

Capitol Neighborhoods, Inc.
Fact Sheet

Keg Registration: Tracking People Who Provide Alcohol to Youth

Adult hosted underage drinking is a major problem. Providing alcoholic beverages to a minor who is not your child or spouse is illegal. Beer keg registration allows authorities to track down and prosecute the individuals who provide minors with illegal alcohol. Earlier this year, 70 Memorial High School students were discovered at a keg party hosted by the 21 year old sibling of a Memorial student.

Beer keg registration does not absolve young people of responsibility; it assigns responsibility to both underage drinkers and those who provide alcohol to them in violation of the law.

The 2003 National Academy of Science/Institute of Medicine panel investigating underage drinking recommended adoption of state or local measures that would allow law enforcement to track the identity of beer keg purchasers.

Existing Keg-Reg Laws

Among the 30 states and District of Columbia with some form of statewide keg registration, the specifics vary dramatically. Utah bans the sale of beer for “off premises consumption” in containers larger than 2 liters. As of January 2005, 20 states have no state keg registration requirements.

What Wisconsin communities have adopted Keg-Reg ordinances?

LaCrosse and Stevens Point have adopted ordinances in the past year. Both ordinances contain six key provisions:

1. Any container holding at least 4 gallons of fermented malt beverage is defined as a keg.
2. The Police Department is responsible for implementation and administration of the ordinance.
3. It is illegal to possess an unregistered keg within the city.
4. Registration seals provided by the local police department must be affixed by the licensed retailer.
5. Purchasers must provide two pieces of identification.
6. Purchasers must sign a declaration and receipt for the keg with:
 - Purchasers name and address.
 - Attest they have reached the legal drinking age of 21.

- Statement that the purchaser will not will allow any consumption, contrary to state law, of keg contents.
- The seal/registration will not be removed or obliterated
- And other information the police department may require.
- The seal/or tag is removed by the retailer when the keg is returned.
- Retailers must maintain records for a minimum of a year and make the records available to the police.

Developing a beer keg registration system at any level of government requires policy advocates understanding the issues *within* any proposal. For example:

What is a beer keg? Does keg size trigger a registration on requirement?

Georgia regulates containers larger than 2 gallons, while South Dakota’s registration requirements apply at 8 gallons or larger. For example, not all state laws even define a beer keg by size.

Will the registration requirement extend to disposable kegs, also known as “party balls”?

The District of Columbia, Kansas and Virginia included disposable kegs. As alternative containers are developed – in some cases to avoid registration requirements – how will your community respond?

Will it be illegal for an individual to possess an unregistered keg?

Only 10 states make it illegal to possess an unregistered keg: California, Connecticut, Georgia, Idaho, Indiana, Kansas, Maine, Oregon, Virginia and Washington. Local ordinances can be frustrated and local merchants angered if adjoining communities do not also require kegs to be registered.

What information will keg purchasers be required to supply?

The range of information collected from beer keg purchasers varies dramatically. Specifically, Name, buyer address, date of birth, drivers license number, date of sale, buyer signature, name of seller, date keg returned, size of keg, notation whether registration tags was defaced or removed, warning notification regarding penalties for serving minors, and others.

New York keg purchasers must sign a statement stating the buyer understands underage drinking laws and that the buyer will not allow consumption of the beer in violation of the law.

What responsibilities fall on the keg seller?

What information are sellers required to log? How long do the logs need to be maintained and when are keg purchase records available for inspection by the police? Are purchase logs public records? For example, could a parent stop buy to see if their of-age off spring or spouse was purchasing a keg?

Since many existing keg retailers already keep name and address information on the individuals purchasing kegs, this requirement is not completely inconsistent with current business practices, but it does place an extra requirement on sellers

Will an additional fee be assessed and what portion is refundable when the keg is returned?

Often deposits are required for the beer tap, but not the keg itself. Fees ranging from a nonrefundable \$1.00 to \$75 refundable have been set by states in their state-wide keg registration program.

Does the seller have a responsibility to warn purchasers about the personal and criminal liability risk?

Eleven states require sellers to warn buyers about issues like prohibitions against serving. Seven states and the District of Columbia require sellers to secure some indication that purchasers were warned, such as an initialed statement. Four states allow passive warnings like signs or brochures.

Statewide laws can delegate the nuts and bolts of a program to agency staff, the mechanics of keg registration need to be described in local ordinances.

Will each keg be given a unique identifier? How?

Most, but not all statewide laws, require unique identifiers. The most common systems are metal or plastic tags, stickers, invisible ink or engraving. State statute usually delegate decisions on specific marking systems to alcohol control personnel. Those charged with administering keg-registration programs struggle with tampering and removal concerns.

Does a community want to piggy back other policy options, such a two keg per person limit, on the ordinance?

What are the consequences for license renewal if records are not maintained, kept current or made available as required?

Sources

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