

# MASSACHUSETTS STATE REPORT

## Underage Drinking Prevention and Enforcement

2020



**SAMHSA**  
Substance Abuse and Mental Health  
Services Administration

This *State Report* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report “on each State’s performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.” As directed by the STOP Act, the *State Reports* were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

**Time Period Covered by this *State Report*:** This *State Report* primarily includes data from calendar year 2019. Regional and state profile data were drawn from the most recently available federal survey data as of 2018. State legal data reflect the status of the law as of January 1, 2019. State survey data, collected in 2019, were drawn from the most recent 12-month period in which the states maintained the data.

**Source of Data:** For each state, overall population information was taken from 2010 Census data. Data about the portion of each state’s population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2015 through 2018 National Surveys on Drug Use and Health (NSDUH), SAMHSA’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2018). Confidence intervals for these estimates are available from CBHSQ’s Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention’s Alcohol-Related Disease Impact (ARDI) application served as the resource for data about alcohol-attributable deaths from 2006–10 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis’s Fatality Analysis Reporting System (FARS) provided the 2018 data used to present statistics about fatalities among 15-to 20-year-old drivers.

**Recommended Citation:** U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA; 2020). 2020 *Massachusetts State Report – Underage Drinking Prevention and Enforcement*. Rockville, MD: SAMHSA.

**Staff Chair and Point of Contact, ICCPUD:**

**Robert M. Vincent, MS.Ed**

Public Health Analyst

SAMHSA’s Center for Substance Abuse Prevention (CSAP)

Division of Systems Development

Phone: (240) 276-1582

Email: Robert.Vincent@samhsa.hhs.gov

**Massachusetts Governor’s Designated Contact for STOP Act State Survey:**

**José Morales**

Director of Prevention Services

Massachusetts Department of Public Health

Phone: (617) 624-5141

Email: jose.morales@state.ma.us



## Massachusetts

**State Population: 6,902,149**

**Population Ages 12–20: 834,700**

Past-Month Alcohol Use Among 12- to 20-Year-Olds	
<b>Ages 12–20</b>	
Past-Month Alcohol Use – Number (Percentage)	262,300 (31.4%)
Past-Month Binge Alcohol Use – Number (Percentage)	167,700 (20.1%)
<b>Ages 12–14</b>	
Past-Month Alcohol Use – Number (Percentage)	5,800 (2.6%)
Past-Month Binge Alcohol Use – Number (Percentage)	2,800 (1.3%)
<b>Ages 15–17</b>	
Past-Month Alcohol Use – Number (Percentage)	58,000 (22.2%)
Past-Month Binge Alcohol Use – Number (Percentage)	32,800 (12.5%)
<b>Ages 18–20</b>	
Past-Month Alcohol Use – Number (Percentage)	198,500 (56.7%)
Past-Month Binge Alcohol Use – Number (Percentage)	132,200 (37.7%)
Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21	
Alcohol-Attributable Deaths (under 21)	54
Years of Potential Life Lost (under 21)	3,244
Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Concentration (BAC) > 0.01% <sup>1</sup>	
Number of Fatalities Involving 15- to 20-Year-Old Driver With BAC > 0.01%	11
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	40%

<sup>1</sup> Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number, however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.

## Behavioral Health System Overview<sup>2</sup>

The behavioral health system in Massachusetts is overseen and managed by the Department of Public Health (DPH), the Department of Mental Health (DMH), and MassHealth. There is collaboration between these departments to ensure coordinated and comprehensive service delivery is achieved.

The DPH, Bureau of Substance Addiction Services (BSAS, formerly known as the Bureau of Substance Abuse Services), is the Single State Authority (SSA) responsible for the licensing of programs and addiction counselors as well as the purchase and oversight of drug and alcohol prevention, intervention, treatment, and recovery support services in Massachusetts. The role of the SSA is to ensure that services are viewed through the lens of substance use disorder prevention, intervention, treatment, and recovery, and that the delivery of those services is appropriate based on the individual's level of care needs. To achieve this goal, BSAS funds and monitors a comprehensive continuum of prevention, intervention, treatment, and recovery support services for alcohol and other drugs in addition to filling other critical functions such as provider training and technical assistance (TA), and data analytics. Public awareness, counselor education, and treatment of problem gambling are also funded through a legislative appropriation from the Massachusetts State Lottery and by the Massachusetts Gaming Commission.

