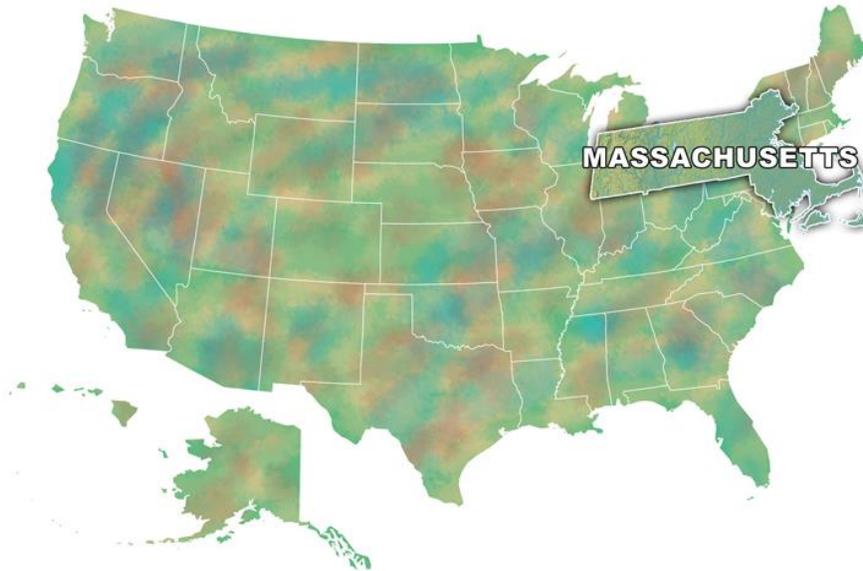


State Report

Massachusetts

This document is excerpted from:

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



Massachusetts

State Profile and Underage Drinking Facts*

State Population: 6,692,824
 Population Ages 12–20: 760,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	30.0	228,000
Past-Month Binge Alcohol Use	19.0	144,000
Ages 12–14		
Past-Month Alcohol Use	4.8	12,000
Past-Month Binge Alcohol Use	1.6	4,000
Ages 15–17		
Past-Month Alcohol Use	25.9	65,000
Past-Month Binge Alcohol Use	16.9	42,000
Ages 18–20		
Past-Month Alcohol Use	56.6	152,000
Past-Month Binge Alcohol Use	36.7	98,000
Alcohol-Attributable Deaths (under 21)		54
Years of Potential Life Lost (under 21)		3,244
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	32	4

* 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.

Provision(s) 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

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 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, except secondary enforcement between 12:30 a.m. and 1 a.m. and between 4 a.m. and 5 a.m.
- Passenger restrictions exist: No passengers under 18 who are not immediate family members, unless accompanied 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 of 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

- Not specified

Penalty Guidelines for Sales to Minors

No written guidelines

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

Note: Exceptions include (1) premises of an innholder and parts of buildings located 10 or more floors above street level; (2) extensions 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 producing 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 fewer 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 1st 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: 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 fewer 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 fewer than 6 gallons.

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 Pricing Policies

Alcohol Tax

Beer (5 percent alcohol)

- Specific excise tax: \$0.11 per gallon

Wine (12 percent alcohol)

- Specific excise tax: \$0.55 per gallon

Spirits (40 percent alcohol)

- Specific excise tax: \$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, 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

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Massachusetts Alcoholic Beverages Control Commission (ABCC)	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	Yes
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	Yes
Underage Alcohol-Related Fatality Investigations	No
<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	Massachusetts ABCC
Such laws are also enforced by local law enforcement agencies	No
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	856
Number pertains to the 12 months ending	12/31/2013
Data include arrests/citations issued by local law enforcement agencies	No
<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 retail licensees in state ³	11,300
Number of licensees checked for compliance by state agencies (including random checks)	2,686
Number of licensees that failed state compliance checks	72
Numbers pertain to the 12 months ending	12/31/2013
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>	
Number of licensees subject to random state compliance checks/decoy operations	2,686
Number of licensees that failed random state compliance checks	72
<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	No
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	12/31/2013
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state ⁴	123
Total amount in fines across all licensees	\$229,110
Smallest fine imposed	\$320
Largest fine imposed	\$39,030
Numbers pertain to the 12 months ending	12/31/2013

