



New York

State Profile and Underage Drinking Facts

State Population: 19,378,102
Population Ages 12–20: 2,448,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	32.0	784,000
Past-Month Binge Alcohol Use	19.7	483,000
Ages 12–14		
Past-Month Alcohol Use	6.1	44,000
Past-Month Binge Alcohol Use	2.2	16,000
Ages 15–17		
Past-Month Alcohol Use	28.0	226,000
Past-Month Binge Alcohol Use	17.0	137,000
Ages 18–20		
Past-Month Alcohol Use	56.2	513,000
Past-Month Binge Alcohol Use	36.2	331,000
		Number
Alcohol-Attributable Deaths (under 21)		196
Years of Potential Life Lost (under 21)		11,618

	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	19.0	36

Laws Addressing Minors in Possession of Alcohol

Underage Possession of Alcohol

Possession is prohibited with the following exception(s):

- Parent/guardian

Underage Consumption of Alcohol

Consumption is not explicitly prohibited.

Internal Possession by Minors

Internal possession is not explicitly prohibited.

Underage Purchase of Alcohol

Purchase is NOT prohibited and there is no specific allowance for youth purchase for law enforcement purposes.

Note: New York does not have a statute that specifically prohibits purchase, but the State does prohibit purchasing or attempting to purchase alcohol by using false evidence of age.

False Identification for Obtaining Alcohol

Provision(s) Targeting Minors

- Use of a false ID to obtain alcohol is a criminal offense.
- Penalty may include driver’s license suspension through a judicial procedure.

Provisions Targeting Retailers

- The State provides incentives to retailers who use electronic scanners that read birthdate and other information digitally encoded on valid identification cards.
- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older.
- Specific affirmative defense—the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid.

Laws Targeting Underage Drinking and Driving

BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)

- BAC limit: 0.02
- BAC level at or above the limit is per se (conclusive) evidence of a violation
- Applies to drivers under age 21

Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)

No use/lose law

Graduated Driver’s License

Learner Stage

- Minimum entry age: 16
- Minimum learner-stage period: 6 months
- Minimum supervised driving requirement: 50 hours—15 of which must be at night

Intermediate Stage

- Minimum age: 16 years, 6 months
- Unsupervised night driving
 - Prohibited after: 9 p.m.
 - Primary enforcement of the night-driving rule
- Passenger restrictions exist: No more than one unrelated passenger younger than 21, unless accompanied by parent or instructor
 - Primary enforcement of the passenger-restriction rule

License Stage

- Minimum age to lift restrictions: 17

Note: New York has certain regional restrictions that apply to the five boroughs of New York City and Nassau, Suffolk, Westchester, Rockland, and Putnam counties. These restrictions are not provided here.

The New York DMV issues a limited-use junior license to a junior driver (under 18) who passes a road test during the first 6 months (i.e., within the mandatory 6-month holding period) after the learner permit was issued. A limited-use junior license allows the junior driver to drive without supervision between 5 a.m. and 9 p.m. and within specific geographical boundaries for purposes related to school, employment, medical care, or child care. This would then convert to an intermediate-stage license at the end of the mandatory 6-month holding period.

Laws Targeting Alcohol Suppliers

Furnishing Alcohol to Minors

Furnishing is prohibited—no explicit exceptions noted in the law.

Compliance Check Protocols

Age of Decoy

- Minimum: 18
- Maximum: 20.5

Appearance Requirements

- Should look age-appropriate

ID Possession

- Discretionary

Verbal Exaggeration of Age

- Permitted

Decoy Training

- Mandated

Penalty Guidelines for Sales to Minors

- Time period/conditions: Five years
- First offense: \$3,000 if the minor was age 19 or older; \$3,500 if the minor was at least 16 years old

Note: If the licensee has been licensed for at least 5 years, the proposed penalty may be reduced by \$500. If the licensee is a package or wine store, the proposed penalty must be increased by \$500.

Responsible Beverage Service

Voluntary Beverage Service Training

- Applies to both on-sale and off-sale establishments.
- The law does not specify new or existing outlets.