In Massachusetts, the full continuum of care includes prevention; outreach and engagement; acute treatment; stabilization; long-term residential, outpatient, and medication-assisted treatment (methadone and office-based addiction treatment [OBAT]); and recovery support services. These services are provided by community-based behavioral health providers contracted directly by DPH/BSAS, DMH, and/or MassHealth. In Massachusetts, behavioral health services are not managed at the county level or by an intermediary. In addition to the continuum of care, BSAS funds case management services for homeless individuals with co-occurring substance use and mental health disorders in federally funded housing and urban development programs. These levels of care are available in gender-specific and age-appropriate modalities for adults, adolescents and young adults, and families.

### Prevention

The state has a TA contract with the Educational Development Center (EDC), which hosts Massachusetts Technical Assistance Partnership for Prevention (MassTAPP) to support the planning, implementation, and evaluation of evidence-based substance use prevention programs across the state. MassTAPP—through the use of in-person, group, and distance learning—provides specific assistance and support to programs in the understanding and implementation of all five steps of the Strategic Prevention Framework (SPF) and environmental substance use prevention strategies.

MassTAPP staff also provides consultation and training to municipalities, community-based groups, coalitions, and organizations. These efforts focus on how to maximize the effectiveness

---

<sup>2</sup> Extracted from fiscal year (FY) 2018/2019 – (Massachusetts) State Behavioral Health Assessment and Plan, Substance Abuse Prevention and Treatment Block Grant (SABG), Center for Substance Abuse Prevention (CSAP), Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.

of evidence-based substance use environmental prevention strategies to influence systemic changes related to alcohol, tobacco, and other drugs (ATOD) policies, rules/regulations, and community norms at local, regional, and state levels as funds allow.

BSAS currently funds 29 cities and towns to follow a data-informed process focusing primarily on evidence-based environmental strategies that can be sustained through local policy, practice, and system changes to prevent and reduce underage drinking and other drug use in Massachusetts communities.

BSAS also conducts media and social media initiatives directed at youth, seniors, health care providers, parents and other caretakers, and teachers and school staff. Printed documents, advertising on public transportation systems, use of the Mass.gov website, blogs, and YouTube videos are some of the other vehicles used to convey the bureau's prevention message.

## Youth Services

The BSAS Office of Youth and Young Adult Services (OYYAS) oversees the substance use services continuum of care for adolescents and young adults in the state. Adolescent services include youth intervention, youth-specific outpatient treatment, youth and young adult acute stabilization, youth residential programs, residential programs for transitional age youth and young adults, and recovery high schools.

MassSTART is a school-centered intervention program, which has proven positive outcomes for youth, their families, and the community. MassSTART serves youth 8 to 13 years old at high risk for or experiencing criminal justice involvement, substance use, family violence and school, social, and/or behavioral problems. Caseworkers use a positive youth development framework to coordinate and provide support and services at school and in the home. BSAS funds and supports the MassSTART intervention model with programs currently running in three sites.

## Expenditures for Substance Abuse Prevention and Treatment

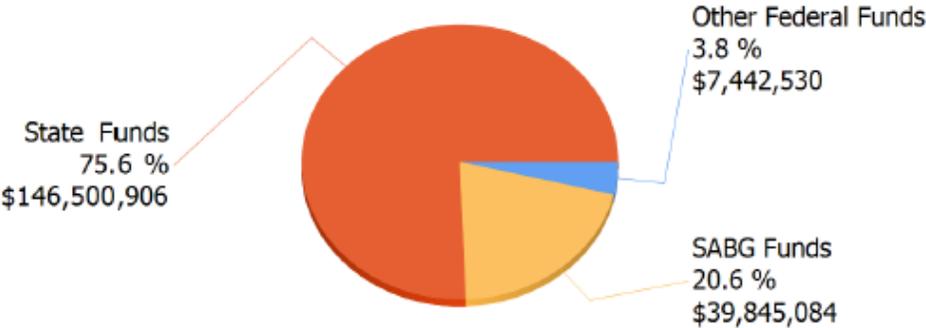
All states receive federal funds for substance abuse prevention through the Substance Abuse Prevention and Treatment Block Grant (SABG) administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). Exhibit 1 shows the sources that Massachusetts used for expenditures on substance abuse prevention and treatment in 2019. As indicated, state funds and SABG funds account for the largest sources (75.6 percent and 20.6 percent, respectively).<sup>3</sup>

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2018–2019, Massachusetts designated improving prevention to decrease substance use among young people as part of priority number three for use of SABG funds.<sup>4</sup>

<sup>3</sup> WebBGAS State Profile, 2019 SABG and Community Mental Health Block Grant (MHBG) Reports – Massachusetts 2019.

<sup>4</sup> FY 2018/2019 – (Massachusetts) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Table 1: Priority Areas and Annual Performance Indicators.

