

## State Report

# Massachusetts

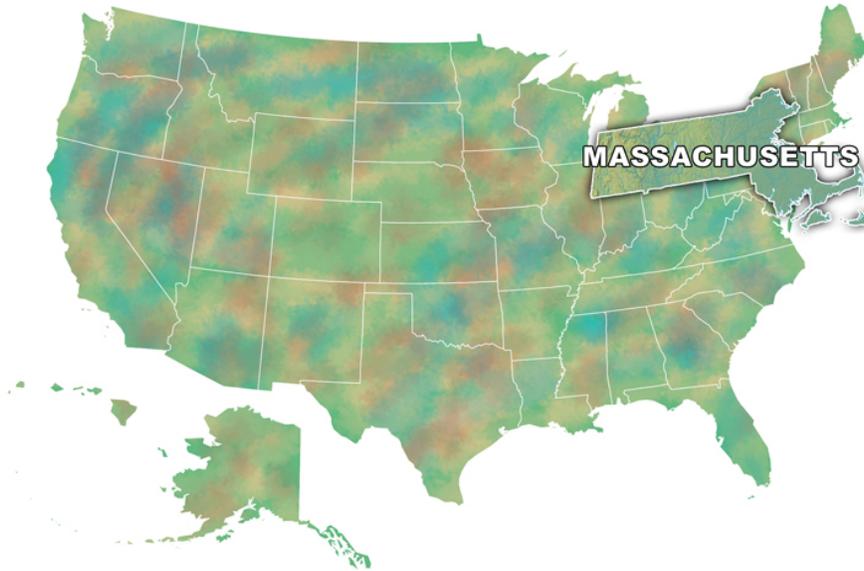
This state report is excerpted from:

**The 2013 Report to Congress on the Prevention and Reduction of Underage Drinking**

submitted to Congress by The U.S. Department of Health and Human Services.

To obtain more information and a copy of the full Report to Congress go to:

<https://www.stopalcoholabuse.gov>



# Massachusetts

## State Profile and Underage Drinking Facts\*

State Population: 6,587,536  
 Population Ages 12–20: 774,000

	Percentage	Number
<b>Ages 12–20</b>		
Past-Month Alcohol Use	32.0	247,000
Past-Month Binge Alcohol Use	20.8	161,000
<b>Ages 12–14</b>		
Past-Month Alcohol Use	5.5	14,000
Past-Month Binge Alcohol Use	1.9	5,000
<b>Ages 15–17</b>		
Past-Month Alcohol Use	27.4	67,000
Past-Month Binge Alcohol Use	17.6	43,000
<b>Ages 18–20</b>		
Past-Month Alcohol Use	60.0	167,000
Past-Month Binge Alcohol Use	40.6	113,000
<b>Alcohol-Attributable Deaths (under 21)</b>		57
<b>Years of Potential Life Lost (under 21)</b>		3,398
	<b>Percentage of All Traffic Fatalities</b>	<b>Number</b>
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC &gt; 0.01</b>	36.0	19

\* See Appendix C for data sources.

## 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 prohibited and there is NO ALLOWANCE for youth purchase for law enforcement purposes.

### 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.

#### *Provision(s) Targeting Suppliers*

- It is a criminal offense to lend, transfer, or sell a false ID.
- It is a criminal offense to manufacture or distribute a false ID.

#### *Provisions Targeting Retailers*

- 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”)

Use/lose penalties apply to minors under age 21.

#### *Type(s) of Violation Leading to Driver's License Suspension, Revocation, or Denial*

- Underage possession

#### *Authority To Impose Driver's License Sanction*

- Mandatory

***Length of Suspension/Revocation***

- 90 days

***Provisions Applied to Underage Purchase Violations***

Use/lose penalties apply to minors under age 21

***Type(s) of Violation Leading to Driver’s License Suspension, Revocation, or Denial***

- Underage purchase

***Authority To Impose Driver’s License Sanction***

- Mandatory

***Length of Suspension/Revocation***

- 180 days

**Graduated Driver’s License*****Learner Stage***

- Minimum entry age: 16
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 40 hours—or 30 hours of supervised driving if applicant completes driver skills program

