

Reducing Youth Access – The Impact of Policy Change

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Abstract

The enactment of social hosting laws is increasing both at the state level and at local levels throughout the nation. While specific wording of each law and the penalties associated with them may differ slightly, all social hosting laws establish liability against those who allow underage drinking events or parties on property they own, lease or otherwise control. The following article describes the progression of how one state enacted and strengthened its social hosting law and provided tools to educate parents and others at the local level.

Background:

Prior to 2003, the Kansas statutes regarding underage drinking were restricted to furnishing alcohol to a minor, the use of fake identification, the consumption of alcohol by a minor and illegal sales to minors. As is the case all too often, it took a tragedy for a policy change to occur. In Kansas, this was the death of a 17 year-old young man who was drinking alcohol with other teens at a friend's house. On his way home Paul Riggs crashed his truck into a tree, just blocks from his home. Three weeks later he died from his injuries.

The friend's parents were home that evening but unaware of the drinking that took place. Police later charged the couple's 15 year-old daughter with furnishing alcohol to minors; however, the parents could not be held accountable because of the lack of a social hosting law.

Two years later after extensive lobbying by Paul Riggs mother, the Kansas Legislature passed a social host law called "Paul's Law." The law made it illegal "to intentionally" permit a person's residence or any land, building, structure or room owned, occupied or procured by such person to be used by an invitee of such person or an invitee of such person's child or ward, in a manner that results in the possession or consumption therein of alcoholic liquor or cereal malt beverages by a minor. In the first law, unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage was a class B person misdemeanor with a minimum fine of \$1,000. Additionally, the court could also sentence the offender to perform community or public service work as a condition of probation.

The enactment of KS 21-3610 in 2004 sent a strong message to parents about the liability issues they could face if they knowingly allowed underage drinking on their premises. The law fell short, however, as it specifically defined a minor as someone under the age of 18. This law was inconsistent with all of the other Kansas laws that defined a minor as someone under the age of 21, so Kansas began a new advocacy effort to strengthen the law.

In 2006, the Kansas Leadership to Keep Children Alcohol Free Committee, a statewide committee coordinated by the Kansas Family Partnership, began planning a campaign aimed at educating parents, the public and key leaders about reducing youth access to alcohol. This effort was designed to bring about a policy change that would make Kansas' social host law consistent with all other laws that relate to underage drinking in the state.

The Committee applied for and was awarded a \$5,000 stipend from the national Leadership to Keep Children Alcohol Free, in addition to having access to 20 hours of public relations assistance from the Washington, DC firm PR Solutions. The Kansas Leadership also received a \$1,000 health promotion policy grant from the AMA Alliance and \$5,000 of pro bono work from the advertising firm Walz Tetrick in Kansas City. These grants and funds were secured as a result of existing relationships of committee members.

In 2007, the new campaign "Not in Our House" was unveiled. An informational piece was developed that described the "flaw" in the current law that left a gap in who could be prosecuted under K.S.A. 21-3610c. Adults who provided alcohol to anyone 18, 19, or 20 years of age could not be prosecuted under the current statute. Over 2,500 informational pieces were mailed to key leaders including educators, healthcare professionals, law enforcement, prevention personnel and state partners. Cards were mailed to key community leaders and coalitions that read, "What is one of the biggest threats our teens face?" on the outside cover. The other side of the card read, "WE ARE – 53% of Kansas teens have used alcohol – Sadly we may have let them." Additionally, statistics taken from the annual Kansas Communities That Care Survey were cited. Data related to perception of being caught, percentage of youth who report their parents don't have clear rules about the use of alcohol and the percentage of youth who have drunk alcohol in the last 30 days were included.

Kansas SADD (Students Against Destructive Decisions) hand delivered similar materials that informed legislators about the current Kansas social hosting law. The piece described all of the other laws that defined a minor as anyone under the age of 21 and identified the social hosting law as the only law in Kansas that defined the legal age for underage drinking as 18. Messages included "If we don't fix the flaw in the law, our kids will pay the price." It also encouraged legislators to "please help us protect our children, our families, and our neighbors" and "make it easier for Kansas parents to say 'Not in Our House.'"

The Kansas Leadership to Keep Children Alcohol Free Committee had established relationships with legislators over previous years that were knowledgeable and concerned about reducing alcohol access to youth. As a result, a bill was introduced in 2007 to change the definition of a minor from 18 to 21. The bill omitted the specific language that referenced "anyone under the age of 18" and replaced it with "minor." Additionally, the penalty was changed from a Class B to a Class A misdemeanor. Community advocates testified at House and Senate Hearings on the issue. There was no opposition to the bill, and it was passed into law in 2007.

After passage of the revised social hosting law, the Kansas Leadership to Keep Children Alcohol Free unveiled a new campaign called "Not In Our House," aimed at educating parents, the public and key leaders about the law. Kansas Leadership to Keep Children Alcohol Free tied their campaign to materials that The International Institute for Alcohol Awareness, Scholastic and The Century Council had published in 2006. This presented an even greater partnership to distribute awareness materials regarding social hosting and underage drinking.

