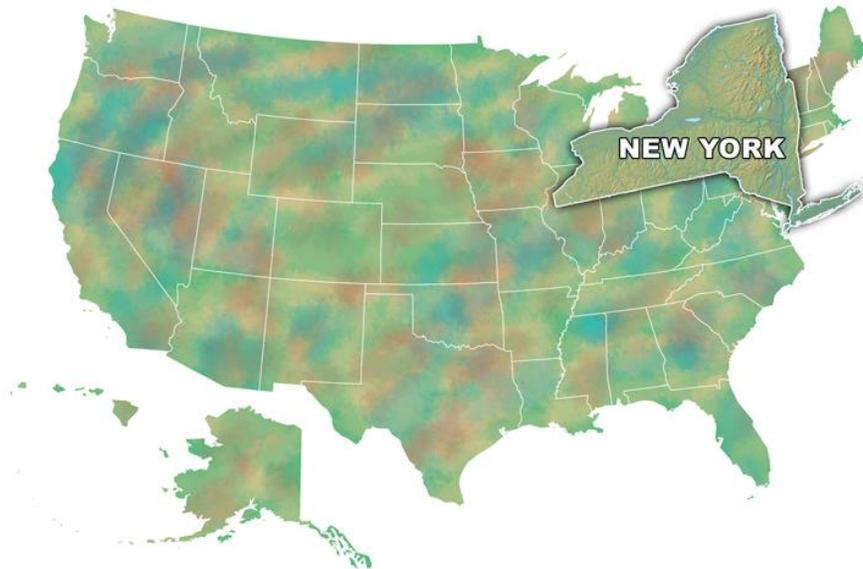


State Report

New York

This document is excerpted from:

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



New York

State Profile and Underage Drinking Facts*

State Population: 19,651,127
 Population Ages 12–20: 2,310,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	29.0	669,000
Past-Month Binge Alcohol Use	17.4	403,000
Ages 12–14		
Past-Month Alcohol Use	4.4	31,000
Past-Month Binge Alcohol Use	1.7	12,000
Ages 15–17		
Past-Month Alcohol Use	27	208,000
Past-Month Binge Alcohol Use	15	115,000
Ages 18–20		
Past-Month Alcohol Use	51.5	431,000
Past-Month Binge Alcohol Use	32.9	276,000
Alcohol-Attributable Deaths (under 21)		181
Years of Potential Life Lost (under 21)		10,916
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	23	14

* 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 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 then converts 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

No data

Penalty Guidelines for Sales to Minors

No data

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 (applies only to on-premises licenses that sell spirits)
 - Alcohol products: Wine, spirits

Note: Exceptions include (1) clubs 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 and 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 Administrative Violations	
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	Data not available
Shoulder Tap Operations	Data not available
Party Patrol Operations or Programs	Data not available
Underage Alcohol-Related Fatality Investigations	Data not available
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	
	Don't know
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	Not applicable
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	
	Don't know
Number of minors found in possession by state law enforcement agencies	Not applicable
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 operations² 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 ³	43,000
Number of licensees checked for compliance by state agencies (including random checks)	1,947
Number of licensees that failed state compliance checks	512
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>	
	Yes
Number of licensees subject to random state compliance checks/decoy operations	1,947
Number of licensees that failed random state compliance checks	512
<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	Not applicable
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

Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	Yes
Number of fines imposed by the state ⁴	1,259
Total amount in fines across all licensees	\$4795.34
Smallest fine imposed	\$1,000
Largest fine imposed	\$20,000
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	53
Total days of suspensions across all licensees	1,316
Shortest period of suspension imposed (in days)	10
Longest period of suspension imposed (in days)	124
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	41
Numbers pertain to the 12 months ending	12/31/2013
Additional Clarification	
The NYS Police and NYS Liquor Authority answered all questions in Part 1.	

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

⁴ Does not include fines imposed by local agencies

⁵ Does not include suspensions imposed by local agencies

⁶ Does not include revocations imposed by local agencies

Underage Drinking Prevention Programs Operated or Funded by the State	
Project Northland	
Program serves specific or general population	Specific population
Number of youth served	1,150
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information: http://www.nrepp.samhsa.gov	
Program Description: Project Northland is a multilevel intervention involving students, peers, parents, and community in programs designed to delay the age at which adolescents begin drinking, reduce alcohol use among those already drinking, and limit the number of alcohol-related problems among young drinkers. Administered weekly to adolescents in grades 6–8, the program has a specific theme within each grade level that is incorporated into the parent, peer, and community components. The 6th-grade home-based program targets communication about adolescent alcohol use utilizing student-parent homework assignments, in-class group discussions, and a communitywide task force. The 7th-grade peer- and teacher-led curriculum focuses on resistance skills and normative expectations regarding teen alcohol use, and is implemented through discussions, games, problem-solving tasks, and role-plays. During the first half of the 8th-grade Power Lines peer-led program, students learn about community dynamics related to alcohol use prevention through small-group and classroom interactive activities. During the second half, they work on community-based projects and hold a mock town meeting to make community policy recommendations to prevent teen alcohol use.	