<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of suspensions imposed by the state ⁵	123
Total days of suspensions across all licensees	Data not available
Shortest period of suspension imposed (in days)	Data not available
Longest period of suspension imposed (in days)	Data not available
Numbers pertain to the 12 months ending	12/31/2013
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of license revocations imposed ⁶	0
Numbers pertain to the 12 months ending	12/31/2013
Additional Clarification	
<p>In 2013, the agency conducted compliance checks in 251 municipalities across the commonwealth. There were 2,686 licensed establishments checked, of which 72 failed (3 percent). Of these licensees, 1,098 off-premise licensees were checked, of which 45 failed (4 percent); and 1,598 on-premise licensees were checked, of which 37 failed (2 percent). Licensees found in violation of selling or furnishing alcohol to underage individuals are brought before an adjudicatory hearing before the Alcoholic Beverages Control Commission. If found guilty, they are issued a penalty that can range from a warning to a license suspension. Most are allowed to pay a fine in lieu of suspension, which is statutorily based on their alcohol sales.</p> <p>In 2013, the Division conducted enforcement operations at the Comcast Center in Mansfield. At the beginning of the concert season, communication was established relative to upcoming events whereby Mansfield Police would request ABCC enforcement support. Concert dates were selected based on historical problems at the venue when a particular act is featured. ABCC enforcement includes area liquor stores prior to the parking lot's opening, parking lot enforcement up until the beginning of the concert, and then enforcement within the licensed premises. This enforcement operation resulted in 129 minors in possession of alcohol, 29 furnishing alcohol to minors, 15 intoxicated or incapacitated assists, and seizure of 32 bottles of alcohol and 110 cases of beer, resulting in the prevention of delivery to approximately 1,270 underage individuals.</p> <p>In 2013, the Division conducted alcohol enforcement operations at the Country Music Festival at Gillette Stadium. The results of this enforcement operation included, 50 minors in possession of alcohol, numerous arrests, five medical assists, five intoxicated or incapacitated assists, and seizure of six bottles of alcohol and 12 cases of beer, resulting in the prevention of delivery to approximately 108 underage individuals. The enhanced enforcement of all agencies resulted in a marked improvement over the 2012 event.</p> <p>Enhanced Liquor Enforcement Programs</p> <p>Massachusetts has one of the lowest ratios of enforcement agents to licensees in the country. Enhanced Liquor Enforcement Programs have been crucial to public safety of the commonwealth, in preventing illegal purchase of alcoholic beverages by or for underage individuals. This program is funded (\$150,000) by the Legislature with specific conditions that the funding be utilized for these programs.</p> <ul style="list-style-type: none"> • Operation Safe Campus: The objective of this operation is to prevent the procurement of alcoholic beverages by and for underage individuals in and around college communities throughout the commonwealth. The Enforcement Division conducts enhanced enforcement operations at bars and liquor stores in college communities over a 6-week period at the beginning of each school year. • Operation Safe Prom and Graduation: The objective of this operation is to prevent the procurement of alcoholic beverages by and for underage individuals during the high school and college prom and graduation seasons. The Enforcement Division conducts enhanced enforcement at liquor stores in communities across the commonwealth over an 8-week period during May and June. • Operation Safe Summer: The objective of this operation is to prevent procurement of alcoholic beverages by and for underage individuals as well as the sale of alcohol to obviously intoxicated individuals in summer communities throughout the commonwealth. The Enforcement Division conducts enhanced enforcement operations at bars and liquor stores in summer communities over a 6-week period during July and August. 	

- **Operation Safe Holidays:** This program consists of two separate operations. The “Last Call” operation targets specific bars that have been identified, pursuant to MGL Chapter 90 § 24J, as the last establishment to serve alcoholic beverages to a convicted impaired driver. This operation focuses on preventing intoxicated individuals from getting on the road as well as deterring bar owners from serving the potential impaired drivers. The “Cops in Shops” operation is to prevent procurement of alcoholic beverages by and for underage individuals during the holiday season. The Enforcement Division conducts this enforcement at bars and liquor stores in communities across the Commonwealth from Thanksgiving through December 31 each year.
- **Parent Notification Program:** The Enforcement Division implemented its successful parent notification program in 2005. Investigators call parents from liquor store parking lots or bars and inform them of a situation in which their child is involved. Investigators have found this type of intervention is a powerful tool for family involvement in addressing underage drinking.

In 2013, the Enforcement Division conducted these programs with the following results: 733 minors in possession or transporting alcoholic beverages; 262 adults procuring alcohol for minors; 78 individuals in possession of false identification; and 403 cases of beer and 399 bottles of alcohol confiscated by Investigators. Based on the standard for determining “binge drinking,” this prevented delivery to approximately 5,602 underage individuals.

