^{109TH CONGRESS} **H.R.864**

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2006 Received

AN ACT

To provide for programs and activities with respect to the prevention of underage drinking.

1 Be it enacted by the Senate and House of Representa-

2 tives of the United States of America in Congress assembled,

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- 2 (a) SHORT TITLE.—This Act may be cited as the
- 3 "Sober Truth on Preventing Underage Drinking Act, or
- 4 the 'STOP Underage Drinking Act'".
- 5 (b) TABLE OF CONTENTS.—The table of contents for
- 6 this Act is as follows:

Sec. 1. Short title; table of contents. Sec. 2. Definitions.

TITLE I—SENSE OF CONGRESS

Sec. 101. Sense of Congress.

TITLE II—INTERAGENCY COORDINATING COMMITTEE; ANNUAL REPORT ON STATE UNDERAGE DRINKING PREVENTION AND ENFORCEMENT ACTIVITIES

- Sec. 201. Interagency coordinating committee on the prevention of underage drinking.
- Sec. 202. Annual report on State underage drinking prevention and enforcement activities.
- Sec. 203. Authorization of appropriations.

TITLE III—NATIONAL MEDIA CAMPAIGN

Sec. 301. National media campaign to prevent underage drinking.

TITLE IV—INTERVENTIONS

- Sec. 401. Community-based coalition enhancement grants to prevent underage drinking.
- Sec. 402. Grants directed at preventing and reducing alcohol abuse at institutions of higher education.

TITLE V—ADDITIONAL RESEARCH

Sec. 501. Additional research on underage drinking. Sec. 502. Authorization of appropriations.

7 SEC. 2. DEFINITIONS.

- 8 For purposes of this Act:
- 9 (1) The term "alcohol beverage industry"
- 10 means the brewers, vintners, distillers, importers,
- 11 distributors, and retail or online outlets that sell or
- 12 serve beer, wine, and distilled spirits.

1 (2) The term "school-based prevention" means 2 programs, which are institutionalized, and run by 3 staff members or school-designated persons or orga-4 nizations in any grade of school, kindergarten 5 through 12th grade. (3) The term "youth" means persons under the 6 7 age of 21. (4) The term "IOM report" means the report 8 9 released in September 2003 by the National Re-10 search Council, Institute of Medicine, and entitled 11 "Reducing Underage Drinking: A Collective Respon-12 sibility". TITLE I—SENSE OF CONGRESS 13 14 SEC. 101. SENSE OF CONGRESS. 15 It is the sense of the Congress that: 16 (1) A multi-faceted effort is needed to more 17 successfully address the problem of underage drink-18 ing in the United States. A coordinated approach to 19 prevention, intervention, treatment, enforcement, 20 and research is key to making progress. This Act recognizes the need for a focused national effort, 21 22 and addresses particulars of the Federal portion of 23 that effort, as well as Federal support for State activities. 24

1	(2) The Secretary of Health and Human Serv-
2	ices shall continue to conduct research and collect
3	data on the short and long-range impact of alcohol
4	use and abuse upon adolescent brain development
5	and other organ systems.
6	(3) States and communities, including colleges
7	and universities, are encouraged to adopt com-
8	prehensive prevention approaches, including—
9	(A) evidence-based screening, programs
10	and curricula;
11	(B) brief intervention strategies;
12	(C) consistent policy enforcement; and
13	(D) environmental changes that limit un-
14	derage access to alcohol.
15	(4) Public health groups, consumer groups, and
16	the alcohol beverage industry should continue and
17	expand evidence-based efforts to prevent and reduce
18	underage drinking.
19	(5) The entertainment industries have a power-
20	ful impact on youth, and they should use rating sys-
21	tems and marketing codes to reduce the likelihood
22	that underage audiences will be exposed to movies,
23	recordings, or television programs with unsuitable
24	alcohol content.