LifeSkills Training (LST)	
Program serves specific or general population	Specific population
Number of youth served	66,930
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information: http://www.nrepp.samhsa.gov	
Program Description: LST is a school-based program that aims to prevent alcohol, tobacco, and marijuana use and violence by targeting the major social and psychological factors that promote the initiation of substance use and other risky behaviors.	
Too Good for Drugs (TGFD)	
Program serves specific or general population	Specific population
Number of youth served	23,326
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information: http://www.nrepp.samhsa.gov	
Program Description: TGFD is a school-based prevention program for kindergarten through 12th grade that builds on students' resiliency by teaching them how to be socially competent and autonomous problem solvers.	
Second Step	
Program serves specific or general population	Specific population
Number of youth served	16,608
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information: http://www.nrepp.samhsa.gov	
Program Description: Second Step is a classroom-based social-skills program for children ages 4 to 14 that teaches socioemotional skills aimed at reducing impulsive and aggressive behavior while increasing social competence.	
Project SUCCESS	
Program serves specific or general population	Specific population
Number of youth served	8,920
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information: http://www.nrepp.samhsa.gov	
Program Description: Project SUCCESS (Schools Using Coordinated Community Efforts to Strengthen Students) is designed to prevent and reduce substance use among students 12 to 18 years old. The program was originally developed for students attending alternative high schools who are at high risk for substance use and abuse due to poor academic performance, truancy, discipline problems, negative attitudes toward school, and parental substance abuse.	

Project ALERT	
Program serves specific or general population	Specific population
Number of youth served	8,303
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	http://www.nrepp.samhsa.gov
Program Description: Project ALERT is a school-based prevention program for middle or junior high school students that focuses on alcohol, tobacco, and marijuana use. It seeks to prevent adolescent nonusers from experimenting with these drugs, and to prevent youths who are already experimenting from becoming people who use more regularly or have an alcohol use disorder.	
Project Towards No Drug Abuse (Project TND)	
Program serves specific or general population	Specific population
Number of youth served	7,952
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	http://www.nrepp.samhsa.gov
Program Description: Project TND is a drug use prevention program for high school youth. The current version of the curriculum is designed to help students develop self-control and communication skills, acquire resources that help them resist drug use, improve decisionmaking strategies, and develop the motivation to not use drugs.	
Promoting Alternative Thinking Strategies (PATHS)	
Program serves specific or general population	Specific population
Number of youth served	1,506
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	http://www.nrepp.samhsa.gov
Program Description: PATHS and PATHS Preschool are school-based preventive interventions for children in elementary school or preschool. The interventions are designed to enhance areas of social-emotional development such as self-control, self-esteem, emotional awareness, social skills, friendships, and interpersonal problem-solving skills while reducing aggression and other behavior problems.	
Class Action	
Program serves specific or general population	Specific population
Number of youth served	1,436
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	http://www.nrepp.samhsa.gov
Program Description: Class Action is the second phase of the Project Northland alcohol-use prevention curriculum series. Class Action (for grades 11–12) and Project Northland (for grades 6–8) are designed to delay the onset of alcohol use, reduce use among youths who have already tried alcohol, and limit the number of alcohol-related problems experienced by young drinkers.	

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	
No 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 St. Regis Mohawk Tribe and Health Services provides prevention services on and off the Reservation. The provider delivers Too Good for Drugs and does social marketing and coalition development. Alternatives Counseling Services Inc. provides services to the Shinnecock Indian Nation in the town of Southampton in Suffolk County. This provider delivers Too Good For Drugs, Too Good For Violence, and Project Venture.	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	Yes
Program description: The Youth Development Survey was to be conducted in fall 2014 with questions related to youth exposure. Many providers and coalitions funded by the New York State Office of Alcoholism and Substance Abuse Services (NYS OASAS) have been doing surveys annually that also measure youth exposure.	
<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: NYS Prevention Guidelines	Yes
Nongovernmental agency(ies):	No
Other:	No
Best practice standards description:	
<i>Prevention Guidelines:</i> The primary purpose of the 2012 Prevention Guidelines is to define and describe acceptable levels of prevention services, and strategies and activities necessary to reduce underage drinking, alcohol misuse and abuse, illegal drug abuse, medication misuse, and problem gambling within the framework prescribed by the NYS OASAS.	
<i>Environmental Strategies:</i> Environmental substance abuse prevention strategies were designed to impact the community, social, and economic contexts in which people access and consume alcohol, tobacco, or other drugs. These strategies are grounded in the field of public health and emphasize changing the broader physical, social, cultural, and institutional forces that contribute to health problems in the general population. In NY, environmental strategies primarily target underage drinking, and research supports the effectiveness of this approach in preventing/reducing underage alcohol consumption. The most effective environmental strategies employ a three-pronged approach: (1) enacting or improving laws, regulations, and policies; (2) enhancing enforcement of the law, regulation, or policy; and (3) use of the media to raise community awareness and support for the policy and enforcement activities.	
Community mobilization and media support are essential both to generate community support for the environmental changes and to promote their sustainability. These relatively new and effective evidence-based prevention strategies, like all effective prevention, must be based on a community needs assessment of the specific environmental factors that lead to substance-related negative consequences. To be successful, multiple and reinforcing strategies must be planned carefully.	