**Exhibit 1: Sources of Massachusetts’s 2019 Expenditures for Substance Abuse Prevention and Treatment**



## State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details Massachusetts's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. The following sections address these measures.

***State Laws and Policies:*** These 26 underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into four categories:

1. Laws addressing minors in possession of alcohol;
2. Laws targeting underage drinking and driving;
3. Laws targeting alcohol suppliers; and
4. Laws affecting alcohol pricing.

***STOP Act State Survey Data:*** The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:

1. Enforcement programs to promote compliance with underage drinking laws and regulations.
2. Programs targeted to youth, parents, and caregivers to deter underage drinking.
3. State interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns.
4. State expenditures on the prevention of underage drinking.

## Laws Addressing Minors in Possession of Alcohol

Underage-Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is possession allowed if parent or guardian is present or consents?	Yes
• Is possession allowed if spouse is present or consents?	No
Is there an exception based on location?	No

Underage-Consumption	
Is underage consumption of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is consumption allowed if the parent or guardian is present or consents?	N/A
• Is consumption allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A

Underage-Internal Possession	
Is underage internal possession of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is internal possession allowed if the parent or guardian is present or consents?	N/A
• Is internal possession allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A

Underage-Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	Yes
May youth purchase for law enforcement purposes?	No

Underage-False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor's driver's license suspension?	Yes, through a judicial process
Provisions Targeting Suppliers	
Is the lending or transferring or selling of a false ID prohibited?	Yes
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	Yes
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	No
Are state driver's licenses for persons under 21 easily distinguishable from licenses for persons 21 and over?	Yes
May retailers seize apparently false IDs without fear of prosecution even if the ID is ultimately deemed valid?	No
Does an affirmative defense exist for the retailer?	Yes

• Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)?	Yes
• Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)?	No
Does the retailer have the right to sue the minor for use of a false ID?	No
May a retailer detain a minor who used a false ID?	No

## Laws Targeting Underage Drinking and Driving

Youth Blood Alcohol Concentration Limits (Underage Operators of Noncommercial Motor Vehicles)	
What is the maximum blood alcohol concentration (BAC) limit for an underage driver of a motor vehicle?	0.02%
Does a BAC level in excess of limit automatically establish a violation (per se violation)?	Yes
What is the minimum age to which the limit applies?	Not specified
What is the maximum age to which the limit applies?	21

Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose” Laws)—For Possession	
Is there a “use/lose” law that suspends or revokes a minor’s driving privileges for alcohol violations?	Yes
What types of violation lead to license suspension or revocation?	
• Purchase of alcohol	No
• Possession of alcohol	Yes
• Consumption of alcohol	No
The law applies to people under what age?	21
Is suspension or revocation mandatory or discretionary?	Mandatory
What is the length of suspension/revocation?	
Minimum number of days	90
Maximum number of days	90

Graduated Driver’s Licenses	
<b>Learner Stage</b>	
What is the minimum age for permit to drive with parents, guardians or other adults (other than instructors)?	16
What is the minimum number of months driver must hold learner permit before advancing to intermediate stage?	6
What is the minimum number of hours of driving with parents, guardians or adults before advancing to intermediate stage?	40 (or 30 hours of supervised driving if applicant completes driver skills program)
<b>Intermediate Stage</b>	
What is the minimum age for driving without adult supervision?	16 years, 6 months
For night driving, when does adult supervision requirement begin?	12:30 AM

Can law enforcement stop a driver for night driving violation as a primary offense?	Yes (exception: secondary enforcement between 12:30 AM and 1:00 AM and between 4:00 AM and 5:00 AM)
Are there restrictions on passengers?	Yes, no passengers under 18 who are not immediate family members, unless accompanied by licensed driver over 21
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	Yes, officer may stop driver for passenger restrictions violation
<b>License Stage</b>	
What is the minimum age for full license privileges and lifting of 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

<b>Furnishing Alcohol to Minors</b>	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
• Is furnishing allowed if the parent or guardian supplies the alcohol?	Yes
• Is furnishing allowed if the spouse supplies the alcohol?	Yes
Is there an exception based on location?	No
<b>Affirmative Defense for Sellers and Licensees</b>	
Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No

<b>Compliance Check Protocols</b>	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	Yes
What is the minimum age a decoy may be to participate in a compliance check?	Not specified
What is the maximum age a decoy may be to participate in a compliance check?	Not specified
Are there appearance requirements for the decoy?	Yes, age-appropriate appearance
Does decoy carry ID during compliance check?	Prohibited
May decoy verbally exaggerate his or her actual age?	Prohibited
Is decoy training mandated, recommended, prohibited, or not specified?	Not specified

