, driver panel, passenger panel, and back panel of each truck. It is estimated that 6.7 million impressions were viewed during this campaign period.
- Contracted with the Omaha Royals Baseball Club to provide a public service announcement at the top of the 7th inning of each of the 72 home games. The PSA reminded fans to drive safely when leaving the stadium in conjunction with the announcement that alcohol sales were ending in the stadium. During the PSA the NOHS logo appeared on the stadium video scoreboard.

<b>Underage Drinking Prevention Programs Operated or Funded by the State: Programs RELATED TO Underage Drinking</b>	
<b>Across Ages</b> URL for more program information: <a href="http://www.promoteprevent.org/publications/">http://www.promoteprevent.org/publications/</a>	
Program description: Across Ages is a mentoring program that pairs adult mentors over age 50 with youth ages 9 to 13. The goal of the program is to enhance the resiliency of children to promote positive development and prevent involvement in high-risk behaviors. The program has four components: <ol style="list-style-type: none"> <li>1. Adults mentoring youth</li> <li>2. Youth performing community service</li> <li>3. Youth participating in a life skills/problem-solving curriculum.</li> <li>4. Monthly activities for family members.</li> </ol> The program can be implemented as a school-based or afterschool program.	
<b>All Stars</b> URL for more program information: <a href="http://www.allstarsprevention.com">http://www.allstarsprevention.com</a>	
Program description: All Stars programs are designed to prevent, reduce, and eliminate negative behaviors and promote positive behaviors. Each All Stars program, and every session and activity within All Stars, achieves these goals by changing qualities that account for why young people engage in negative behaviors. The various All Stars programs address the following concepts to some degree: <ul style="list-style-type: none"> <li>• Beliefs about consequences</li> <li>• Bonding</li> <li>• Commitment to not use or reduce use</li> <li>• Decisionmaking and impulsivity control</li> <li>• Goal setting</li> <li>• Idealism</li> <li>• Norms</li> <li>• Parental attentiveness</li> <li>• Resistance skills training</li> <li>• Self-management</li> </ul>	
<b>Brief Alcohol Screening and Intervention for College Students (BASICS)</b> URL for more program information: <a href="http://depts.washington.edu/abrc/basics.htm">http://depts.washington.edu/abrc/basics.htm</a>	
<b>Class Action</b> URL for more program information: <a href="http://www.hazelden.org">http://www.hazelden.org</a>	

<b>Project Alert</b>	
URL for more program information: <a href="http://www.projectalert.com">http://www.projectalert.com</a>	
<b>Project Northland</b>	
URL for more program information: <a href="http://www.epi.umn.edu/projectnorthland/schoolba.html">http://www.epi.umn.edu/projectnorthland/schoolba.html</a>	
<b>Additional Information Related to Underage Drinking Prevention Programs</b>	
<i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i>	Yes
Program description: Omaha Nation: Strategic Prevention Framework State Incentive Grant (SPF SIG) grantee; Ponca Tribe of Nebraska: SPF SIG grantee.	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	Yes
Program description: Environmental scans of the number of establishments, advertisements, billboards, etc., to assess the degree of exposure.	
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
Best practice standards description: The Nebraska SPF SIG Strategy Approval Guide provides SPF SIG grantees with information to help them identify and select evidence-based prevention strategies for their communities. The guide describes population-level behavior change theory, criteria to help determine if a strategy is a good fit for the community, a set of strategies that are preapproved for SPF SIG communities, and the process for seeking approval of strategies for community prevention efforts. For the complete guide, a supplemental list of the preapproved strategies included in the guide, and other processes forms, visit <a href="http://www/dhhs.ne.gov/puh/oph/saprev.htm">http://www/dhhs.ne.gov/puh/oph/saprev.htm</a> .	
<b>Additional Clarification</b>	
No data	

<b>State Interagency Collaboration</b>	
<i>A State-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes
<i>Committee contact information:</i>	
Name: Dave Palm, Administrator, Nebraska Partners in Prevention	
Email: <a href="mailto:David.Palm@nebraska.gov">David.Palm@nebraska.gov</a>	
Address: 220 South 17th Street, Lincoln, NE 68508-1811	
Phone: 402-471-0146	
<i>Agencies/organizations represented on the committee:</i>	
Lt. Governor Rick Sheehy	
Dianne Harrop, Department of Health and Human Services (DHHS) Division of Public Health	
Ann Nickerson, NE State Parent Teacher Association	
Frank Zwonechek, NE Office of Highway Safety—Department of Motor Vehicles (DMV)	
Corey Steel, NE Office of Probation Administration	
Dan Hoyt, University of NE—Lincoln Sociology Department	
Christina Rice, Governor’s Youth Advisory Council	
Eleanor Kirkland, NE Department of Education—Head Start	
Frank Peak, Creighton University Medical Center	
Renee Faber, DHHS Division of Behavioral Health	
Robert Bussard, DHHS Division of Behavioral Health	
Scot L. Adams, DHHS Division of Behavioral Health	
Joe Jeanette, U.S. Attorney’s Office	
Joel Gajardo, Community Representative	
Jacquelyn Miller, DHHS Division of Public Health	
John Wright, Nebraska Supreme Court	
Judi Gaiashkaibos, Nebraska Commission on Indian Affairs	
Karen Walkin, Nebraska Broadcasters Association	
Kenneth Vettel, Saint Francis Medical Center	

Kristen Witte, Governor’s Youth Advisory Council Mile Behm, Nebraska Crime Commission Bob Hanson, Drug Enforcement Administration (DEA) Tira Cunningham, DEA	
A Web site or other public source exists to describe committee activities URL or other means of access: <a href="http://www.nebraskaprevention.gov">http://www.nebraskaprevention.gov</a>	Yes
<b>Underage Drinking Reports</b>	
State has prepared a plan on preventing underage drinking in the last 3 years Prepared by: DHHS Office of Community Health and Performance Management—SPF SIG staff Plan can be accessed via: <a href="http://www.dhhs.ne.gov/puh/oph/docs/NE_Sub_Abuse_Prev_Strat_Plan.pdf">http://www.dhhs.ne.gov/puh/oph/docs/NE_Sub_Abuse_Prev_Strat_Plan.pdf</a>	Yes
State has prepared a report on preventing underage drinking in the last 3 years Prepared by: Research Triangle, Inc. Project #0210974 Report can be accessed via: Phillip W. Graham, DrPH, RTI International, 3040 Cornwallis Rd, Research Triangle Park, NC 27709	Yes
<b>Additional Clarification</b>	
No data	
<b>State Expenditures for the Prevention of Underage Drinking</b>	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Checkpoints and saturation patrols:</i>	
Estimate of State funds expended	\$648,750
Estimate based on the 12 months ending	12/31/2010
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	\$212,441
Estimate based on the 12 months ending	12/31/2010
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	\$94,857
Estimate based on the 12 months ending	12/31/2010
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of State funds expended	\$33,302
Estimate based on the 12 months ending	12/31/2010
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Programs that target youth in the child welfare system:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Other programs:</i>	
Programs or strategies included	No data
Estimate of State funds expended	No data
Estimate based on the 12 months ending	No data
<b>Funds Dedicated to Underage Drinking</b>	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	No
Fines	No
Fees	No
Other	No data
<i>Description of funding streams and how they are used:</i> No data	
<b>Additional Clarification</b>	
No data	