The first statewide partnership was established with the Kansas State High School Activities Association (KSHSAA). The KSHSAA printed and distributed posters and campaign materials to high school coaches at their annual conference. The Kansas Leadership to Keep Children Alcohol Free then developed and distributed "Not in Our House" materials that were sent to all Kansas high schools. The packet included the following tools:

- Resolution on Stopping Underage Drinking
- Parent Pledge form
- Social Host Brochure (English and Spanish versions)
- Social Host Parent Tip Card (English and Spanish versions)
- Partnership Agreements

School administrators were asked to become partners and were given various options for involvement. The options included the following:

- Be listed as a partner
- Inform others of the campaign
- Print "Not in Our House" materials
- Promote and distribute materials
- Promote materials in agency/school newsletters/publications
- Provide a link to the KFP/KS Leadership web page for downloadable materials

Results:

Since the "Not in Our House" (NIOH) campaign began, 94,120 pieces of educational materials informing Kansas families, schools and community members about social hosting have been distributed. Fifty-seven agencies have signed on to be listed as partners; 39 agreed to inform others of the campaign; 32 agreed to print materials; 41 agreed to distribute materials to constituents; 37 agreed to promote the campaign in agency publications; and 21 added a link to the KFP/KS Leadership web page. In this two-year period, 3,020 campaign materials have also been downloaded from the KFP's web site.

After one year of promotion of the "Not in Our House" materials, the KS Leadership to Keep Children Alcohol Free Committee learned from local community advocates and prevention specialists that enforcement problems of the social hosting law existed. The Committee distributed an online survey for law enforcement officers to determine the level of knowledge and support of the social hosting law and to obtain their perceptions of possible enforcement problems. Law enforcement indicated that proving "intent" was a challenge and that prosecutors were often unwilling to file charges.

One hundred and sixty-seven law enforcement officers responded to the survey. The results indicated that 80% of law enforcement officers were aware of the change in the social hosting law, and 53% indicated that their community was aware of the law. Officers generally supported the law, with 71% responding that they supported it completely, 26% generally agreed and 4% had mixed feelings about the law.

Barriers to enforcement included lack of community support, manpower for enforcement, reluctance of prosecutors, parental attitudes and lack of community support. Law enforcement also perceived that awareness, knowledge and interest in the law in their communities were approximately 55%. Additionally, less than 50% reported that the judicial system supported the law. Data from the Kansas

Bureau of Investigation, however, indicates that there was an increase in arrests for social hosting from 79 in 2007 to 140 arrests in 2008.

Prior to the 2009 Kansas legislative session, community coalition members in one Kansas community suggested to their State Representative that an addition to K.S.A. 3610c would strengthen the law and make it easier for law enforcement to charge adults with social hosting. The issue of "intentionally providing alcohol to minors" was felt to be a barrier to prosecutions. In 2009, a change to add the word "recklessly" to the law was proposed.

Since enactment of the social hosting law, arrests have increased. In 2005, the year after the law was enacted, there were only eleven arrests. Since that time arrests have increased from 20 in 2005, 79 in 2007 and 140 in 2008. Only five months of data from 2009 were available at the time of this article. During this time period, however, there have only been 47 arrests. It is difficult to know if there will be proportionately more during the remaining seven months of the year or if 2009 will show a reduction in arrests from the previous year.

During 2008 there were reduced efforts on the part of the Kansas Leadership Committee to promote the "Not In Our House" campaign. Orders for materials were filled, but specific, targeted efforts to engage schools and others with the campaign did not occur. Based on the number of arrests to date, the Kansas Leadership Committee is planning renewed efforts to engage statewide partners to increase awareness of and support for enforcement of the social hosting law. The Committee is developing a "State of the State" document on underage drinking. This document will be sent to statewide key groups to enlist their assistance in encouraging enforcement at the local level.

The experience of the Kansas Leadership to Keep Children Alcohol Free demonstrates that the actions of a coalition with dedicated and committed members can result in statewide policy change. Enactment of a policy change designed to reduce access, however, is just one piece of the pie. Community laws and norms, parental attitudes and conditions that make enforcement difficult all play a significant role in whether adult behavior will change related to social hosting. Strongly held beliefs by parents and other adults that youth "are going to drink", that it is a "right of passage" and that "youth will be safer if they drink at home" present ongoing challenges to reducing youth access. Additionally, the belief that "if they are old enough to go to war, then they are old enough to drink" is still pervasive and presents additional challenges for community coalitions and others to counter.

Continued efforts will be required to change long held beliefs and attitudes to reduce youth access to alcohol from adults.

Author Information

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Michelle has been involved in substance abuse prevention either as a volunteer or professional staff for over 19 years. She has been Executive Director of Kansas Family Partnership since 1997 and has quadrupled the agency's budget during her tenure. She oversees agency staff and is responsible for the overall budgeting, grant writing, board development, personnel management, grant development and fiscal management of the agency. She was instrumental in establishing the Statewide Kansas Red Ribbon Campaign, developing the Kansas Leadership to Keep Children Alcohol Free Initiative and has received local and national awards for her efforts in prevention. Michelle holds a bachelor's degree in Political Science and Personnel Administration and a Masters Degree in Public Administration from the University of Kansas.