Incentive for Training

- Mitigation of fines or other administrative penalties for sales to minors

Note: In certain proceedings to revoke, cancel, or suspend a retail license based on furnishing to a minor, it can be an affirmative defense that at the time of the violation the person who committed the alleged violation held a valid certificate of completion or renewal from an entity authorized to give and administer an alcohol training awareness program, and that the licensee had diligently implemented and complied with all of the provisions of the approved training program. The licensee is required to prove each element of the affirmative defense by a preponderance of the credible evidence.

Minimum Ages for Off-Premises Sellers

- Beer: Not specified
- Wine: Not specified
- Spirits: 18

Condition(s) That Must Be Met in order for an Underage Person To Sell Alcoholic Beverages

- Manager/supervisor is present.

Minimum Ages for On-Premises Sellers

- Beer: 18 for both servers and bartenders
- Wine: 18 for both servers and bartenders
- Spirits: 18 for both servers and bartenders

Dram Shop Liability

Statutory liability exists.

Social Host Liability Laws

Statutory liability exists.

Host Party Laws

No State-imposed liability for hosting underage drinking parties

Direct Sales/Shipments of Alcohol by Producers

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

Age Verification Requirements

- Common carrier must verify age of recipient.

State Approval/Permit Requirements

- Producer/shipper must obtain State permit.
- State must approve common carrier.

Reporting Requirements

- Producer must record/report purchaser's name.

Shipping Label Statement Requirements

- Contains alcohol
- Recipient must be 21

Note: Direct sales/shipments permitted only for wineries in States that afford New York wineries a reciprocal shipping privilege.

Keg Registration

Registration is not required.

Alcohol Pricing Policies

Home Delivery

- Beer: Permitted—beer deliveries limited to 5 gallons. Delivery vehicles must be clearly marked.
- Wine: Permitted—delivery vehicles must be clearly marked.
- Spirits: Permitted—delivery vehicles must be clearly marked.

Alcohol Tax

Beer (5 percent alcohol)

- Specific excise tax: \$0.14 per gallon

Wine (12 percent alcohol)

- Specific excise tax: \$0.30 per gallon

Spirits (40 percent alcohol)

- Specific excise tax: \$6.44 per gallon—\$2.54 per gallon for alcohol content of 24 percent ABV or less.

Drink Specials

- Free beverages: Prohibited
- Multiple servings at one time: Not prohibited
- Multiple servings for same price as single serving: Prohibited
- Reduced price at specified day or time: Not prohibited
- Unlimited beverages: Prohibited
- Increased volume: Not prohibited

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

- Retailer credit: Restricted—25 days maximum

Wine (12 percent alcohol)

- Price posting requirements: Post and hold—1 month minimum
- Retailer credit: Restricted—30 days maximum; payment is required from certain retail beer and wine licensees (i.e., those who purchase beer and/or wine for resale for on and off premises consumption but not including licensees who sell liquor and/or wine for off premises consumption) within 25 days.

Spirits (40 percent alcohol)

- Price posting requirements: Post and hold—1 month minimum
- Retailer credit: Restricted—30 days maximum

New York State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> State Liquor Authority and NY State Police	
<i>Methods by which local and State enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> No data	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	
Primary State agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	Not applicable
Such laws are also enforced by local law enforcement agencies	Unknown
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession by State law enforcement agencies	Data not collected
Number pertains to the 12 months ending	Data not collected
Data include arrests/citations issued by local law enforcement agencies	Data not collected
<i>State conducts underage compliance checks/decoy operations² to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by State agencies	1,398
Number of licensees that failed State compliance checks	123
Numbers pertain to the 12 months ending	12/31/2010
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Unknown
Number of licensees checked for compliance by local agencies	No data
Number of licensees that failed local compliance checks	No data
Numbers pertain to the 12 months ending	No data
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the State ³	1,133
Total amount in fines across all licensees	\$4,473,750
Numbers pertain to the 12 months ending	12/31/2010
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	
Number of suspensions imposed by the State ⁴	59
Total days of suspensions across all licensees	No data
Numbers pertain to the 12 months ending	12/31/2010
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	
Number of license revocations imposed ⁵	106
Numbers pertain to the 12 months ending	12/31/2010

Additional Clarification

For item C.1 regarding FINES, this amount reflects civil fines and bond claims only; no data are available for criminal penalties.

