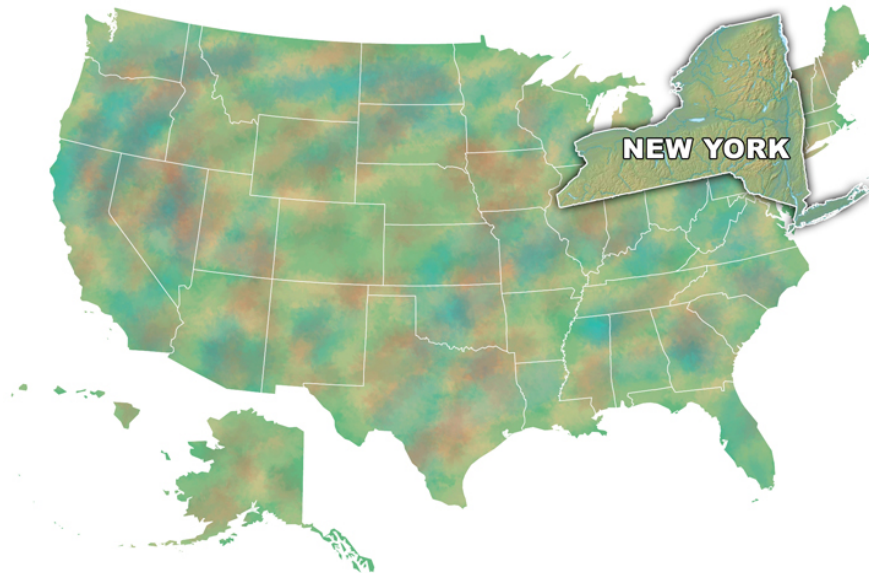


**State Report**

**New York**

This document is excerpted from:

**The June 2015 Report to Congress on the Prevention and Reduction of Underage Drinking**



# New York

## State Profile and Underage Drinking Facts\*

**State Population: 19,570,261**  
**Population Ages 12–20: 2,384,000**

	Percentage	Number
<b>Ages 12–20</b>		
Past-Month Alcohol Use	31.0	739,000
Past-Month Binge Alcohol Use	18.7	446,000
<b>Ages 12–14</b>		
Past-Month Alcohol Use	4.9	34,000
Past-Month Binge Alcohol Use	2.1	15,000
<b>Ages 15–17</b>		
Past-Month Alcohol Use	28.2	222,000
Past-Month Binge Alcohol Use	16.4	129,000
<b>Ages 18–20</b>		
Past-Month Alcohol Use	54.1	483,000
Past-Month Binge Alcohol Use	33.9	302,000
<b>Alcohol-Attributable Deaths (under 21)</b>		181
<b>Years of Potential Life Lost (under 21)</b>		10,916
	<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>	23.0	34

\* 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 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 it 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.

#### *Provision(s) targeting retailers*

- 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, of which 15 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 passenger under 21 who is not an immediate family member, 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 will issue 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 of 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: 5 years
- First offense: \$3,000, if the minor was 19 years old 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

## **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 200 feet
  - On-premises outlets: Yes—within 200 feet
  - Alcohol products: Wine, spirits

*Note:* Exceptions include (1) club affiliated with such school, if school has no objection; (2) certain sections in county of Ulster, borough of Manhattan, and town of Bainbridge; (3) special retail liquor licenses for theaters where availability of alcohol is not advertised in a manner visible from the street.

### **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

### **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:* Direct sales/shipments permitted only for wineries in states that afford New York wineries a reciprocal shipping privilege.

### **Keg Registration**

Registration is not required.

### **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 Pricing Policies**

### **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
- Additional taxes: \$2.54 per gallon for alcohol content of 24 percent 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, 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)

***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>	
New York State Police—criminal violations, New York State Liquor Authority (SLA)—administrative violations (actions taken against licensees)	
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	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	NYS criminal offices violations, NYSLA administrative violations of ABC law by NY licensed premises
Such laws are also enforced by local law enforcement agencies	Don't know
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	Don't know
Number pertains to the 12 months ending	Not applicable
Data include arrests/citations issued by local law enforcement agencies	Not applicable
<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>	
	Yes
Data are collected on these activities	Yes
Number of retail licensees in state <sup>3</sup>	32,000
Number of licensees checked for compliance by state agencies (including random checks)	1,208 licensed premises were checked by SLA
Number of licensees that failed state compliance checks	412
Numbers pertain to the 12 months ending	12/31/2012
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Both on- and off-sale establishments
<i>State conducts random underage compliance checks/decoy operations</i>	
	Yes
Number of licensees subject to random state compliance checks/decoy operations	1,208
Number of licensees that failed random state compliance checks	412
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
	Don't know/no answer
Data are collected on these activities	Don't know/no answer
Number of licensees checked for compliance by local agencies	Not applicable
Number of licensees that failed local compliance checks	Not applicable
Numbers pertain to the 12 months ending	Not applicable



<b>Sanctions</b>	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	Yes
Number of fines imposed by the state <sup>4</sup>	No data
Total amount in fines across all licensees	\$4,271,964 includes sales to minor and other fines in same case
Smallest fine imposed	\$1,000
Largest fine imposed	\$20,000
Numbers pertain to the 12 months ending	12/31/2012
<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>5</sup>	58
Total days of suspensions across all licensees	1,493
Shortest period of suspension imposed (in days)	7
Longest period of suspension imposed (in days)	50
Numbers pertain to the 12 months ending	12/31/2012
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of license revocations imposed <sup>6</sup>	32
Numbers pertain to the 12 months ending	12/31/2012
<b>Additional Clarification</b>	
Total bond claims paid in sales-to-minor cases: \$133,000. Fines are penalties imposed and if the penalty isn't paid then the bond (\$1,000) is forfeited/surrendered to the SLA.	