(6) The National Collegiate Athletic Associa-2 tion, its member colleges and universities, and ath-3 letic conferences should affirm a commitment to a 4 policy of discouraging alcohol use among underage 5 students and other young fans.

6 (7) Alcohol is a unique product and should be 7 regulated differently than other products by the 8 States and Federal Government. States have pri-9 mary authority to regulate alcohol distribution and 10 sale, and the Federal Government should support 11 and supplement these State efforts. States also have 12 a responsibility to fight youth access to alcohol and 13 reduce underage drinking. Continued State regula-14 tion and licensing of the manufacture, importation, 15 sale, distribution, transportation and storage of alco-16 holic beverages are clearly in the public interest and 17 are critical to promoting responsible consumption, 18 preventing illegal access to alcohol by persons under 19 21 years of age from commercial and non-commer-20 cial sources, maintaining industry integrity and an 21 orderly marketplace, and furthering effective State 22 tax collection.

TITLE **II—INTERAGENCY** CO-1 **ORDINATING COMMITTEE:** 2 ANNUAL REPORT ON STATE 3 UNDERAGE DRINKING PRE-4 VENTION AND ENFORCEMENT 5 ACTIVITIES 6

7 SEC. 201. INTERAGENCY COORDINATING COMMITTEE ON

THE PREVENTION OF UNDERAGE DRINKING.

9 (a) IN GENERAL.—The Secretary of Health and 10 Human Services, in collaboration with the Federal officials 11 specified in subsection (b), shall formally establish and en-12 hance the efforts of the interagency coordinating com-13 mittee, that began operating in 2004, focusing on under-14 age drinking (referred to in this section as the "Com-15 mittee").

16 (b) OTHER AGENCIES.—The officials referred to in subsection (a) are the Secretary of Education, the Attor-17 18 ney General, the Secretary of Transportation, the Sec-19 retary of the Treasury, the Secretary of Defense, the Sur-20 geon General, the Director of the Centers for Disease Con-21 trol and Prevention, the Director of the National Institute 22 on Alcohol Abuse and Alcoholism, the Administrator of the 23 Substance Abuse and Mental Health Services Administra-24 tion, the Director of the National Institute on Drug 25 Abuse, the Assistant Secretary for Children and Families,

the Director of the Office of National Drug Control Policy,
 the Administrator of the National Highway Traffic Safety
 Administration, the Administrator of the Office of Juve nile Justice and Delinquency Prevention, the Chairman of
 the Federal Trade Commission, and such other Federal
 officials as the Secretary of Health and Human Services
 determines to be appropriate.

8 (c) CHAIR.—The Secretary of Health and Human9 Services shall serve as the chair of the Committee.

10 (d) DUTIES.—The Committee shall guide policy and 11 program development across the Federal Government with 12 respect to underage drinking, provided, however, that 13 nothing in this Act shall be construed as transferring reg-14 ulatory or program authority from an Agency to the Co-15 ordinating Committee.

(e) CONSULTATIONS.—The Committee shall actively
seek the input of and shall consult with all appropriate
and interested parties, including States, public health research and interest groups, foundations, and alcohol beverage industry trade associations and companies.

21 (f) ANNUAL REPORT.—

(1) IN GENERAL.—The Secretary of Health and
Human Services, on behalf of the Committee, shall
annually submit to the Congress a report that summarizes—

1	(A) all programs and policies of Federal
2	agencies designed to prevent and reduce under-
3	age drinking;
4	(B) the extent of progress in preventing
5	and reducing underage drinking nationally;
6	(C) data that the Secretary shall collect
7	with respect to the information specified in
8	paragraph (2); and
9	(D) such other information regarding un-
10	derage drinking as the Secretary determines to
11	be appropriate.
12	(2) CERTAIN INFORMATION.—The report under
13	paragraph (1) shall include information on the fol-
14	lowing:
15	(A) Patterns and consequences of under-
16	age drinking as reported in research and sur-
17	veys such as, but not limited to Monitoring the
18	Future, Youth Risk Behavior Surveillance Sys-
19	tem, the National Survey on Drug Use and
20	Health, and the Fatality Analysis Reporting
21	System.
22	(B) Measures of the availability of alcohol
23	from commercial and non-commercial sources to
24	underage populations.

