

108th CONGRESS
2nd Session

S./H.R. ____

To amend the Public Health Service Act to authorize the development and implementation of a comprehensive national strategy to reduce underage drinking, and for other purposes.

IN THE SENATE/HOUSE OF THE UNITED STATES

__, 2004

Mr./Ms. _____ (for himself/herself and _____) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions/Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to authorize the development and implementation of a comprehensive national strategy to reduce and prevent underage drinking, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘Underage Drinking Prevention and Reduction Act of 2004.’

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) the term “Secretary” shall refer to the Secretary of Health and Human Services, unless otherwise indicated.

(2) the term “underage drinking” means any consumption of alcoholic beverages by individuals who have not attained the age at which it is legal to purchase such beverages in the State with jurisdiction over the sale.

SEC. 3. FINDINGS. Congress makes the following findings:

(1) In its report, *Reducing Underage Drinking: A Collective Responsibility* (2004), the National Research Council and Institute of Medicine determined that the problem of underage drinking is endemic and not likely to improve in the absence of a significant new intervention.

(2) There is strong evidence supporting the findings of the National Research Council and the Institute of Medicine, including:

(a) Nearly half of eighth graders have tried alcohol, 20 percent in the past 30 days;

(b) More than a third of 10th graders and nearly half of high school seniors have consumed alcohol in the past month;

(c) More than 10 percent of eighth graders, 20 percent of 10th graders and 25 percent of 12th graders report drinking five or more drinks in a row in the previous two weeks; and

(d) Teenagers generally drink more heavily and recklessly than adults – usually consuming an average of four and a half drinks per drinking day, in contrast with adult drinkers who report usually drinking fewer than three drinks.

(3) The cost of underage drinking exceeds \$50 billion per year, including approximately \$20 billion from traffic crashes, and approximately \$30 billion from violent crime.

(4) Each year, underage drinking leads to an estimated 3,500 deaths, 2 million non-fatal injuries, 1,000 cases of fetal alcohol syndrome, and approximately 60,000 cases of treatment for alcohol dependence syndrome. Alcohol is involved in an estimated 1,500 homicides and 300 suicides among those under 21.

(5) While only 7 percent of licensed drivers are aged 15 to 20, they represented approximately 13 percent of drivers involved in fatal crashes who had been drinking.

(6) Young people who have been drinking are less likely to wear a safety belt, and more likely to ride with an intoxicated driver.

(7) Acute consequences of underage drinking include unintentional death and injury associated with driving or engaging in other risky tasks after drinking, homicide and violence, suicide attempts, sexual assault, risky sexual behavior, and vandalism and property damage. These consequences appear to be more severe for those who start drinking at a young age.

(8) On college campuses, 95 percent of all violent crime and 90 percent of college rapes involve the use of alcohol by the assailant, the victim, or both.

(9) New research on adolescent brain development suggests that early heavy alcohol use may also have negative effects on the physical development of brain structure, and on brain functioning, including decreased ability in planning and executive functioning, memory, spatial operations, and attention.

(10) More youth drink alcohol than smoke tobacco or use other illegal drugs. Yet in fiscal year 2000, federal funds targeted at reducing underage alcohol use in the Departments of Health and

Human Services, Justice and Transportation totaled \$71.1 million, compared to \$1.8 billion for drug abuse prevention (including prevention research), and more than \$100 million for smoking prevention.

(11) The federal government should fund and actively support the development of a national media campaign as the centerpiece of a national strategy to prevent and reduce underage drinking, and it should be adult-oriented and designed to instill a broad societal commitment to reduce underage drinking.

(12) Increased coordination and leadership at the federal level is necessary to ensure that the prevention of underage drinking is given the priority it deserves.

(13) Critical gaps in public health surveillance should be addressed by collecting data on brands used by underage drinkers and by tracking and monitoring alcohol advertising that reaches the underage audience.

(14) Federal support for increasing community mobilization efforts to prevent and reduce underage drinking is critical for progress at the state, Tribal and local levels.

Title I. National Strategy to Reduce Underage Drinking.

Section 101. COMPREHENSIVE STRATEGY.