<b>Penalty Guidelines for Sales to Minors</b>	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	No
What is the time period for defining second, third and subsequent offenses?	N/A
What is the penalty for the first offense?	N/A

What is the penalty for the second offense?	N/A
What is the penalty for the third offense?	N/A
What is the penalty for the fourth offense?	N/A

<b>Responsible Beverage Service (RBS)</b>	
Is there a state law pertaining to Beverage Service Training?	No law
If training is mandatory, who must participate?	N/A
If training is voluntary, which of the following incentives are offered?	
• Defense in dram shop liability lawsuits	N/A
• Discounts in dram shop liability insurance, license fees, or other	N/A
• Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons	N/A
• Protection against license revocation for sales to minors or sales to intoxicated persons	N/A
Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	N/A
Does the RBS law apply to new or existing licensees?	N/A

<b>Minimum Ages for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)</b>	
What is the minimum age requirement for off-premises retail establishments?	
Beer	18
Wine	18
Spirits	18
Does a manager or supervisor have to be present?	No

<b>Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)</b>	
What is the minimum age requirement for servers in on-premises establishments?	
Beer	18
Wine	18
Spirits	18
What is the minimum age requirement for bartenders in on-premises establishments?	
Beer	18
Wine	18
Spirits	18
Does a manager or supervisor have to be present?	No

<b>Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools</b>	
Colleges and Universities	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No

Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A
<b>Primary and Secondary Schools</b>	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	Yes, within 500 feet. Local government has authority to override state restrictions.
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, within 500 feet. Local government has authority to override state restrictions.
To which alcohol products does requirement apply?	Beer, Wine, Spirits
Notes: Exceptions are 1) inns and parts of buildings located ten or more floors above street level; 2) extension of licensed premises that do not exceed 50 feet.	
<b>Dram Shop Liability</b>	
Does a statute create dram shop liability?	No
Does the statute limit damages that may be recovered?	N/A
Does the statute limit who may be sued?	N/A
Does the statute limit elements or standards of proof?	N/A
Does common law dram shop liability exist?	Yes

<b>Social Host Liability</b>	
Does a statute create social host liability?	No
Does the statute limit damages that may be recovered?	N/A
Does the statute limit who may be sued?	N/A
Does the statute limit elements or standards of proof?	N/A
Does common law social host liability exist?	Yes

<b>Prohibitions Against Hosting Underage Drinking Parties</b>	
Does a statute prohibit hosting underage drinking parties?	Yes
Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	General
What action by underage guest triggers a violation?	Possession
Property type covered by the law?	Residential/Outdoor/Other
What level of knowledge by the host is required?	Knowledge: Host must have actual knowledge of party
Does host's preventive action protect him/her from being held liable?	No
Are there any exceptions for underage guests?	Yes—Family members

<b>Retailer Interstate Shipments of Alcohol</b>	
Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Prohibited
Wine	Prohibited
Spirits	Prohibited

Direct Shipments/Sales	
May alcohol producers ship directly to consumers?	Yes
What alcohol types may be shipped?	Wine
Must purchaser make mandatory trip to producer before delivery is authorized?	No
Age verification requirements	
Must the producer/shipper verify purchaser's age before sale?	No
Must the common carrier (deliverer) verify age of recipients?	Yes
State approval/permit requirements	
Must the producer/manufacture obtain state license or permit?	Yes
Must the common carrier (deliverer) be approved by a state agency?	Yes
Recording/reporting requirements	
Must the producer/manufacture record/report purchaser's name?	Yes
Must the common carrier (deliverer) record/report recipient's name?	No
Shipping label requirements	
Must the label state "Package contains alcohol"?	Yes
Must the label state "Recipient must be 21 years old"?	Yes

Keg Registration	
How is a keg defined (in gallons)?	More than 2.00
Prohibitions	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	No
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	No
What purchaser information is collected?	
Must the retailer collect the name and address?	Yes
Must the retailer collect the ID number, name and address on license or other government information?	No
Must the retailer collect the address at which keg will be consumed?	No
Must warning information be given to purchaser?	Yes, active (requires an action by purchaser)
Is a deposit required?	Yes, \$5.00
Does law cover disposable kegs?	No
Notes: The deposit provisions in Massachusetts require that a purchaser pay the following: (a) a container fee of not less than \$10.00 for each keg having a capacity of 6 or more gallons and of not less than \$1.00 for each container having a capacity of less than 6 gallons; and (b) a registration fee of \$10.00 for each keg having a capacity of 6 or more gallons and of \$4.00 for each keg having a capacity of less than 6 gallons. The comparison tables display the minimum required amount.	

