
C O M P A R A T I V E F A C T S

W I S C O N S I N L E G I S L A T I V E R E F E R E N C E B U R E A U

Comparative Facts 86-2

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FEDERAL REQUIREMENTS AND STATE MINIMUM DRINKING AGES: UPDATE

Federal Requirements

The U.S. Congress has encouraged states to enact a uniform minimum drinking age of 21 by withholding federal highway funds from states that have not adopted the 21 drinking age by October 1, 1986. On that date states not in compliance will lose 5% of their federal highway funds, exclusive of safety funds. In fiscal year 1987, an additional 10% will be withheld (P.L. 98-363). Since the federal law was passed in 1984, 18 states have raised their drinking ages, but a variety of questions have arisen concerning the interpretation of the federal law.

Several recent changes have clarified most of these questions. Public Law 99-272, the Budget Reconciliation Act of 1985, included the following: 1) State laws raising the drinking age to 21 which are passed prior to October 1, 1986 can include a "grandfather clause" allowing those who could legally drink prior to passage of the new drinking age to continue to drink. 2) 10% of each year's federal highway fund will be withheld in every year in which a state's drinking age is not 21. Under the original law, only funds for fiscal years 1987 and 1988 were to be withheld. 3) Funding was reduced permanently for years after 1988. Funding for those years cannot be recovered even if the state raises the drinking age at a later date. The Wisconsin Department of Transportation estimates Wisconsin will lose \$6.97 million in fiscal 1987 and \$13.93 million in fiscal 1988 if our drinking age is not 21.

In addition to P.L. 99-272, the National Highway Traffic Safety Administration has issued its final rule implementing P.L. 98-363. The rule indicates that funds will be withheld only if a state has no law against "purchase and public possession" by those under 21. Consumption in a person's home is not mentioned by the laws or the rule. The rule lists the following instances in which a person under 21 may be allowed to consume alcoholic beverages under a state law: 1) for an established religious purpose; 2) when accompanied by a parent, spouse or legal guardian age 21 or older; or 3) for medical purposes when prescribed or administered by a licensed physician. Possession in the course of lawful employment is also allowed.

State Minimum Drinking Ages

Between 1971 and 1976, Wisconsin and 27 other states lowered their drinking ages in reaction to the lower national voting age. Since 1976, 35 states have raised their drinking ages, many more than once. Fifteen states raised their drinking ages in 1985 alone (5 of the acts to take effect in 1986). Three states -- Vermont, Minnesota and West Virginia -- have raised their drinking ages so far in 1986. Bills are awaiting action by the governor in Hawaii and Iowa. Forty states now have a 21 drinking age. The recent actions by Minnesota and Iowa will leave Wisconsin surrounded by states with a 21 drinking age, although the effects may not be felt immediately because both Minnesota and Iowa

will allow 19- and 20-year olds who could legally drink prior to the effective date of the charge to continue to drink.

The table below gives the minimum drinking age for all 50 states as of May 1, 1986. If 2 ages are given, separated by a slash, the first is the drinking age for beer or beer and wine, the second is for all other alcoholic beverages. States which lowered their drinking age between 1971 and 1976 are indicated by an asterisk. For states which have raised their drinking age since 1976, the date of the most recent change is given in parentheses. Some states have raised their drinking age several times since 1976. Changes in a number of states have not yet taken effect.

See Legislative Reference Bureau Briefs 83-3, "Current Trends in Teen-age Drinking Laws", and 85-7, "Border Hopping: Problems Associated With Differing Drinking Ages Between States", for additional information.

MINIMUM DRINKING AGE IN THE 50 STATES

Drinking Age	States
18	Louisiana
18/21	Colorado
19	Idaho* Montana* (1979) WISCONSIN* (1984) Wyoming*
19/21	Ohio (1982) South Dakota* (1984)
21	Alabama* (1985) Alaska* (1983) Arizona* (1985) Arkansas California Connecticut* (1985) Delaware* (1984) Florida* (1985) Georgia* (9/30/86)** Hawaii* (10/1/86)*** ILLINOIS* (1980) Indiana IOWA* (9/1/86)*** Kansas (1985) Kentucky Maine* (1985) Maryland* (1982) Massachusetts* (1985) MICHIGAN* (1978) MINNESOTA* (9/1/86) Mississippi (10/1/86) Missouri Nebraska* (1985) Nevada New Hampshire* (1985) New Jersey* (1983) New York (1985) New Mexico North Carolina (9/1/86) North Dakota Oklahoma (1983) Oregon Pennsylvania Rhode Island* (1984) South Carolina* (9/14/86) Tennessee* (1984) Texas* (9/1/86) Utah Vermont* (7/1/86) Virginia (9/1/86) Washington West Virginia* (7/1/86)

*State lowered drinking age between 1971 and 1976.
 **Age goes from 19 to 20 on 9/30/85 and then to 21 on 9/30/86).
 ***Passed Legislature, not yet signed by Governor.