Not later than 6 months after the date of the enactment of this section, the Secretary shall develop and submit to the Congress a comprehensive national strategy to reduce underage drinking. The strategy shall be based on the report of the National Research Council and Institute of Medicine, *Reducing Underage Drinking: A Collective Responsibility* (2004) and shall include:

(a) a plan for development and implementation of the national media campaign authorized in Title III of this Act that includes goals and objectives of the campaign, reach and frequency goals of the campaign, target audiences, message points that will be effective in changing attitudes and behavior, and a plan to provide for an independent evaluation of the effectiveness of the national media campaign;

(b) epidemiological data on the key indicators of underage drinking, the average age of first use, the prevalence of current use among particular age groups, the frequency and quantity of drinking among pertinent age groups, the harmful consequences of alcohol use among pertinent age groups, the amount, type and brands of alcohol consumed by youth;

(c) a certification that the Secretary has established the Federal Interagency Coordinating Committee on the Reduction of Underage Drinking pursuant to section 201 of this Act;

(d) an implementation plan for the grant program authorized in Title IV of this Act;

(e) measurable goals by which the success of the comprehensive national strategy to reduce underage drinking may be assessed in the future.

Section 102. ANNUAL REPORT TO CONGRESS.

The Secretary shall submit to the Congress each year a report summarizing all federal agency activities relevant to the implementation of each aspect of the national strategy to reduce underage drinking, progress in reducing underage drinking, and key surveillance data. The report shall include:

- (a) a description of all activities for which amounts available were obligated during the preceding year;
- (b) results of activities funded;
- (c) data on key indicators of underage drinking to assess whether the national strategy is meeting the measurable goals set forth in the initial strategy;
- (d) data on youth brand preferences and sources of alcohol;
- (e) data on the extent to which alcohol advertising and entertainment with alcohol content reaches underage populations;
- (f) any updates of or changes to the national strategy, including any proposals for legislative action to carry out the national strategy.

Title II. Federal Interagency Coordinating Committee on the Reduction of Underage Drinking.

Section 201. ESTABLISHMENT OF COORDINATING COMMITTEE.

The President shall establish the Federal Interagency Coordinating Committee on the Prevention and Reduction of Underage Drinking. The Committee shall consist of the Secretary of Health and Human Services, the Attorney General, the Secretary of Transportation, the Secretary of Education, the Secretary of the Treasury, the Secretary of Defense, and the Director of National Drug Control Policy, and shall be chaired by the Secretary of Health and Human Services. The Committee shall meet at least once a year. The Committee shall:

- (a) develop the national strategy to reduce underage drinking;
- (b) coordinate the federal programs for the reduction of underage drinking;
- (c) develop the annual report required under section 102 of this Act.

Section 202. ESTABLISHMENT OF NATIONAL TRAINING CENTER.

The Secretary, after consulting with the Federal Interagency Coordinating Committee on the Prevention and Reduction of Underage Drinking, shall establish a National Training and Research Center on Underage Drinking in the Department of Health and Human Services. The Center shall provide technical assistance, training, and evaluation support to the community

based programs established under Title IV and shall monitor the progress in implementing the national goals established under Title I of this Act.

Title III. National Media Campaign to Reduce Underage Drinking.

Section 301. REQUIREMENT TO CONDUCT A NATIONAL MEDIA CAMPAIGN.

(a) (1) The Secretary shall develop, implement, and conduct a national media campaign in accordance with this section for the purpose of reducing underage drinking in the United States.

(2) The national media campaign shall be based on the recommendations of the National Research Council and Institute of Medicine, contained in its report *Reducing Underage Drinking: A Collective Responsibility* (2004) and shall adopt methods designed to install a broad societal commitment to reduce underage drinking through a campaign targeted at adults, and shall include: goals and objectives of the campaign; reach and frequency goals of the campaign; target audiences; message points that will be effective in changing attitudes and behavior; and a plan to provide for an independent evaluation of the effectiveness of the national media strategy.

(b) In developing, implementing, and conducting the national media campaign, the Secretary shall supplement and not supplant existing efforts by Federal, State, local, private, and nonprofit entities to reduce and prevent underage drinking in the United States and shall coordinate with other Federal agencies, including the Centers for Disease Control and Prevention, the National Institute on Alcohol Abuse and Alcoholism, the Substance Abuse and Mental Health Services Administration, the National Institute on Drug Abuse, the Department of Justice, the Department of Transportation, and the Office of National Drug Control Policy.

(c) The Secretary shall ensure that, to the maximum extent feasible, the national media campaign is designed to instill a broad societal commitment to reduce underage drinking, to increase specific actions by adults that are meant to discourage or inhibit underage drinking, and to decrease adult conduct that tends to facilitate underage drinking.