Home Delivery	
Is home delivery of alcohol permitted?	
Beer	Yes (Each vehicle used for transportation and delivery must be covered by a permit issued by the commission.)
Wine	Yes (Each vehicle used for transportation and delivery must be covered by a permit issued by the commission.)
Spirits	Yes (Each vehicle used for transportation and delivery must be covered by a permit issued by the commission.)

High-Proof Grain Alcohol Beverages	
Are there restrictions on the sale of high-proof grain alcohol beverages?	No
Are restrictions based on Alcohol by Volume (ABV)?	N/A
Are there exceptions to restrictions?	N/A

### Laws Affecting Alcohol Pricing

Alcohol Taxes	
<b>Beer</b>	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	\$0.11
Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	
<b>Wine</b>	
Control system for wine?	No

Specific excise tax per gallon for 12% alcohol wine	\$0.55
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Additional taxes for 6 – 14% alcohol wine if applicable	
<b>Spirits</b>	
Control system for spirits?	No
Specific excise tax per gallon for 40% alcohol spirits	\$4.05
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Additional taxes for 15 – 50% alcohol spirits if applicable	

<b>Low-Price, High-Volume Drink Specials</b>	
Are on-premises retailers prohibited from offering the following types of drink specials?	
Free beverages	Yes
Multiple servings at one time	No
Multiple servings for same price as single serving	No
Reduced price for a specified day or time (i.e., happy hours)	Yes
Unlimited beverages for fixed price	Yes
Increased volume without increase in price	Yes

<b>Wholesaler Pricing Restrictions</b>	
<b>Beer</b>	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	Post and Hold (30 days)
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (60 days)
<b>Wine</b>	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	Post and Hold (30 days)
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (60 days)
<b>Spirits</b>	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	Post and Hold (30 days)
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (60 days)

## Massachusetts State Survey Responses

### State Agency Information

Agency with primary responsibility for enforcing underage drinking laws:

Massachusetts Alcoholic Beverages Control Commission (ABCC)

### Enforcement Strategies

State law enforcement agencies use:

Cops in Shops	Yes
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol-Related Fatality Investigations	Yes

Local law enforcement agencies use:

Cops in Shops	No
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	No

State has a program to investigate and enforce direct sales/shipment laws Yes

Primary state agency responsible for enforcing laws addressing direct sales/shippments of alcohol to minors Massachusetts ABCC

Such laws are also enforced by local law enforcement agencies No

### Enforcement Statistics

State collects data on the number of minors found in possession Yes

Number of minors found in possession<sup>1</sup> by state law enforcement agencies 1,268

Number pertains to the 12 months ending 12/31/2018

Data include arrests/citations issued by local law enforcement agencies No

State conducts underage compliance checks/decoy operations<sup>2</sup> to determine whether alcohol retailers are complying with laws prohibiting sales to minors Yes

Data are collected on these activities Yes

Number of retail licensees in state<sup>3</sup> 12,000

Number of licensees checked for compliance by state agencies (including random checks) 1,699

Number of licensees that failed state compliance checks 45

Numbers pertain to the 12 months ending 12/31/2018

Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments Both on- and off-sale establishments

State conducts **random** underage compliance checks/decoy operations Yes

Number of licensees subject to **random** state compliance checks/decoy operations 1,699

Number of licensees that failed **random** state compliance checks 45

Local agencies conduct underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors Yes

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 Not applicable

### Sanctions

State collects data on fines imposed on retail establishments that furnish to minors No

Number of fines imposed by the state<sup>4</sup> Not applicable

Total amount in fines across all licensees Not applicable

Smallest fine imposed	Not applicable
Largest fine imposed	Not applicable
Numbers pertain to the 12 months ending	Not applicable
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors</i>	No
Number of suspensions imposed by the state <sup>5</sup>	Not applicable
Total days of suspensions across all licensees	Not applicable
Shortest period of suspension imposed (in days)	Not applicable
Longest period of suspension imposed (in days)	Not applicable
Numbers pertain to the 12 months ending	Not applicable
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of license revocations imposed <sup>6</sup>	0
Numbers pertain to the 12 months ending	12/31/2018

**Additional Clarification**

Special Investigators of the Investigation and Enforcement Division are appointed by the Commission pursuant to Massachusetts General Laws Chapter 10 §72. Accordingly, Investigators are authorized and directed, pursuant to Massachusetts General Laws Chapter 138 §56, to make all needful and appropriate investigations to enforce the Liquor Control Act.

