



HopeNetworks.org
8867 Highland Road
Suite 320
Baton Rouge, LA 70808

March 31, 2003

Mr. Murphy Painter
Office of Alcoholic Beverage Control
PO Box 66404
Baton Rouge, LA 70896-6404

Dear Mr. Painter:

My name is Samantha-Hope Atkins; I am the founder and Executive Director for a grass-roots driven community collaboration group, HopeNetworks.org. I am certain you will recall my testimony to the DWI Task force in the last few months. This letter is being written on behalf of several core members of our group, who like me, are very baffled by your recent vote on a task force commissioned to reduce deaths on our roads related to alcohol consumption.

On behalf of our members, we ask that you please explain to us how it is that you receive grant money from OJJDP for Enforcement of Underage Drinking and to enforce Mandatory 21, yet **you voted against** efforts to close the existing loophole which at present renders the law unenforceable.

Our records show on March 19, 2003, at the DWI Task Force Meeting you along with members of the alcohol lobby, voted against closing this loophole. We are especially interested in how you and your office plan to enforce Mandatory 21 and how your grant money will be utilized to combat the existing loophole.

The intent of the law in place is to prevent those under 21 from gaining access to alcohol. To our knowledge, you are a recipient of federal grant money from OJJDP's Enforcement of Underage Drinking Program. We understand that your agency is charged with protecting our children from the harm related to access, and consumption by those licensed to sell alcohol products.

Research shows children are more likely to avoid alcohol problems if consumption is held off until the age of 21ⁱ. As I testified, as a person in recovery, I like others am very concerned about my own children and thousands of others at higher riskⁱⁱ in this state. The existing loophole leaves many young people at great risk. The law is virtually unenforceable, for any law enforcement agency to uphold. Parents in the New Orleans area support closing this loophole. ⁱⁱⁱ

In our opinion there is no valid reason for your office not to hands down support legislation that would end the access that those under 21 presently enjoy in campus bars across the state. The issues regarding constitutionality are moot or should be to your office. Your office is not challenged with upholding the constitution, but with enforcing the existing laws in our communities. The Louisiana Supreme Court has already ruled on the existing law that mandates persons must be 21, they in fact upheld the law, this is no longer up for discussion. (Case#95-CA-2189JODY)^{iv}

In short, you and your agency are charged with protecting our children, and enforcing the existing laws. If those under 21 were not allowed into establishments with a sole purpose and primary revenue base directly focused on alcohol sales, then certainly enforcement efforts would become possible. At present they are not. The survey provided to you from Harvard^v clearly shows what we all know. Crowded campus bars, allow minors to gain access from friends in these establishments. In the words of one of my own family members "It's a joke" when asked about the enforcement and availability of this law at LSU.

As a woman in recovery from alcoholism, connected to thousands of others, I am (like countless others) very disappointed in the position you took when a vote was called. A comment was made that if we close the loophole, they will (underage drinkers) just go to apartments close to campus. That appears as

though it would have more enforcement that smoke filled crowded bar rooms. Shreveport and Alexandria already have this loop hole handled locally. I suppose some are not willing to put their children at risk, and make laws to work towards a solution. I must say when the alcohol industry lobbyists and your vote are aligned; not to the benefit of Louisiana's children, we have to wonder to whose interest you all are protecting.

Closing the loophole will reduce the illegal alcohol consumption by minors, injuries and fatalities – as well as the continued cultural norms that further the harm of excessive drinking in our state, exactly what Mandatory 21 was enacted to reduce. This loophole reduces the positive effects our lawmakers sought when raising the legal drinking age to 21.

Mr. Painter, this letter is not to criticize your office in the enforcement of the law with the existing loophole; we are of the belief that there is no enforcement even possible.

As I have stated to the DWI Task Force; Closing the loophole is the only hope for enforcing this law which has been proven constitutional.

Representative Crowe has filed a bill which provides legislation that would prevent persons 18-20 years of age from entering bars and lounges, where alcohol is the principal commodity sold, and can be consumed on the premises.

With the overwhelming amount of information stated above, one can clearly see that the current loophole is negatively affecting Louisiana. I would greatly appreciate a timely response to the questions proposed, and any support you have for your vote against closing the loophole on March 19, 2003

Thank You,



Samantha Hope-Atkins
HopeNetworks
Community network to deliver Hope.
8867 Highland Road, Suite 320
Baton Rouge, LA 70808
www.Hopenetworkg.org

CC: U. S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Enforcing the Underage Drinking Laws Program, Training Center, Pacific Institute for Research and Evaluation, The Underage Drinking Enforcement Training Center, Juvenile Justice Clearinghouse, HopeNetworks Parish Leadership,

ⁱ The following data further demonstrates this as a public health and safety issue:

The American Medical Association clearly states, in part, "The younger a person begins using alcohol, the greater the chance of developing alcohol dependence or abuse some time in their life. Of those who begin drinking at age-18, 16.6% subsequently are classified with alcohol dependence and 7.8% with alcohol abuse. If a person waits until age-21 before taking their first drink, these risks decrease by over 60% (source: Grant, BF and DA Dawson, "Age of Onset of Alcohol Use and Its Association with DSM-IV Alcohol Abuse and Dependence: Results from the National Longitudinal Alcohol Epidemiologic Study," Journal of Substance Abuse, 9:103-109, 1999.)