(d) The Secretary shall ensure that the national media campaign includes messages that are language-appropriate and culturally competent to reach minority groups.

Section 302. USE OF FUNDS.

(a) **ADVERTISING-** Of the amounts available under this title, the Secretary shall devote sufficient funds to the advertising portion of the national media campaign to meet the reach and frequency goals established under section 101(c) to reduce underage drinking.

(b) **AUTHORIZED USES-**

(1) IN GENERAL- Amounts available under this title may only be used for the development and implementation of the national media campaign, including: the purchase of media time and space; talent reuse payments; out-of-pocket advertising production costs; and evaluation of the effectiveness of the media campaign.

(2) PROHIBITIONS- None of the amounts available under this title may be used—

(A) to supplant efforts of community-based coalitions to reduce and prevent underage drinking;

(B) to supplant current pro bono public service time donated by national and local broadcasting networks;

(C) for partisan political purposes;

(D) to fund media campaigns that feature any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of schedule C of title 5, Code of Federal Regulations; or

(E) to fund or support advertising messages bearing any company or brand logos or other identifying corporate or trade information.

Section 303. AUTHORIZATION OF APPROPRIATIONS- For the purpose of carrying out this title, there are authorized to be appropriated \$100 million for fiscal year 2005 and each of the following four fiscal years.

Title IV. Federal Grants to State and Local Governments to Reduce Underage Drinking

Section 401. ENTITIES ELIGIBLE FOR GRANTS. The Secretary of Health and Human Services shall make available grants to assist communities in reducing underage drinking. The following entities shall be eligible to apply for such grants:

- (a) States;
- (b) Territories;
- (c) Tribal governments;
- (d) Local governments, including cities and counties;
- (e) Community-based organizations.

Section 402. PERMISSIBLE USE OF FUNDS. Funds authorized under this title shall be used to:

- (a) Develop a strategy for reducing underage drinking in the relevant community or communities;
- (b) Support community-based coalitions that work to discourage underage drinking and advocate for measures to reduce underage drinking;
- (c) Support local dissemination of the national media campaign authorized in Title III of this Act;
- (d) Improve the enforcement of laws prohibiting underage drinking;
- (e) Monitor alcohol advertising in the community and establish mechanisms to reduce the exposure of minors to alcohol advertising;
- (f) Conduct compliance checks to test whether retailers are abiding by laws prohibiting the sale of alcoholic beverages to minors, including notification of retailers concerning the program and follow-up communication to retailers about the outcome of such checks;
- (g) Encourage retailers to post prominent signage discouraging underage drinking;
- (h) Impose sanctions on retailers who fail to abide by relevant laws and regulations prohibiting the sale of alcoholic beverages to minors, including the issuance of citations, imposition of fines and revocation of licenses, as appropriate;
- (i) Provide appropriate treatment and counseling services to underage drinkers;
- (j) Improve school and community-based education programs related to underage drinking;
- (k) Train police officers, teachers, retailers and other relevant adults in matters related to underage drinking.

Section 403. REQUIREMENT FOR GOVERNMENT GRANTEEES. As a condition of receiving a grant under this title, a state, local government or other governmental grantee shall:

- (a) Demonstrate appropriate collaboration with other government entities and community-based organizations;
- (b) Establish an advisory council that shall include members of community-based organizations and experts in the fields of public health, education, substance abuse treatment and public safety;

(c) Establish a process to review existing laws, ordinances, regulations or rules of the jurisdiction that relate to the sale, purchase and consumption of alcoholic beverages to ensure that such laws, ordinances, regulations or rules meaningfully deter underage drinking;

(d) Afford members of the public an opportunity to comment on the review described in the preceding subsection.

Section 404. MAINTENANCE OF EFFORT. Grants provided under this title shall be used to supplement and not supplant existing efforts by the grantee or other governmental and non-governmental organizations in the community to discourage underage drinking.

Section 405. SUPPLEMENTAL INCENTIVE GRANTS. The Secretary shall establish a process under which grantees that meet pre-established performance and outcome measures for reducing underage drinking may receive supplemental federal funding.

Section 406. AUTHORIZATION OF APPROPRIATIONS. For the purpose of carrying out this title, there are authorized to be appropriated \$100 million for fiscal year 2005 and each of the following four fiscal years.