1	(C) Measures of the exposure of underage
2	populations to messages regarding alcohol in
3	advertising and the entertainment media as re-
4	ported by the Federal Trade Commission.
5	(D) Surveillance data, including informa-
6	tion on the onset and prevalence of underage
7	drinking, consumption patterns and the means
8	of underage access. The Secretary shall develop
9	a plan to improve the collection, measurement
10	and consistency of reporting Federal underage
11	alcohol data.
12	(E) Any additional findings resulting from
13	research conducted or supported under section
14	501.
15	(F) Evidence-based best practices to pre-
16	vent and reduce underage drinking and provide
17	treatment services to those youth who need
18	them.
19	SEC. 202. ANNUAL REPORT ON STATE UNDERAGE DRINK-
20	ING PREVENTION AND ENFORCEMENT AC-
21	TIVITIES.
22	(a) IN GENERAL.—The Secretary of Health and
23	Human Services (referred to in this section as the "Sec-
24	retary") shall, with input and collaboration from other ap-
25	propriate Federal agencies, States, Indian tribes, terri-

tories, and public health, consumer, and alcohol beverage
 industry groups, annually issue a report on each State's
 performance in enacting, enforcing, and creating laws,
 regulations, and programs to prevent or reduce underage
 drinking.

6 (b) STATE PERFORMANCE MEASURES.—

7 (1) IN GENERAL.—The Secretary shall develop,
8 in consultation with the Committee established in
9 section 201, a set of measures to be used in pre10 paring the report on best practices.

(2) CATEGORIES.—In developing these measures, the Secretary shall consider categories including, but not limited to:

14 (A) Whether or not the State has com-15 prehensive anti-underage drinking laws such as 16 for the illegal sale, purchase, attempt to pur-17 chase, consumption, or possession of alcohol; il-18 legal use of fraudulent ID; illegal furnishing or 19 obtaining of alcohol for an individual under 21 20 years; the degree of strictness of the penalties 21 for such offenses; and the prevalence of the en-22 forcement of each of these infractions.

23 (B) Whether or not the State has com24 prehensive liability statutes such as dram shop,
25 social host and "house party" laws; and the

prevalence of enforcement of each of these infractions.

3 (C) Whether or not the State encourages 4 and conducts comprehensive enforcement efforts at retail outlets, such as random compli-5 6 ance checks and shoulder tap programs; and 7 the number of compliance checks within alcohol 8 retail outlets measured against the number of 9 total alcohol retail outlets in each State; and 10 the results of such checks.

(D) Whether or not the State mandates or
encourages training on the proper selling and
serving of alcohol for all sellers and servers of
alcohol as a condition of employment.

(E) Whether or not the State has policies
and regulations with regard to direct sales to
consumers and home delivery of alcoholic beverages.

(F) Whether or not the State has programs or laws to deter adults from purchasing
alcohol for minors; and the number of adults
targeted by these programs.

23 (G) Whether or not the State has pro-24 grams targeted to youths, parents, and care-

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1	givers to deter underage drinking; and the num-
2	ber of individuals served by these programs.
3	(H) Whether or not the State has enacted
4	graduated drivers licenses and the extent of
5	those provisions.
6	(I) The amount that the State invests, per
7	youth capita, on the prevention of underage
8	drinking, further broken down by the amount
9	spent on—
10	(i) compliance check programs in re-
11	tail outlets, including providing technology
12	to prevent and detect the use of false iden-
13	tification by minors to make alcohol pur-
14	chases;
15	(ii) checkpoints and saturation pa-
16	trols;
17	(iii) community-based, school-based,
18	and higher-education-based programs to
19	prevent underage drinking;
20	(iv) underage drinking prevention pro-
21	grams that target youth within the juvenile
22	justice and child welfare systems; and
23	(v) other State efforts or programs as
24	deemed appropriate.