***Intermediate Stage***

- Minimum age: 16 years, 6 months
- Unsupervised night driving
  - Prohibited after: 12:30 a.m.
  - Primary enforcement of the night-driving rule: Exception: secondary enforcement between 12:30 and 1 a.m. and between 4 and 5 a.m.
- Passenger restrictions exist: No unrelated passengers under 18, unless supervised by licensed driver over 21
  - Primary enforcement of the passenger-restriction rule

***License Stage***

- Minimum age to lift restrictions: 18—passenger restrictions expire 6 months after issuance of intermediate license; unsupervised night-driving restrictions remain until full licensure is obtained.

**Laws Targeting Alcohol Suppliers****Furnishing Alcohol to Minors**

Furnishing is prohibited with the following exception(s): EITHER

- Parent/guardian OR
- Spouse

**Compliance Check Protocols*****Age of Decoy***

- Minimum: Not specified
- Maximum: Not specified

***Appearance Requirements***

- Age-appropriate appearance

***ID Possession***

- Prohibited

***Verbal Exaggeration of Age***

- Prohibited

***Decoy Training***

- Recommended

**Penalty Guidelines for Sales to Minors**

Time period/conditions: No guidelines provided

**Responsible Beverage Service**

No beverage service training requirement

**Minimum Ages for Off-Premises Sellers**

- Beer: 18
- Wine: 18
- Spirits: 18

**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

**Distance Limitations for New Alcohol Outlets Near Universities and Schools**

***Colleges and Universities***

No distance limitation

***Primary and Secondary Schools***

Prohibitions against outlet siting:

- Off-premises outlets: Yes—within 500 feet. Local government has authority to override state restrictions.
- On-premises outlets: Yes—within 500 feet. Local government has authority to override state restrictions.
- Alcohol products: Beer, wine, spirits
- Exceptions: (1) Premises of an innholder and parts of buildings located 10 or more floors above street level; (2) extension of licensed premises that do not exceed 50 feet

**Dram Shop Liability**

- There is no statutory liability.
- The courts recognize common law dram shop liability.

**Social Host Liability Laws**

- There is no statutory liability.
- The courts recognize common law social host liability.

**Host Party Laws**

Social host law is not specifically limited to underage drinking parties

- Action by underage guest that triggers violation: Possession
- Property type(s) covered by liability law: Residence, outdoor, other
- Standard for hosts' knowledge or action regarding the party: Knowledge—host must have actual knowledge of the occurrence.
- Exception(s): Family

**Retailer Interstate Shipments of Alcohol**

Retailer interstate shipments are prohibited for all types of beverages.

**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:* Current law provides that a winery that produces 30,000 gallons of wine or more may obtain a direct shipment only if the winery has not contracted with or has not been represented by a Massachusetts wholesaler licensed for the preceding 6 months. There is no such requirement on wineries producing less than 30,000 gallons, which includes all wineries in Massachusetts. This provision was ruled unconstitutional in a federal district court on November 19, 2008, and upheld on appeal in the First Circuit U.S. Court of Appeals on January 14, 2010.

**Keg Registration**

- Keg definition: More than 2 gallons
- Purchaser information collected: Purchaser's name and address
- Warning information to purchaser: Active—purchaser action required (e.g., signature)
- Deposit required: \$5
- Provisions do not specifically address disposable kegs.

*Note:* The deposit provisions in Massachusetts require that a purchaser pay the following: (a) a container fee of not less than \$10 for each keg having a capacity of 6 or more gallons and of not

less than \$1 for each container having a capacity of less than 6 gallons; and (b) a registration fee of \$10 for each keg having a capacity of 6 or more gallons and of \$4 for each keg having a capacity of less than 6 gallons.

## Alcohol Pricing Policies

### Home Delivery

- Beer: Permitted—each vehicle used for transportation and delivery must be covered by a permit issued by the commission.
- Wine: Permitted—each vehicle used for transportation and delivery must be covered by a permit issued by the commission.
- Spirits: Permitted—each vehicle used for transportation and delivery must be covered by a permit issued by the commission.