Pursuant to this statutory mandate, the Enforcement Division objectives include the following:

1. To prevent the sale or delivery of alcoholic beverages to underage individuals;
2. To prevent the sale or delivery of alcoholic beverages to intoxicated individuals and potential impaired drivers;
3. To prevent the sale of alcoholic beverages that are illegally imported or purchased from an illegal source and to prevent the tampering or dilution of alcoholic beverages;
4. To prevent illegal gambling on licensed premises;
5. To prevent the sale, delivery, or use of illegal narcotics on licensed premises;
6. To prevent unlawful ownership of licensed establishments by individuals or criminal organizations;
7. To provide suppliers, wholesalers, and retailers of the alcoholic beverage industry with a fair and even playing field to conduct their licensed business;
8. To prevent unlawful interstate sale and transportation of alcoholic beverages;
9. To ensure the lawful sale and delivery of wine by Direct Wine Shippers pursuant to MGL Chapter 138 §19F; and
10. To prevent unlawful trade practices in the alcoholic beverage industry.

In 2018, there were 349 complaints filed with the Commission relative to, but not limited to, the sale of alcohol to underage or intoxicated individuals, illegal gambling activity, illegal alcoholic beverages, illegal narcotics activity, and unlawful ownership.

In 2018, the Enforcement Division conducted operations in approximately 200 municipalities throughout the Commonwealth, filing 164 reports detailing approximately 272 violations of the Liquor Control Act that included, but were not limited to, the sale of alcohol to underage or intoxicated individuals, illegal gambling, illegal alcoholic beverages, criminal ownership of licensed premises, and unlawful trade practices.

*Minimum Purchase Age Compliance Checks*

The objective of this program is to prevent the sale of alcoholic beverages to underage individuals by licensed establishments throughout the Commonwealth. The primary focus is to educate licensees and to increase their vigilance in the checking of identification. To achieve this objective, the Investigation and Enforcement Division conducts compliance check enforcement in cooperation with community groups and police departments.

In 2018, the Enforcement Division conducted compliance checks in 134 municipalities across the Commonwealth. There were 1699 licensed establishments checked, of which 45 failed (3%) the check. Of these licensees, there were 654 off-premise licensees checked of which 32 failed (5%) the check; 1045 on-premise licensees checked of which 13 failed (1%) the check. It should be noted that the coverage in 2018 was significantly less than in 2017 due to a reduction in federal funding for the program.

Massachusetts has the fifth lowest ratio of enforcement agents to licensees in the country. Accordingly, the Enforcement Division has developed Enhanced Liquor Enforcement Programs that are scheduled to address specific geographic and seasonal challenges relating to underage drinking and impaired driving, as well as alcohol-related community problems.

Operation Safe Campus is conducted 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 is conducted at liquor stores throughout the Commonwealth over an 8-week period during May and June. Operation Safe Summer is conducted at bars and liquor stores in summer communities over a 6-week period during July and August. Lastly, Operation Safe Holidays is conducted at liquor stores throughout the Commonwealth from Thanksgiving through December 31st.

To encourage family involvement and intervention in addressing the problem of underage drinking, the Enforcement Division maintains a parent notification program to inform parents, at the time of the incident, of the situation in which their child is involved. Investigators have found this intervention to be very effective and well received by parents.

In 2018, these programs produced the following results: 998 minors in possession or transporting alcoholic beverages; 174 adults procuring alcohol for minors; 164 individuals in possession of false identification; 378 cases of beer and 508 bottles of alcohol confiscated by Investigators, preventing delivery to approximately 6592 underage individuals.

#### *Cooperative Enforcement Operations with Municipal and State Law Enforcement*

The Enforcement Division works in cooperation with municipal and state law enforcement agencies in order to obtain optimal enforcement coverage. Most often, these efforts are generated through requests for assistance from municipal police chiefs who have problematic licensees in their communities. Further, when a complaint is received at the ABCC, investigators reach out to police departments to conduct cooperative enforcement operations when feasible.

In 2018, the Enforcement Division conducted enforcement operations at concert and sports venues in cooperation with municipal, state, and county law enforcement agencies, as well as with the assistance of venue management. ABCC enforcement includes area liquor stores prior to the event, parking lot enforcement up until the beginning of the event, and enforcement within the licensed premises. The Enforcement Division conducted these operations at the Xfinity Center, Gillette Stadium, and Fenway Park, and the results of this enforcement operation included: 373 minors in possession of alcohol; 46 furnishing alcohol to minors; numerous medical, intoxicated or incapacitated assists; and the seizure of 271 bottles of alcohol and 122 cases of beer, preventing delivery to approximately 3198 underage individuals.