Since 2005, these programs have resulted in the following cumulative results: 4,983 minors in possession or transporting alcoholic beverages; 2,381 adults procuring alcohol for minors; 569 individuals in possession of false identification; and 2,751 cases of beer and 1,963 bottles of alcohol confiscated by Investigators, preventing delivery to approximately 35,286 underage individuals.

¹Or having consumed or purchased per state statutes.

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

³Excluding special licenses such as temporary, seasonal, and common carrier licenses.

⁴Does not include fines imposed by local agencies.

⁵Does not include suspensions imposed by local agencies.

⁶Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State	
Bureau of Substance Abuse Services (BSAS) Underage Drinking Prevention Programs; Statewide Technical Assistance Center	
Program serves specific or general population	Specific population
Number of youth served	1,395,098
Number of parents served	725,270
Number of caregivers served	1,805
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information: http://www.mass.gov/dph/bsas	
Program Description: This project involves 31 underage drinking prevention programs in collaboration with six regional centers in communities across the commonwealth. The programs are coalition/ community focused; require city/town participation; use the Substance Abuse and Mental Health Services Administration (SAMHSA) Strategic Prevention Framework (SPF); and are required to use evidence-based environmental strategies that relate directly to assessment-identified problems.	
District Attorneys Underage Drinking Prevention Program	
Program serves specific or general population	Specific population
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No data
Evaluation report is available	No data
URL for evaluation report:	No data
URL for more program information:	No data

Program Description: Several County District Attorneys Offices sponsored Underage Drinking Prevention Conferences.
Additional Underage Drinking Prevention Programs Operated or Funded by the State
No data URL for more program information: No data
Program description: No data
Additional Clarification
Regarding the BSAS Underage Drinking Prevention Programs and the Statewide Technical Assistance Center, these estimates are based on the total number of contacts, which may include multiple contacts with the same individuals. BSAS has been implementing a new data collection system to facilitate more accurate data.

Additional Information Related to Underage Drinking Prevention Programs	
<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 collaborate with Native American key partners to provide culturally appropriate services to Native Americans in Massachusetts. A booklet was produced for parents.	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	Yes
Program description: Community level: restrictions on advertising; counter-alcohol advertising on billboards and public transportation. State level: Counter-alcohol advertising via magazine, videos, posters, social media, and transit ads. The Massachusetts Bay Transit Authority, the state's largest transit system, agreed to suspend alcohol advertising on 7/1/2012.	
<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):	No
Agency(ies) within your state: Department of Public Health, Bureau of Substance Abuse Services	Yes
Nongovernmental agency(ies):	No
Other:	No
Best practice standards description: BSAS implements best practices through (1) a competitive request-for-response (RFR) process, (2) strategy meetings, and (3) regular site visits. The RFR requires the selection of an evidence-based model. Regular meetings provide technical assistance to ensure implementation of the SPF sustainability as well as cultural competence. The community's logic model, action plan, accomplishments, and challenges are reviewed throughout the year.	
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
<i>Committee contact information:</i>	
Name: William D. Luzier; Executive Director, Interagency Council on Substance Abuse & Prevention	
E-mail: william.luzier@state.ma.us	
Address: 250 Washington Street, Floor 3, Boston, MA 02134	
Phone: 617-624-5121	
<i>Agencies/organizations represented on the committee:</i>	
Executive Office of Health and Human Services	
Executive Office of Public Safety and Security	
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 Center for Health Information and Analysis 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	
A website or other public source exists to describe committee activities URL or other means of access: http://www.mass.gov/governor/administration/councilscabinetsandcommissions/subabuseprevent	Yes

Underage Drinking Reports	
State has prepared a plan for preventing underage drinking in the last 3 years Prepared by: Interagency Council on Substance Abuse & Prevention Plan can be accessed via: http://www.mass.gov/governor/docs/strategic-plan-update-july-2010.pdf	Yes
State has prepared a report on preventing underage drinking in the last 3 years Prepared by: Department of Elementary and Secondary Education and Department of Public Health Plan can be accessed via: http://www.doe.mass.edu/cnp/hprograms/yrebs/2011Report.pdf	Yes

Additional Clarification	
No data	

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks in retail outlets:</i>	
Estimate of state funds expended	\$32,534 (in-kind contribution)
Estimate based on the 12 months ending	12/31/2013
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	12/31/2013
<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:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

Funds Dedicated to Underage Drinking	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	No
Fines	No
Fees	No
Other:	No
<i>Description of funding streams and how they are used:</i>	
Not applicable	
Additional Clarification	
See Additional Clarification section in Part 1.	