### Alcohol Tax

- Beer (5 percent alcohol): Specific excise tax is \$0.11 per gallon.
- Wine (12 percent alcohol): Specific excise tax is \$0.55 per gallon.
- Spirits (40 percent alcohol): Specific excise tax is \$4.05 per gallon.

### Drink Specials

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

### Wholesale Pricing

Pricing restrictions exist.

#### ***Beer (5 percent alcohol)***

- Price posting requirements: Post and hold—1 month minimum
- Retailer credit: Restricted—60 days maximum

#### ***Wine (12 percent alcohol)***

- Price posting requirements: Post and hold—1 month minimum
- Retailer credit: Restricted—60 days maximum

#### ***Spirits (40 percent alcohol)***

- Price posting requirements: Post and hold—1 month minimum
- Retailer credit: Restricted—60 days maximum

## Massachusetts State Survey Responses

<b>State Agency Information</b>	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Massachusetts Alcoholic Beverages Control Commission (ABCC)	
<i>Methods by which local and state enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> The ABCC Enforcement Division works in cooperation with local and state law enforcement agencies to obtain optimal enforcement coverage. Most often, these efforts are generated from requests for assistance from local police chiefs who have problematic licensees in their communities or local conflicts that are eliminated through ABCC cooperation. Furthermore, when a complaint is received at ABCC, investigators also reach out to police departments to conduct cooperative enforcement operations when feasible. In 2011 this cooperative enforcement was particularly successful in the cities of Lawrence and Springfield.	
<b>Enforcement Strategies</b>	
<i>State law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol-Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol-Related Fatality Investigations	No
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	Yes
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	Massachusetts ABCC
BCSuch laws are also enforced by local law enforcement agencies	No
<b>Enforcement Statistics</b>	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession by state law enforcement agencies	374
Number pertains to the 12 months ending	12/31/2011
Data include arrests/citations issued by local law enforcement agencies	No
<i>State conducts underage compliance checks/decoy operations<sup>2</sup> 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	1,975
Number of licensees that failed state compliance checks	135
Numbers pertain to the 12 months ending	12/31/2011
<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	Yes
Number of licensees checked for compliance by local agencies	91
Number of licensees that failed local compliance checks	15
Numbers pertain to the 12 months ending	12/31/2011
<b>Sanctions</b>	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state <sup>3</sup>	No data
Total amount in fines across all licensees	\$100,000
Numbers pertain to the 12 months ending	12/31/2011

<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of suspensions imposed by the state <sup>4</sup>	163
Total days of suspensions across all licensees	No data
Numbers pertain to the 12 months ending	12/31/2011
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of license revocations imposed <sup>5</sup>	0
Numbers pertain to the 12 months ending	12/31/2011
<b>Additional Clarification</b>	
Reporting of municipal compliance check results varies from year to year. There is no statutory or regulatory requirement for reporting, so it often depends on the relationships developed among the agencies and if the office issuing grants funding makes it mandatory. For example, compared with the data reported in 2011, the following data were reported by municipalities to the ABCC in 2010: licensees checked, 1,378; licensees failed, 118.	

<sup>1</sup> Or having consumed or purchased per state statutes.

<sup>2</sup> Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.

<sup>3</sup> Does not include fines imposed by local agencies.

<sup>4</sup> Does not include suspensions imposed by local agencies.

<sup>5</sup> Does not include revocations imposed by local agencies.

<b>Underage Drinking Prevention Programs Operated or Funded by the State: Programs SPECIFIC TO Underage Drinking</b>	
<b><i>Bureau of Substance Abuse Services (BSAS), Underage Drinking Prevention Programs, and Regional Centers for Healthy Communities</i></b>	
Number of youth served	996,757
Number of parents served	730,617
Number of caregivers served	313,122
Numbers pertain to the 12 months ending	06/30/2011
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable
Program description:	
<ul style="list-style-type: none"> <li>• 31 underage drinking prevention programs in collaboration with 6 regional centers in communities across the Commonwealth</li> <li>• Coalition/community focused</li> <li>• Require city/town participation</li> <li>• Use the SAMHSA Strategic Prevention Framework (SPF)</li> <li>• Required to use evidence-based environmental strategies that relate directly to assessment-identified problems</li> </ul>	
<b><i>Town Meeting Initiative</i></b>	
Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Numbers pertain to the 12 months ending	06/30/2011
Program has been evaluated	Not applicable
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable
There were no town hall meetings for underage drinking funded during this reporting period.	