The New York State Liquor Authority (SLA) and its agency arm, the Division of Alcoholic Beverage Control (ABC), were established under New York State Law in 1934 to “regulate and control the manufacture and distribution within the state of alcoholic beverages ..” ABC’s responsibilities include:

- Issuing licenses and permits for the manufacture, wholesale distribution, and retail sale of all alcoholic beverages.
- Inspecting premises where alcoholic beverages are manufactured or sold.
- Investigating licensees in connection with violations of the ABC Law, and working with local law enforcement agencies to ensure compliance with the ABC Law.
- Conducting disciplinary proceedings and hearings, and revoking, canceling or suspending for cause, any license or permit and/or imposing monetary penalties where appropriate.

State Police and SLA investigators and local law enforcement officers join forces as part of the State’s Underage Drinking Initiative, which unites law enforcement efforts statewide in ongoing investigations of underage sale and consumption of alcoholic beverages. The State’s Underage Drinking Initiative involves interagency intelligence gathering on underage drinking activities and regular monitoring of alcohol sales at retail establishments. In addition, an underage drinking hotline, 1-866-UNDER 21, was established to facilitate confidential and toll-free public reporting of underage drinking or notorious establishments.

¹ Or having consumed or purchased per State statutes
² Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors
³ Does not include fines imposed by local agencies
⁴ Does not include suspensions imposed by local agencies
⁵ Does not include revocations imposed by local agencies

**Underage Drinking Prevention Programs Operated or Funded by the State:
 Programs SPECIFIC TO Underage Drinking**

Enforcing Underage Drinking Laws	
Number of youth served	1,797
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	12/31/2010
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report	Not applicable
URL for more program information	http://www.oasas.state.ny.us/pio/press/20100218EUDL.cfm

Program description: Annual Block Grant from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) with the goal of preventing the purchase or consumption of alcoholic beverages by minors (under age 21). New York uses the money to fund local prevention programs with the requirement that they partner with law enforcement to conduct comprehensive environmental strategies designed to prevent and reduce underage drinking. Our goal is to reduce youth access and alcohol availability.

**Underage Drinking Prevention Programs Operated or Funded by the State:
 Programs RELATED TO Underage Drinking**

Life Skills Training	
URL for more program information	http://www.lifeskillstraining.com/index.php
Program description: No data	

Too Good for Drugs	
URL for more program information	http://www.mendezfoundation.org/too_good.php
Program description: No data	
Project Alert	
URL for more program information	http://www.projectalert.com
Project Success	
URL for more program information	http://www.sascorp.org/
Too Good For Violence	
URL for more program information	http://www.mendezfoundation.org/too_good.php

Additional Information Related to Underage Drinking Prevention Programs	
<i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i>	No
Program description: Not applicable	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
Program description: Not applicable	
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
<p>Best practice standards description: The Office of Alcoholism and Substance Abuse Services (OASAS) adheres to OJJDP best practices guidelines. Also, OASAS has established standards for delivery for evidence-based programs (EBPs) as follows: Beginning in 2011, all providers are required to dedicate a percentage of their OASAS resources to the delivery of EBPs. The EBP delivery standards will go into effect January 1, 2011 for calendar year providers and July 1, 2011 for NYC providers.</p> <p>Year EBP Minimum Standard for 2011 is 35 percent; for 2012, 40 percent; for 2013, 45 percent; for 2014, 50 percent; for 2015, 55 percent; for 2016, 60 percent; for 2017, 65 percent; and for 2018, 70 percent.</p> <p>As defined by OASAS, EBPs are practices that have been tested for effectiveness by research studies and found effective in reducing risk factors and enhancing protective factors that predict problem behaviors including substance use and abuse. The studies ideally use an experimental design or, at a minimum, a quasi-experimental design with matched comparison groups. The studies ideally are published in peer-reviewed journals or have been reviewed by a national research review panel, such as the National Registry of Evidence-Based Programs and Practices (NREPP). To be accepted, the study must have shown significant and positive effects on substance use and/or the OASAS Prevention Framework for Risk and Protective Factors. The framework's emphasis is on reducing the risk factors and enhancing the protective factors (both within individualized environments and within the shared environment) that have been demonstrated by research to be predictive of substance use.</p> <p>Evidence-based programs (model programs) and environmental strategies—for example, alcohol outlet compliance checks, alcohol outlet server training, social norms marketing, development and implementation of policies to reduce the availability and public use of alcohol—are classified by OASAS as EBPs.</p>	
Additional Clarification	
No data	