2 There are authorized to be appropriated to carry out
3 this title \$1,000,000 for fiscal year 2007, and \$1,000,000
4 for each of the fiscal years 2008 through 2010.

5 **TITLE III—NATIONAL MEDIA** 6 **CAMPAIGN**

7 SEC. 301. NATIONAL MEDIA CAMPAIGN TO PREVENT UN8 DERAGE DRINKING.

9 (a) SCOPE OF THE CAMPAIGN.—The Secretary of 10 Health and Human Services shall continue to fund and 11 oversee the production, broadcasting, and evaluation of 12 the Ad Council's national adult-oriented media public serv-13 ice campaign.

14 (b) REPORT.—The Secretary of Health and Human 15 Services shall provide a report to the Congress annually 16 detailing the production, broadcasting, and evaluation of the campaign referred to in subsection (a), and to detail 17 in the report the effectiveness of the campaign in reducing 18 19 underage drinking, the need for and likely effectiveness of an expanded adult-oriented media campaign, and the 20 21 feasibility and the likely effectiveness of a national youth-22 focused media campaign to combat underage drinking.

23 (c) CONSULTATION REQUIREMENT.—In carrying out
24 the media campaign, the Secretary of Health and Human
25 Services shall direct the Ad Council to consult with inter26 ested parties including both the alcohol beverage industry
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SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

and public health and consumer groups. The progress of
 this consultative process is to be covered in the report
 under subsection (b).

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section,
6 \$1,000,000 for fiscal year 2007 and \$1,000,000 for each
7 of the fiscal years 2008 through 2010.

8 TITLE IV—INTERVENTIONS

9 SEC. 401. COMMUNITY-BASED COALITION ENHANCEMENT

10 GRANTS TO PREVENT UNDERAGE DRINKING.

11 (a) AUTHORIZATION OF PROGRAM.—The Adminis-12 trator of the Substance Abuse and Mental Health Services 13 Administration, in consultation with the Director of the Office of National Drug Control Policy, shall award "en-14 15 hancement grants" to eligible entities to design, test, evaluate and disseminate effective strategies to maximize 16 the effectiveness of community-wide approaches to pre-17 venting and reducing underage drinking. 18

19 (b) PURPOSES.—The purposes of this section are20 to—

(1) prevent and reduce alcohol use among youth
in communities throughout the United States;

23 (2) strengthen collaboration among commu24 nities, the Federal Government, and State, local,
25 and tribal governments;

(3) enhance intergovernmental cooperation and
 coordination on the issue of alcohol use among
 youth;

4 (4) serve as a catalyst for increased citizen par5 ticipation and greater collaboration among all sec6 tors and organizations of a community that first
7 demonstrates a long-term commitment to reducing
8 alcohol use among youth;

9 (5) disseminate to communities timely informa-10 tion regarding state-of-the-art practices and initia-11 tives that have proven to be effective in preventing 12 and reducing alcohol use among youth; and

13 (6) enhance, not supplant, effective local com14 munity initiatives for preventing and reducing alco15 hol use among youth.

16 (c) APPLICATION.—An eligible entity desiring an en-17 hancement grant under this section shall submit an appli-18 cation to the Administrator at such time, and in such 19 manner, and accompanied by such information as the Ad-20 ministrator may require. Each application shall include—

(1) a complete description of the entity's current underage alcohol use prevention initiatives and
how the grant will appropriately enhance the focus
on underage drinking issues; or

(2) a complete description of the entity's cur rent initiatives, and how it will use this grant to en hance those initiatives by adding a focus on under age drinking prevention.

5 (d) USES OF FUNDS.—Each eligible entity that re-6 ceives a grant under this section shall use the grant funds 7 to carry out the activities described in such entity's appli-8 cation submitted pursuant to subsection (c). Grants under 9 this section shall not exceed \$50,000 per year and may 10 not exceed four years.