#### *Data Driven Impaired Driving Prevention*

Place of Last Drink (POLD) reports are filed with the Commission pursuant to Massachusetts General Laws Chapter 90 §24J, which requires that “In every case of a conviction of or a plea of guilty to a violation of operating a motor vehicle under the influence of intoxicating liquor, the court shall inquire of the defendant, before sentencing, regarding whether he was served alcohol prior to his violation of said section at an establishment licensed to serve alcohol on the premises and the name and location of said establishment. Any information so acquired by the court shall be transmitted to the alcohol beverage control commission.”

In 2018, the Enforcement Division, in coordination with National Highway Traffic Safety Administration (NHTSA) Impaired Driving Enforcement Crackdowns, conducted these enforcement and high-visibility operations to deter impaired driving throughout the Commonwealth. Of the approximately 1415 bars investigated, 13 charges and 151 warnings were issued pertaining to the sale of alcoholic beverages to an intoxicated person; 68 charges and 22 warnings were issued pertaining to associated issues such as sale to a minor, overcrowding, or open bar regulations.

#### *Source Investigations*

Source Investigations are conducted 1) to investigate alcohol-related motor vehicle accidents that result in death or serious bodily injury and alcohol-related incidents that involve persons under the legal age to possess or consume alcoholic beverages; and 2) to discover the source of the alcoholic beverages consumed by the individual(s) involved in the incident and investigate whether the source of the alcohol violated Massachusetts law.

<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.

**Underage Drinking Prevention Programs Operated or Funded by the State**

***Substance Abuse Prevention Collaborative (SAPC)***

Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable

**Program Description:** The purpose of the Substance Abuse Prevention Collaborative (SAPC) grant program is to prevent underage drinking and other drug abuse across the Commonwealth. This grant program serves to increase both the number and the capacity of municipalities across the Commonwealth addressing these issues. The Bureau of Substance Addiction Services (note our new name, but the initials remain BSAS) is funding 28 local municipalities across the Commonwealth to prevent underage drinking and other drug use through local evidence-based policy, practice, systems, and environmental change(s). The SAPC program emphasizes the integration of the Substance Abuse and Mental Health Services’ (SAMHSA) Strategic Prevention Framework (SPF) model into overall prevention systems. This comprehensive process informs consistent, data-driven planning across the Commonwealth focused on implementing culturally competent and sustainable strategies that will have a measurable effect on preventing and reducing underage drinking and other drug use in Massachusetts. Additionally, this program provides financial support for groups of municipalities to enter into formal, long-term agreements to share resources and coordinate activities in order to increase the scope of this work and their capacity to address these issues in their combined populations. In implementing these grants, funded programs (“lead municipalities”) must work in partnership with neighboring municipalities to form a “prevention cluster.” For example, local SAPCs create and/or sustain coalitions of municipal leadership, schools, police, preventionists, faith communities, and others to assess their community, build its capacity, and plan, implement, and evaluate evidence-based strategies in their prevention clusters.

***MA Health Promotion Clearinghouse***

Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	No
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	<a href="https://massclearinghouse.ehs.state.ma.us/">https://massclearinghouse.ehs.state.ma.us/</a>

**Program Description:** Specific underage drinking prevention resources (in English and Spanish) were updated and approved for future responsive design (readable on any digital device) and limited reprinting. A revised website was developed and has worked well. Resources include concepts from evidence-based programs and models of health-promoting behaviors for parents and youth.

***MDPH BSAS Native American Team***

Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	No
Evaluation report is available	No
URL for evaluation report:	Not applicable

URL for more program information:

Not applicable

**Program Description:** In 2018, the Cross-Tribal/BSAS Team (the Team) had a two-pronged approach to prevention: 1) to develop, and support the implementation of a Native-focused prevention supplement to an evidence-based program; and 2) to conduct outreach to tribal parents and youth to inform the prevention of alcohol and other drug use using Coming Home, and Stories and Poems for Northeastern Native Tribal Families, which are jointly created resources for Native parents to use with their youth.

LifeSkills® Training (LST) is an evidence-based program to prevent alcohol and other drug misuse. The Team developed an LST-approved supplement that includes inter-tribal cultural content and illustrations to promote healthy choices among youth and complements 13 of the evidence-based prevention sessions. Culturally-specific resources for parents/caregivers are available at no charge at:

<https://massclearinghouse.ehs.state.ma.us/category/NativeAmerican.html>.

BSAS wrote a request for proposal for a contract to:

- Continue the outreach initiative at cultural events to Massachusetts Native communities with Native cultural consultants,
- Recruit and train a cohort of Native college students who will serve as prevention specialists to deliver an evidence-based program with an approved Native supplement in 2 Massachusetts Native communities, while collaborating with Native cultural consultants on facilitating this process and participating in an evaluation,
- Develop trainings for BSAS staff and providers related to cultural humility and best practices for working with Native communities, and
- Assist tribes in their applications for prevention of substance misuse funding.