Approximately 11 million American youth under age 21 drink alcohol. Alcohol is a major factor in unprotected sex among youth, increasing their risk of contracting HIV or other transmitted diseases. An overwhelming number of Americans (96%) are concerned about underage drinking and a majority

support measures that would help reduce teen drinking, such as stricter controls on alcohol sales, advertising, and promotion. (Source: AMA –facts)

Further studies on our youth state, "The brain does not finish developing until a person is around 20 years old, and one of the last regions to mature is intimately involved with the ability to plan and make complex judgments."(Source: Swartzwelder, 1998)

ⁱⁱ The following mitigating circumstances render Louisiana Youth at greater risk than other states:

1. Lack of treatment services for parents of children living in Louisiana (last year alone some 35,000 people asked for treatment but were turned away due to the lack of beds available)
2. Children of Alcoholics/Addicts are genetically predisposed to this disease leaving only environmental factors to be controlled in efforts to reduce their risks exposure to known risk factors
3. Addiction is cyclical, passing from generation to generation -- Louisiana provides only 8% of those in need with available help for a chronic disease furthering the children's
4. Access to alcohol is available in the existing loophole allowing 18-21 into bars where alcohol is easily accessible.
5. Children of Alcoholics/Addicts are more likely than others to suffer lifelong harm when they begin drinking younger. Their brains are not complete in development therefore allowing access to alcohol (which is readily acknowledged to be the case with our loophole in place) this is a clear path of destruction for these individuals.
6. Louisiana has one the highest rates of poverty, incarceration and illiteracy in country all of which increase risks, and supports the ruling of the Supreme Court to recognize public safety over profits.

This data below clearly demonstrates a large amount of underage drinking in this state, and supports closing the loophole: Parents' Resource Institute for Drug Education. (July 2001). Pride Questionnaire Report: 2000-01
National Summary, Grades 6 Through 12. Bowling Green, KY: Author.

Students report that it is "fairly easy" to "very easy" to get alcohol.
55.3 percent of students report that it is "fairly easy" or "very easy" to get beer.
52.2 percent of students report that it is "fairly easy" or "very easy" to get wine coolers, and
47.6 percent of students report that it is "fairly easy" or "very easy" to get liquor.

ⁱⁱⁱ According to the 2001 Public Opinion Survey Conducted by MultiQuest INC for the Council on Alcohol & Drug Abuse for Greater New Orleans & the Louisiana Highway Safety Commission, when asked If they believe underage drinking is a problem in their community 49 percent said it was an Extreme problem and 27 percent said it was Very bad. Even more provoking was the response when people were asked, , " Should there be legislation to prohibit underage persons from entering bars?" It was 78 Yes to 21 No.

^{iv} SUPREME COURT OF LOUISIANA No. 95-CA-2189 JODY W. MANUEL, STACEY P. FORET, BURKE G. PIERROTTI and WENDELL J. MANUEL versus STATE OF LOUISIANA *These ruling states in conclusion, "In summary, every state (but Louisiana) and the federal government have drinking laws similar to the one in question. Common sense dictates that the legislatures of all other states and the Congress would never have passed such laws without a reasonable basis. The reasons are obvious -- traffic safety.* The undisputed evidence introduced by the state shows that Louisiana drivers in the age group of eighteen to twenty-year-Olds have a much greater frequency of fatal and injury-producing accidents than any other three-year age group. The trial court was not free to disregard or minimize this evidence nor is this Court. In my view, the evidence presented shows a reasonable basis for the law, and the legislature did not arbitrarily, capriciously, and unreasonably discriminate against the eighteen to twenty-year-old. I would reverse the trial court's ruling of unconstitutionality and dismiss plaintiffs' claims."

^v . 2002 LSU Results College Alcohol Study Harvard School of Public Health

18-20 year old respondents said that the number of times in the past 30 days when they drank enough to get drunk

1-2 times = 40.3% 3-5 times = 14.4% 6-19 times = 15.9% never = 29.5%

18-20 year old respondents said that they or their friends usually get alcohol with no ID at off-campus bars

yes = 66% no = 23% don't know = 11%

18-20 year old respondents who began drinking regularly between ages of 13-20

yes = 65.8% no = 34.2%

18-20 year old respondents said the age at which they first drank alcohol regularly

age 13-15 = 4.7% age 16 = 16.8% age 17 = 17.4%

age 18 = 19.5% age 19-20 = 7.4% never = 34%

18-20 year-old respondents best describe their current use of alcohol as

abstainer = 10.5% former drinker = 0.6% infrequent drinker = 7.5%

light drinker = 21% moderate drinker = 34% heavy drinker = 6.4%