(e) SUPPLEMENT NOT SUPPLANT.—Grant funds
provided under this section shall be used to supplement,
not supplant, Federal and non-Federal funds available for
carrying out the activities described in this section.

15 (f) DEFINITIONS.—For purposes of this section, the 16 term "eligible entity" means an organization that is cur-17 rently receiving or has received grant funds under the 18 Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et 19 seq.).

20 (g) ADMINISTRATIVE EXPENSES.—Not more than 6
21 percent of a grant under this section may be expended
22 for administrative expenses.

23 (h) AUTHORIZATION OF APPROPRIATIONS.—There24 are authorized to be appropriated to carry out this section

\$5,000,000 for fiscal year 2007, and \$5,000,000 for each
 of the fiscal years 2008 through 2010.

3 SEC. 402. GRANTS DIRECTED AT PREVENTING AND REDUC4 ING ALCOHOL ABUSE AT INSTITUTIONS OF 5 HIGHER EDUCATION.

6 (a) AUTHORIZATION OF PROGRAM.—The Secretary
7 shall award grants to eligible entities to enable the entities
8 to prevent and reduce the rate of underage alcohol con9 sumption including binge drinking among students at in10 stitutions of higher education.

(b) APPLICATIONS.—An eligible entity that desires to
receive a grant under this Act shall submit an application
to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.
Each application shall include—

- 16 (1) a description of how the eligible entity will
 17 work to enhance an existing, or where none exists to
 18 build a, statewide coalition;
- 19 (2) a description of how the eligible entity will20 target underage students in the State;
- (3) a description of how the eligible entity intends to ensure that the statewide coalition is actually implementing the purpose of this Act and moving toward indicators described in section (d);

1	(4) a list of the members of the statewide coali-
2	tion or interested parties involved in the work of the
3	eligible entity;
4	(5) a description of how the eligible entity in-
5	tends to work with State agencies on substance
6	abuse prevention and education;
7	(6) the anticipated impact of funds provided
8	under this Act in preventing and reducing the rates
9	of underage alcohol use;
10	(7) outreach strategies, including ways in which
11	the eligible entity proposes to—
12	(A) reach out to students and community
13	stakeholders;
14	(B) promote the purpose of this Act;
15	(C) address the range of needs of the stu-
16	dents and the surrounding communities; and
17	(D) address community norms for under-
18	age students regarding alcohol use; and
19	(8) such additional information as required by
20	the Secretary.
21	(c) USES OF FUNDS.—Each eligible entity that re-
22	ceives a grant under this section shall use the grant funds
23	to carry out the activities described in such entity's appli-
24	cation submitted pursuant to subsection (b).

1 (d) ACCOUNTABILITY.—On the date on which the 2 Secretary first publishes a notice in the Federal Register 3 soliciting applications for grants under this section, the 4 Secretary shall include in the notice achievement indica-5 tors for the program authorized under this section. The 6 achievement indicators shall be designed—

7 (1) to measure the impact that the statewide 8 coalitions assisted under this Act are having on the 9 institutions of higher education and the surrounding 10 communities, including changes in the number of in-11 cidents of any kind in which students have abused 12 alcohol or consumed alcohol while under the age of 13 21 (including violations, physical assaults, sexual as-14 saults, reports of intimidation, disruptions of school 15 functions, disruptions of student studies, mental 16 health referrals, illnesses, or deaths);

17 (2) to measure the quality and accessibility of
18 the programs or information offered by the eligible
19 entity; and

20 (3) to provide such other measures of program
21 impact as the Secretary determines appropriate.

(e) SUPPLEMENT NOT SUPPLANT.—Grant funds
provided under this Act shall be used to supplement, and
not supplant, Federal and non-Federal funds available for
carrying out the activities described in this section.