Tribal members have shared that they are particularly committed to the prevention of alcohol misuse. To “meet people where they are,” the Team sponsored a specific dance and a distribution table at multiple powwows and socials this year. These events afforded the chance to open the discussion and offer resources on the prevention and treatment of substance misuse to large groups of Native peoples. Participants were all invited to pick up copies of native-specific BSAS resources and learn more about BSAS services. The Team is also partnering with a more diverse group of tribes and two Native cultural organizations on this project.

**Additional Underage Drinking Prevention Programs Operated or Funded by the State**

**Program description:** No data

**Additional Clarification**

Not applicable

**Additional Information Related to Underage Drinking Prevention Programs**

*State collaborates with federally recognized tribal governments in the prevention of underage drinking* Yes

Description of collaboration: The BSAS Native American Cross-Tribal Team also is partnering with a more diverse group of tribes and two Native cultural organizations on a prevention project. We accompanied one of our tribes to a 2-day meeting in New Mexico regarding these issues.

BSAS is an active member of the new Department of Public Health-wide Interagency Native American Working Group, which is assessing their needs around a range of health issues and developing a strategic plan.

Please see program section for more details.

*State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing* Yes

Description of program: Please see SAPC in Program Section.

*State collaborates with/participates in media campaigns to prevent underage drinking* Yes

Federal campaigns: No

Regional and local media campaigns: No

Local school district efforts: Yes

Other: Website <https://www.mass.gov/substance-use-prevention-for-parents> Yes

<i>State collaborates with/participates in SAMHSA’s national media campaign, “Talk. They Hear You.”</i>	Don't know/No answer
State officially endorses TTHY efforts	Not applicable
State commits state resources for TTHY	Not applicable
State forwards TTHY materials to local areas	Not applicable
Other:	Not applicable
<i>State procures funding for TTHY</i>	Not applicable
Pro bono	Not applicable
Donated air time	Not applicable
Earned media	Not applicable
Other:	Not applicable
<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: BSAS	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) trainings (including ethics, evidence-based programming) and strategy meetings; and (3) site visits, as needed. The RFR requires selection of an evidence-based model. A 4-day Substance Abuse Prevention Skills Training is offered periodically to providers. Regular meetings provide technical assistance to ensure implementation of SPF sustainability as well as cultural competence. The community’s logic model, action plan, accomplishments, and challenges are reviewed throughout the year. If concerns arise, site visits are conducted.	

**Additional Clarification**  
Not Applicable

**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: Dee Calvert	
Email: Deirdre.C.Calvert@MassMail.State.MA	
Address: 250 Washington St, 3rd, Boston, MA 02108	
Phone: 617-624-5050	
<i>Agencies/organizations represented on the committee:</i>	
The Massachusetts Interagency Council is currently undergoing changes. Will Luzier, former Executive Director of the Council, recently retired from state service and this position is vacant. The Commonwealth will be reactivating this Council soon, and we will provide an update as soon as possible. In addition, the Interagency Tribal Partners Group includes the Department of Mental Health as well as DPH.	
<i>A website or other public source exists to describe committee activities</i>	No
URL or other means of access: Not applicable	

**Underage Drinking Reports**

<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	No
Prepared by: Not applicable	
Plan can be accessed via: Not applicable	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	No
Prepared by: Not applicable	
Report can be accessed via: Not applicable	

**Additional Clarification**

Not applicable

**State Expenditures for the Prevention of Underage Drinking***Compliance checks in retail outlets:*

Estimate of state funds expended	\$960,000
Estimate based on the 12 months ending	12/31/2018

*Checkpoints and saturation patrols:*

Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

*Community-based programs to prevent underage drinking:*

Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

*K-12 school-based programs to prevent underage drinking:*

Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data

*Programs targeted to institutes of higher learning:*

Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

*Programs that target youth in the juvenile justice system:*

Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

*Programs that target youth in the child welfare system:*

Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

*Other programs:*

Programs or strategies included:	Data not available
Estimate of state funds expended:	Data not available
Estimate based on the 12 months ending:	Data not available

**Funds Dedicated to Underage Drinking***State derives funds dedicated to underage drinking from the following revenue streams:*

Taxes	No
Fines	No
Fees	No
Other: Not applicable	No

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

Not applicable

**Additional Clarification**

No data



***SAMHSA***  
Substance Abuse and Mental Health  
Services Administration