<b><i>Berklee School of Music Demonstration Project</i></b>	
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	09/30/2011
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:.	Not applicable
<p>Program description: The Berklee College of Music completed the final year of its 3-year College/ University Alcohol Education Demonstration Project. The social norming campaign highlighted positive statistics on alcohol use on campus, which were used in a poster project. The Substance Abuse Prevention (SAP) Team sponsored a songwriting competition with lyrics based on alcohol use/abuse and recovery. The SAP Team collaborated to host promotion of healthy lifestyle behaviors. The Team also began a Brief Alcohol Screening and Intervention for College Students (BASICS) program.</p>	
<b><i>District Attorneys Underage Drinking Prevention</i></b>	
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	09/30/2011
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable
<p>Program description: Office of Juvenile Justice and Delinquency Prevention (OJJDP) funding enabled five District Attorney’s Offices to convene underage drinking prevention conferences.</p>	
<b><i>Student Athlete Underage Drinking Prevention Conferences</i></b>	
Number of youth served	500
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	09/30/2011
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report: Not applicable	Not applicable
URL for more program information: No data	Not applicable
<p>Program description: Funded by the National Highway Traffic Safety Administration (NHTSA), two conferences for student athletes were attended by 500 students.</p>	
<b><i>Dance Don’t Chance Contest</i></b>	
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	9/30/2011
Program has been evaluated	No data
Evaluation report is available	No data
URL for evaluation report: No data	Not applicable
URL for more program information:	<a href="http://www.youtube.com/promshorts">http://www.youtube.com/promshorts</a>
<p>Program description: Funded by NHTSA, this is a spring prom and graduation season safe-driving video contest in which teens write, produce, and submit a 60-second YouTube video on safe driving and avoiding underage drinking. The winning school is awarded a package of prizes for their prom donated by private sponsors.</p>	

<b>Underage Drinking Prevention Programs Operated or Funded by the State: Programs RELATED TO Underage Drinking</b>	
<b><i>Bureau of Substance Abuse Services (BSAS) Underage Drinking Prevention Public Information Initiative</i></b>	
URL for more program information: <a href="http://www.maclearinghouse.com">http://www.maclearinghouse.com</a>	
<p>Program description: The BSAS Underage Drinking Prevention Public Information Initiative offered evidence-based information to health professionals, parents and youth. The major approaches used were print media, newspapers, and ads on public transportation. Parent guides and youth brochures were also distributed through health, social services, and educational settings. Social marketing and health communication techniques were also used to reach health professionals to motivate them to offer effective primary prevention services to a variety of populations, including pregnant women. Radio advertisements and web-based information reinforced the power of parents in preventing underage alcohol use. Presentations were made at local and national conferences on the retailers' toolkit to prevent sales to underage youth.</p>	
<b><i>Picture Yourself Alcohol and Drug Free</i></b>	
URL for more program information: No data	
<p>Program description: The <i>Picture Yourself: Alcohol and Drug Free</i> initiative for alcohol and drug prevention pilot program targeted 7th and 8th graders. The campaign featured messages from middle school-aged youth for middle school-aged youth. It used an aspirational message to encourage students to live a life without alcohol and drugs, so that alcohol and other substances would not get in the way of their goals and interests. Posters and news articles (in the school newsletters and community) as well as school-based incentive items reinforced this message.</p>	
<b><i>MassSTART at Six Department of Youth Services sites</i></b>	
URL for more program information: No data	
<p>The Department of Youth Services currently operates the MassStart program in three of our five regions, with those regions hosting two sites each. The MassStart program is run out of the Springfield, Holyoke, Lawrence, Lowell, Dorchester, and Roxbury District Offices of the Department of Youth Services. Each site carries a caseload of 15 clients per worker. The MassStart model targets high-risk youth and their families and seeks to reduce their exposure to drugs/alcohol and criminal activity by delivering enhanced case management services.</p>	
<b>Additional Information Related to Underage Drinking Prevention Programs</b>	
<i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i>	Yes
Description of collaboration: The Department of Public Health has continued to reach out to Native American key partners to try to provide appropriate services to Native Americans in Massachusetts.	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	Yes
<p>Program Description:                      Community level: restrictions on advertising; counter alcohol advertising on billboards and public transportation.                      State level: counter alcohol advertising via radio and transit ads. The Massachusetts Bay Transit Authority, the state's largest transit authority, has agreed to suspend alcohol advertising at the beginning of the next fiscal year beginning on 7/1/2012.</p>	
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
<p>Best practice standards description: Best practice standards description: The Bureau of Substance Abuse Services implements best practices through:</p> <ol style="list-style-type: none"> <li>1. A competitive request-for-response (RFR) process.</li> <li>2. Strategy meetings.</li> <li>3. Regular site visits.</li> </ol> <p>The RFR requires the selection of a evidence-based model. Regular meetings provide technical assistance to ensure implementation of the Strategic Prevention Framework (SPF) sustainability as</p>	