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(f) DEFINITIONS.—For purposes of this section:
(1) ELIGIBLE ENTITY.—The term "eligible enti-
ty" means a State, institution of higher education,
or nonprofit entity.
(2) INSTITUTION OF HIGHER EDUCATION.—The
term "institution of higher education" has the
meaning given the term in section 101(a) of the
Higher Education Act of 1965 (20 U.S.C. 1001(a)).
(3) Secretary.—The term "Secretary" means
the Secretary of Education.
(4) STATE.—The term "State" means each of
the 50 States, the District of Columbia, and the
Commonwealth of Puerto Rico.
(5) STATEWIDE COALITION.—The term "state-
wide coalition" means a coalition that—
(A) includes, but is not limited to—
(i) institutions of higher education
within a State; and
(ii) a nonprofit group, a community
underage drinking prevention coalition, or
another substance abuse prevention group
within a State; and
(B) works toward lowering the alcohol
abuse rate by targeting underage students at

1	institutions of higher education throughout the
2	State and in the surrounding communities.
3	(6) SURROUNDING COMMUNITY.—The term
4	"surrounding community" means the community—
5	(A) that surrounds an institution of higher
6	education participating in a statewide coalition;
7	(B) where the students from the institu-
8	tion of higher education take part in the com-
9	munity; and
10	(C) where students from the institution of
11	higher education live in off-campus housing.
12	(g) Administrative Expenses.—Not more than 5
13	percent of a grant under this section may be expended
14	for administrative expenses.
15	(h) AUTHORIZATION OF APPROPRIATIONS.—There
16	are authorized to be appropriated to carry out this section
17	\$5,000,000 for fiscal year 2007, and \$5,000,000 for each
18	of the fiscal years 2008 through 2010.
19	TITLE V—ADDITIONAL
20	RESEARCH
21	SEC. 501. ADDITIONAL RESEARCH ON UNDERAGE DRINK-
22	ING.
23	(a) IN GENERAL.—The Secretary of Health and
24	Human Services shall collect data on, and conduct or sup-

port research on, underage drinking with respect to the
 following:

3 (1) Comprehensive community-based programs
4 or strategies and statewide systems to prevent and
5 reduce underage drinking, across the underage years
6 from early childhood to age 21, including programs
7 funded and implemented by government entities,
8 public health interest groups and foundations, and
9 alcohol beverage companies and trade associations.

10 (2) Annually obtain and report more precise in-11 formation than is currently collected on the scope of 12 the underage drinking problem and patterns exhib-13 ited in underage alcohol consumption, including im-14 proved knowledge of both the problem and progress 15 in preventing, reducing and treating underage drink-16 ing; as well as information on the rate of exposure 17 of youth to advertising and other media messages 18 encouraging and discouraging alcohol consumption.

(3) Compiling information on the involvement
of alcohol in unnatural deaths of persons ages 12 to
20 in the United States, including suicides, homicides, and unintentional injuries such as falls,
drownings, burns, poisonings, and motor vehicle
crash deaths.

(b) CERTAIN MATTERS.—The Secretary of Health
 and Human Services shall carry out activities toward the
 following objectives with respect to underage drinking:

4 (1) Obtaining new epidemiological data within 5 the National Epidemiological Study on Alcoholism 6 and Related Conditions and other national or tar-7 geted surveys that identify alcohol use and attitudes about alcohol use during pre- and early adolescence, 8 9 including harm caused to self or others as a result 10 of adolescent alcohol use such as violence, date rape, 11 risky sexual behavior, and prenatal alcohol exposure. 12 (2) Developing or identifying successful clinical 13 treatments for youth with alcohol problems.

14 (c) PEER REVIEW.—Research under section 501
15 must meet current Federal standards for scientific peer
16 review.

17 SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out
section 501 \$6,000,000 for fiscal year 2007, and

1 \$6,000,000 for each of the fiscal years 2008 through2 2010.

Passed the House of Representatives November 14, 2006.

Attest:

KAREN L. HAAS, *Clerk.*