Additional Clarification	
<p>The Prevention Guidelines (PG) explain the process for developing and implementing evidenced-based environmental prevention strategies. The PG are currently being updated, but the 2012 Guidelines are still in effect and can be found at the website below: http://www.oasas.ny.gov/prevention/documents/2012PreventionGuidelines.pdf</p>	
State Interagency Collaboration	
<i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes
<p><i>Committee contact information:</i> Name: Doug Paquette E-mail: Doug.Paquette@troopers.ny.gov Address: 1220 Washington Avenue, Albany, NY 12226 Phone: 518-457-7504</p>	
<p><i>Agencies/organizations represented on the committee:</i> Office of Alcoholism and Substance Abuse Services State Liquor Authority Office of Mental Health Attorney General Majority Leader of Senate Speaker of Assembly Representatives from community agencies statewide</p>	
<i>A website or other public source exists to describe committee activities</i>	Yes
<p>URL or other means of access: http://www.oasas.ny.gov/prevention/documents/2011AdvisoryCouncilonUnderageAlcoholConsumptionDraftAnnualReport.pdf</p>	
Underage Drinking Reports	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
<p>Prepared by: Advisory Council on Underage Alcohol Consumption and Youth Substance Abuse OASAS is required by the Mental Hygiene Law to produce a Statewide Comprehensive Plan every October 1 and an Interim Report on the Plan on February 15. Developed in accordance with Section 5.07 of the Mental Hygiene Law, the Statewide Comprehensive Plan 2011–2015 informs counties, providers, people in recovery, their families, other state agencies, the federal government, and other interested parties about major priorities and future directions. Although planning documents are produced and released in regular cycles, as set by the Mental Hygiene Law, OASAS views planning as a year-round process that informs policy development, budgeting, and development and delivery of services at the state, local, and provider levels. Our collaborative planning efforts with counties, providers, and state and federal agencies will guide future efforts and have the flexibility to respond to changing conditions. OASAS seeks feedback on the use and usefulness of the Statewide Comprehensive Plan. The NYS OASAS Statewide Comprehensive Plan is available at: http://www.oasas.ny.gov/pio/commissioner/documents/5YPlan2011-2015.pdf</p>	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	Yes
<p>Prepared by: Advisory Council on Underage Alcohol Consumption and Youth Substance Abuse Plan can be accessed via: http://www.oasas.ny.gov/prevention/documents/2011AdvisoryCouncilonUnderageAlcoholConsumptionDraftAnnualReport.pdf</p>	
Additional Clarification	
<p>The 2012 Annual Report of the Advisory Council on Underage Alcohol Consumption and Youth Substance Abuse is still in the process of being approved. The 2011 Annual Report is available on the website below. This report contains an underage drinking prevention plan and report. http://www.oasas.ny.gov/prevention/documents/2011AdvisoryCouncilonUnderageAlcoholConsumptionDraftAnnualReport.pdf</p>	

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	\$3,080,000
Estimate based on the 12 months ending	12/31/2013
<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data
<i>Other programs:</i>	
Programs or strategies included:	No data
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data

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	
<p>OASAS funds both school- and community-based prevention providers to deliver evidenced-based programs to prevent/reduce underage alcohol use as well as youth substance abuses. While the great majority of evidence-based model programs funded by OASAS address both underage drinking and other youth substances of abuse, only one OASAS-funded model program, Project Northland, is designed solely to decrease underage drinking. The estimate of funds expended solely for underage drinking for 2013 was \$3,080, representing the dollar amount allocated to Project Northland and environmental strategies. The efforts of other state agencies to reduce underage drinking include the NYS Liquor Authority, institutions of higher education, juvenile justice, and the child welfare system. These institutions are not able to estimate funding amounts devoted to underage drinking prevention.</p>	