well as cultural competence. The community's logic model, action plan, accomplishments, and challenges are reviewed throughout the year.
<b>Additional Clarification</b>
None given

<b>State Interagency Collaboration</b>	
<i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes
<i>Committee contact information:</i>	
Name: William D. Luzier, Executive Director, Interagency Council on Substance Abuse & Prevention	
E-mail: <a href="mailto:william.luzier@state.ma.us">william.luzier@state.ma.us</a>	
Address: 250 Washington Street, Floor 3, Boston, MA 02108	
Phone: 617-624-5121	
<i>Agencies/organizations represented on the committee:</i>	
Lieutenant Governor, Chair	
Executive Office of Health and Human Services	
Executive Office of Public Safety	
Executive Office of Elder Affairs	
Executive Office of Veterans Affairs	
Department of Elementary and Secondary Education	
Department of Corrections	
Parole Board	
Department of Probation	
Department of Public Health	
Department of Youth Services	
Department of Mental Health	
Department of Developmental Services	
Massachusetts Rehabilitation Commission	
Department of Transitional Assistance	
Department of Children and Families	
Department of Health Care Finance and Policy	
Department of the Deaf and Hard of Hearing	
Department of Early Education and Care	
Bureau of Substance Abuse Services	
MassHealth (Medicaid)	
Superior Court	
District Court	
Juvenile Court	
Governor's Office	
Senate	
House	
Private citizen recovering from substance abuse problems	
<i>A website or other public source exists to describe committee activities</i>	Yes
URL or other means of access:	
<a href="http://www.mass.gov/governor/administration/ltgov/lgcommittee/subabuseprevent">http://www.mass.gov/governor/administration/ltgov/lgcommittee/subabuseprevent</a>	

<b>Underage Drinking Reports</b>	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by: Interagency Council on Substance Abuse and Prevention	
Plan can be accessed via: <a href="http://www.mass.gov/governor/docs/icsap-strategic-plan-update-july-2010.pdf">http://www.mass.gov/governor/docs/icsap-strategic-plan-update-july-2010.pdf</a>	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	Yes
Prepared by: Department of Elementary & Secondary Education and Department of Public Health	
Plan can be accessed via: <a href="http://www.doe.mass.edu/cnp/hprograms/yrbs">http://www.doe.mass.edu/cnp/hprograms/yrbs</a>	
<b>Additional Clarification</b>	
None given	

<b>State Expenditures for the Prevention of Underage Drinking</b>	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of state funds expended	\$21,000
Estimate based on the 12 months ending	12/31/2011
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	\$100,000
Estimate based on the 12 months ending	12/31/2011
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Other programs:</i>	
Programs or strategies included:	No data
Estimate of state funds expended	Not applicable
Estimate based on the 12 months ending	Not applicable

<b>Funds Dedicated to Underage Drinking</b>	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	No
Fines	No
Fees	No
Other	No data
<i>Description of funding streams and how they are used:</i>	
No data	
<b>Additional Clarification</b>	
All of the programs that target underage drinking prevention are funded either through the Prevention portion of the SAMHSA Block Grant or through specific federal grant funding.	