Legal Framework for Provision, Sale and Use of Alcoholic Drinks in Public or Open to Public Places.

Elements for the understanding of its application, and patterns of alcohol use in young people.

Executive Summary

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This study – arising from the established in the provisions of the preamble and the established in Article 12 of Decree-Law 50/2013, of April the 16th – is an effort to triangulate direct and indirect indicators collected with the purpose of analyzing the implementation of the arrangements in the above mentioned Decree-Law, with particular attention of young people use patterns in general and teenagers in especial.

To ensure a reasoned response to these specific issues, two studies were conducted, both with a double component (qualitative and quantitative). Held in May 2014 in five capitals of Mainland Portugal (NUTS II – «Nomenclature of Territorial Units for Statistics»), they involved more than a thousand youngsters and more than a hundred professionals of shops which sell alcoholic beverages to the public. In addition, other three studies, conducted at the same time, were considered, and held among secondary school and college students and young public of a summer festival. Finally, indirect indicators from different institutions were considered.

As background, it matters to account for the limitation that lies in the short period of time between the publication of the Decree-Law and the presentation date of this study. As a rule, changes in health and population behaviors are processed over the years and are the result of extensive and complex social processes, which, in this case, prevents the materialization of an evaluation study.

So, an effort was made in order to check any possible alteration to enhance health gains, in behaviors and alcohol use consequences (young people), commercial practices in the sale of alcoholic drinks, law enforcement by shops and supervisory work, and somehow relate the behavior with other individual, social and structural mediators.

Based on the study Youth, Alcohol and the Law, held specifically to answer this question and in the surveyed perspective, there are no relevant changes in the use pattern in the consequent year after the enter into force of the legislative changes, the type of beverages or in the harmful uses. In the recent alcohol use, the highlight is for spirits and beer. In the analysed time period (previous and subsequent years the legislation under study) and among young people surveyed and interviewed, there is a tendency to maintain the frequency of the use, including spirits among under 18 years old.

In the same line, also the associated problems to the alcohol use declared by the surveyed have not registered significant changes. It should be mentioned, however, the references to the increase of unprotected sex situations after the use of alcoholic drinks and the references to the increase of alcoholic coma situations, and, on the other hand, its decrease in situations of watching friends getting in to alcoholic coma and visits to urgent/hospitalization services.

On the other hand, and compared with the previous year, there were no changes in the availability and affordability of alcoholic beverages a year after the legislative change. The majority of the surveyed stated having not noted changes in the affordability, and the under 16 years old group, in particular, reported an increase on the accessibility of alcoholic drinks, spirits included.

Based on the studies Youth, Alcohol and the Law and Alcohol and the Law: The Professionals From Commercial Premises, it was found that law enforcement is perceived by the young people and interviewed and surveyed professionals as a deficit, highlighting a general perception of certain disclaimers in (non-)compliance, as can be seen by the considerable proportion of young people surveyed with age under 16 that purchased and took alcoholic drinks in the 12 months after legislative amendment.

In terms of control practices, the majority of surveyed professionals declare that the request of the identity card is the most frequent practice to control the age of clients, stating that they have no problems conveying with the law regarding the minimum legal age to sell alcoholic drinks. However, only half of aged under 17 young people and that used alcoholic drinks the year before the survey stated that were asked for the identity card in the acquisition of alcoholic
beverages. Both young people and professionals interviewed agreed that law is difficult to enforce with respect to the sale of drinks to minors. The main difficulties mentioned are related to minors strategies to circumvent it but also, among others, the issue of not being easy to calculate the clients age from its looks.

With regard to the knowledge of the law, there is also a training deficit and a lack of information, mainly in young people group, but also applicable to commercial shops professionals. More pronounced in the young people group, all expressed considerable ignorance of the changes introduced by Decree-law 50/2013, of April the 16th, with a diffuse notion of the provided particular measures.

In general, both young people and professionals share the perception that there is not much supervision in the shops that sell alcoholic drinks to the public, saying mainly that there have been no changes in the number of inspection actions in their shops in the year after enter into force of the Decree-law.

Finally, with respect to family norms and social networks and in spite of the strengthening of the accountability of parents and peers foreseen in the legislative amendment, about half of the young people surveyed stated they had at least one family member with whom they socialize that takes alcoholic beverages in excess and/or gets drunk, and that is very common the use of alcoholic drinks within their friends network. Regarding the qualitative component, young people tend to enhance social pressure to start the use of alcohol and the need to meet peers expectations.

In conclusion, the triangulation of all direct and indirect indicators point to the fact that the legislative amendments introduced by Decree-Law 50/2013, of April the 16th, do not translate a lower alcohol use by young people and neither a reduction of the problems associated with that use, namely in adolescents. Supervision and inspection practices and control performed by commercial shops seem not to have increased after the approval of the recent legislative changes, and by that, and in some respects, law enforcement tends to be perceived as ineffective.

Furthermore, the interviews conducted with young people allow to conclude that their relation with alcohol is mainly instrumental and that the use of alcoholic drinks is essentially a group phenomenon and should be framed in a social dimension.

Also in conclusion, it is important to understand the need to create conditions, increase and ensure a more effective control and supervision visibility. In this context, it seems appropriate to implement more stringent measures, in particular with regard to the access to alcoholic beverages by minors. In the studies performed, this is consensual among young people and professionals.

Since behaviors do not change just by the law and given the above mentioned results, it is recommended more investment in information campaigns, preventive and, in some contexts, harm reduction strategies, and a serious education investment in the accountability of all actors, assuming that it is the change in mentalities that leads to behavior changes.