State Interagency Collaboration	
<i>A State-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes

Committee contact information:	
Name: Scott Brady, OASAS, Director, Bureau of Prevention Email: scottbrady@oasas.state.ny.us Address: 1450 Western Ave., Albany, NY 12203 Phone: 518-457-4384	
Agencies/organizations represented on the committee:	
<p><i>Members of the Advisory Council on Underage Alcohol Consumption</i> Nelson Acquilano (Chair), Council on Alcoholism of the Finger Lakes Sgt. Douglas Pacquette (Vice Chair), New York State Police Linnea Olson, Alcoholism Council of New York Nancy Jones, Capital Region BOCES Laura Elliott-Engel, Gattaraugus Co. Council on Alcoholism & SA Inc. John Karzinski, Chief of Police—Gloversville (Retired) Flora Cassallas, Higher Education Consultant Ann Rhodes, Alcoholism and SA Council of Hamilton, Fulton, and Montgomery Counties Cynthia Gonzales, Community Board #7 Richard Gallagher, Alcohol & Drug Dependency Services, Inc. Meredith L. Henderson, Binghamton, Deputy Secretary to President of the New York State Senate Beverly Alston, US Department of Commerce, Census Bureau Bruce Kelly, Office of the District Attorney, Westchester County Jaime R. Torres, DPM, MS Edward Olsen, EAC Substance Abuse Treatment Program Andrea Wanat, Erie Co. Council for Prevention of Alcohol & Substance Abuse Ellen Morehouse, Student Assistance Services Diane Gonzalez, Queens Village Committee for Mental Health J-CAP, Inc.</p>	
<i>A Web site or other public source exists to describe committee activities</i>	Yes
URL or other means of access	http://www.oasas.state.ny.us/prevention/documents/UDAdCouncilAR2009.pdf

Underage Drinking Reports	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by:	OASAS
Plan can be accessed via	http://www.oasas.state.ny.us/GSI/Compliance/documents/StrategicPlan.pdf
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	Yes
Prepared by: OASAS and Advisory Council on Underage Alcohol Consumption	
Report can be accessed via:	http://www.oasas.state.ny.us/prevention/documents/UDAdCouncilAR2009.pdf
Additional Clarification	
No data	

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Checkpoints and saturation patrols:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable

<i>K-12 school-based programs to prevent underage drinking:</i>		
Estimate of State funds expended		Data unavailable
Estimate based on the 12 months ending		Data unavailable
<i>Programs targeted to institutes of higher learning:</i>		
Estimate of State funds expended		Data unavailable
Estimate based on the 12 months ending		Data unavailable
<i>Programs that target youth in the juvenile justice system:</i>		
Estimate of State funds expended		Data unavailable
Estimate based on the 12 months ending		Data unavailable
<i>Programs that target youth in the child welfare system:</i>		
Estimate of State funds expended		Data unavailable
Estimate based on the 12 months ending		Data unavailable
<i>Other programs:</i>		
Programs or strategies included	Using Federal Substance Abuse Prevention and Treatment (SAPT) Block Grant funds, discretionary grants, and State funding, OASAS supports a range of primary prevention programs (Universal Direct, Universal Indirect, Selective, Indicated) statewide.	
Estimate of State funds expended		\$64,257,818
Estimate based on the 12 months ending		03/31/2009

Funds Dedicated to Underage Drinking

State derives funds dedicated to underage drinking from the following revenue streams:

Taxes	No
Fines	No
Fees	No
Other	No data

Description of funding streams and how they are used: No data

Additional Clarification

No data