<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> Excluding special licenses such as temporary, seasonal, and common carrier licenses.

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

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

<sup>6</sup> Does not include revocations imposed by local agencies.

<b>Underage Drinking Prevention Programs Operated or Funded by the State</b>	
<b>Teen Intervene</b>	
Program serves specific or general population	Specific population
Number of youth served	2,014
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report:	
<a href="http://www.hazelden.org/web/go/teenintervene">http://www.hazelden.org/web/go/teenintervene</a>	
URL for more program information:	
<a href="http://www.hazelden.org/web/go/teenintervene">http://www.hazelden.org/web/go/teenintervene</a>	
<b>Program Description:</b> Teen Intervene is an early intervention program targeting youth who display the early stages of alcohol or drug use problems but do not use these substances daily or demonstrate substance dependence. Integrating stages of change theory, motivational enhancement, and cognitive-behavioral therapy, this intervention aims to help teens reduce and ultimately eliminate their alcohol and other drug use.	

<b>Additional Underage Drinking Prevention Programs Operated or Funded by the State</b>	
No data	
URL for more program information: No data	

Program description: No data	
<b>Additional Clarification</b>	
No data	

<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>	No
Description of collaboration: Not applicable	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	Yes
Description of program: Many prevention providers funded by the Office of Alcoholism and Substance Abuse Services (OASAS) do measure or reduce youth exposure to alcohol advertising/marketing. It is not possible to identify the amount of funding devoted to this effort	
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
Agencies/organizations that established best practices standards:	
Federal agency(ies): SAMHSA	Yes
Agency(ies) within your state: Evidence Based Review Panel	Yes
Nongovernmental agency(ies):	No
Other:	No
Best practice standards description: For almost two decades, OASAS has promoted the improvement of New York State’s substance abuse prevention system performance through endorsing evidence-based programs and strategies (EBPS). OASAS has established policy standards for delivery for EBPS requiring providers to dedicate an increasing percentage of their OASAS funding to the delivery of EBPS. For 2012, a minimum of 40 percent of resources were to be EBP, increasing each year until reaching 70 percent in 2018. The EBP service approaches include multicomponent programs with educational curricula and also environmental strategies that reduce underage drinking and its consequences. Under the leadership of prevention scientist Dr. Barry Donovan and guided by the SAMHSA Strategic Prevention Framework State Incentive Grant (SPF-SIG) initiative, a statewide EBP Review Panel of researchers designed and implemented a Registry of Effective programs and Strategies (REPS) to help guide providers in selecting EBPS. An NY-REPP Review Panel, comprised of prevention specialists, rates the quality of research evidence that underlies the prevention programs and environmental strategies for NY providers.	
<b>Additional Clarification</b>	
No data	

<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: Doug Paquette, NYS Police	
E-mail: Doug.Paquete@troopers.ny.gov	
Address: 1220 Washington Avenue, Albany, NY 12226	
Phone: 518-457-7504	
<i>Agencies/organizations represented on the committee:</i>	
OASAS	
SLA	
OMH	
Attorney General	
Majority Leader of Senate	
Speaker of Assembly	
Representatives from community agencies from across the state	
<i>A website or other public source exists to describe committee activities</i>	Yes
URL or other means of access:	

<http://www.oasas.ny.gov/prevention/documents/2011AdvisoryCouncilonUnderageAlcoholConsumptionDraftAnnualReport.pdf>

### Underage Drinking Reports

<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by: Advisory Council on Underage Alcohol Consumption and Youth Substance Abuse	
Plan can be accessed via: No data	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	Yes
Prepared by: Same as above	
Plan can be accessed via: No data	

### Additional Clarification

No data

### State Expenditures for the Prevention of Underage Drinking

<i>Compliance checks in retail outlets:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$2.98 Million
Estimate based on the 12 months ending	12/31/2012
<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: Prevention Resource Centers	
Estimate of state funds expended	\$1.5 million
Estimate based on the 12 months ending	12/31/2012

### 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

*Description of funding streams and how they are used:*

Six prevention resource centers provide training/technical assistance to community coalitions that target underage drinking through environmental strategies.

**Additional Clarification**

Federally funded efforts such as the EUDL grant and SPF SIG were not identified, as the directions requested state-funded program information only. EUDL dollars in 2012 were devoted to statewide training on environmental prevention to prevent underage drinking. Participants represented law enforcement, prevention, and community coalitions.