REPORT TO CONGRESS ON THE PREVENTION AND REDUCTION OF UNDERAGE DRINKING

POLICY SUMMARY: Youth Blood Alcohol Concentration Limits
Time period covered by this version of the Report to Congress: The 2017 version of the Report to Congress on the Prevention and Reduction of Underage Drinking primarily includes data from calendar year 2016. Epidemiological data in Chapters 1 and 2 draw from the most recently available federal survey data as of 2016. Chapter 3 includes data on ICCPUD member agency underage drinking activities in calendar year 2016. The state legal data reported in Chapter 4 reflects the state of the law as of January 1, 2016. The state survey data presented in Chapter 4 was collected in 2016, and is drawn from the most recent 12-month period in which the states maintained the data. Chapter 5 describes 2016 activities conducted by the Underage Drinking Prevention National Media Campaign.

Recommended Citation

Chapter 4.2: Policy Summaries

Laws Targeting Underage Drinking and Driving

Youth Blood Alcohol Concentration Limits (underage operators of noncommercial motor vehicles)

Policy Description

Blood alcohol concentration (BAC) limits policies establish the maximum amount of alcohol a minor can have in his or her bloodstream when operating a motor vehicle. BAC is commonly expressed as a percentage. For instance, a BAC of 0.08 percent means that a person has 8 parts alcohol per 10,000 parts blood in the body. State laws generally specify BAC levels in terms of grams of alcohol per 100 milliliters of blood (often abbreviated as grams per deciliter, or g/dL). BAC levels can be detected by breath, blood, or urine tests. The laws of each jurisdiction specify the preferred or required types of tests used for measurement.

There is strong scientific evidence that, as BAC increases, the cognitive and motor skills needed to operate a motor vehicle are increasingly impaired. BAC statutes establish criteria for determining when the operator of a vehicle is sufficiently impaired to constitute a threat to public safety and is, therefore, violating the law. Currently, all states and the District of Columbia mandate a BAC limit of 0.08 g/dL for adult drivers.

Owing to differences between young people and adults (e.g., body mass, physiological development, driving experience), young people’s ability to safely operate a motor vehicle is impaired at a lower BAC than for adults. Partly as a result of financial incentives established by the federal government, all jurisdictions in the United States have enacted low BAC limits for underage drivers. Laws establishing very low legal BAC limits of 0.02 g/dL or less for drivers under the legal drinking age of 21 are widely referred to as zero-tolerance laws.

A per se BAC statute stipulates that if the operator has a BAC level at or above the per se limit, a violation has occurred without regard to other evidence of intoxication or sobriety (e.g., how well or poorly the individual is driving). In other words, exceeding the BAC limit established in a per se statute is itself a violation.

Status of Youth BAC Limit Policies

As of January 1, 2016, all states have per se youth BAC statutes (see Exhibit 4.2.11). Thirty-four states set the driving BAC limit for underage persons at 0.02 g/dL. The District of Columbia and 14 states consider any underage alcohol consumption while driving to be a violation of the law and have set the limit to 0.00 g/dL. Two states (California and New Jersey) have set the underage BAC limit to 0.01 g/dL.

Trends in Youth BAC Limit Policies

Since 1998, all states have had zero tolerance (0.02 g/dL or lower) youth BAC limit laws (see Exhibit 4.2.12). In the period between 1999 and 2016, the number of states mandating specific BAC limits for underage drivers remained constant with the exception of one state (Maryland), which lowered its underage BAC limit from 0.02 to 0.00 g/dL. Prior to 1998, three states (South Carolina, South Dakota, and Wyoming) had no youth BAC limits and one (Mississippi) set the limit at 0.08 g/dL.
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Exhibit 4.2.11: BAC Limits for Youth Operators as of January 1, 2016


References and Further Information

All data for this policy were obtained from the Alcohol Policy Information System (APIS) at http://www.alcoholpolicy.niaaa.nih.gov. Follow links to the policy titled “Blood Alcohol Concentration Limits: Youth (Underage Operators of Noncommercial Motor Vehicles).” APIS provides further descriptions of this policy and its variables, details regarding state policies, and a review of the limitations associated with the reported data. To see definitions of
the variables for this policy, visit stopalcoholabuse.gov and follow links to the Report to Congress, Supplemental Materials, Definitions of Variables in Legal Policies.


