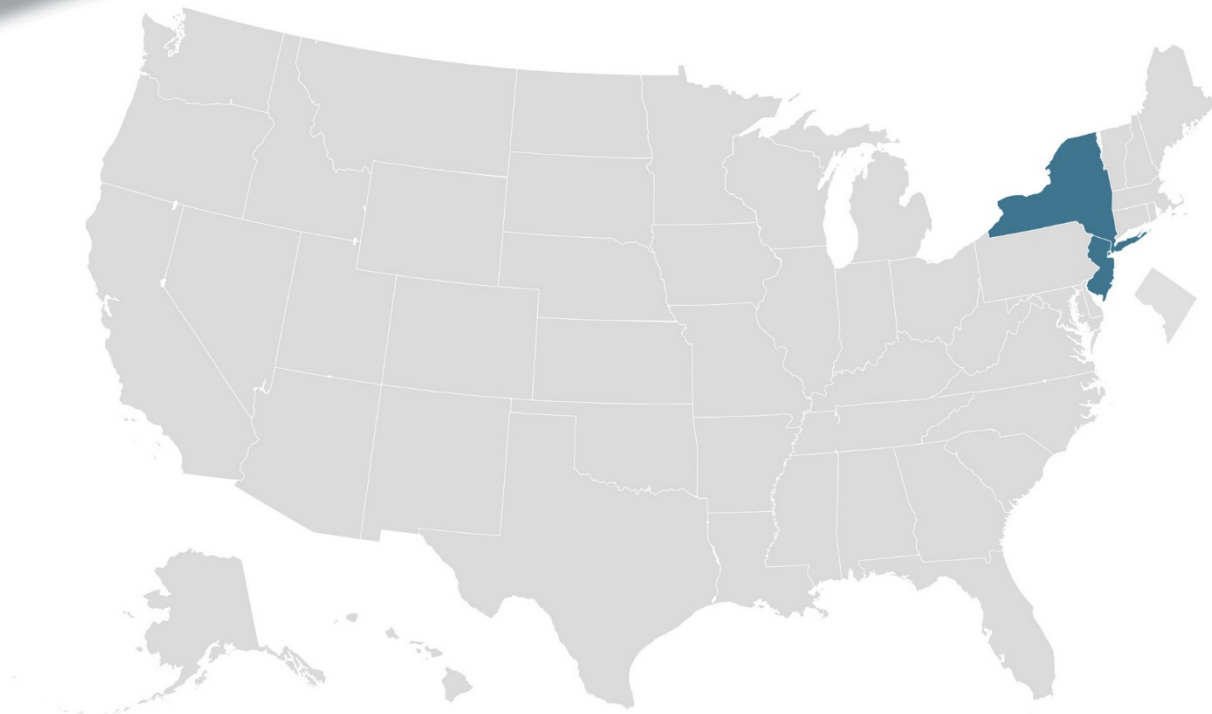




SAMHSA
Substance Abuse and Mental Health
Services Administration

REGION 2

2021 STATE REPORTS – UNDERAGE DRINKING PREVENTION AND ENFORCEMENT



ICCPUD

**THE INTERAGENCY COORDINATING COMMITTEE
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)**

State Reports–Underage Drinking Prevention and Enforcement: Region 2 includes a report on each state in the region. These *State Reports* are 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).

In 2021, the *State Reports* for each of the ten HHS regions are being published together. For more information about the Substance Abuse and Mental Health Services Administration’s (SAMHSA’s) efforts in each HHS region, go to <https://www.samhsa.gov/about-us/who-we-are/regional-administrators>.

Time Period Covered by these *State Reports*: These *State Reports* primarily include data from calendar year 2020. Regional and state profile data were drawn from the most recently available federal survey data as of 2019. State legal data reflect the status of the law as of January 1, 2020. State survey data, collected in 2020, 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 2016 through 2019 National Surveys on Drug Use and Health (NSDUH), SAMHSA’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2020). 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 2011–2015 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 2019 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; 2021). *State Reports–Underage Drinking Prevention and Enforcement: Region 2*. Rockville, MD: SAMHSA.

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Contents: Region 2 (New Jersey and New York)

As mandated by the STOP Act, the following state reports for New Jersey and New York detail each state's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.

A **regional profile** showing combined data on underage drinking is provided on the next page.

Each state report contains:

- A. State population and underage alcohol consumption data.**
- B. A summary of the state's behavioral health and substance use prevention, treatment, and recovery systems, including expenditures for substance abuse prevention and treatment.**
- C. State laws and policies:** These underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into six categories:
 - (1) Underage possession or purchase of alcohol.
 - (2) Underage drinking and driving.
 - (3) Alcohol availability.
 - (4) Sales and delivery to consumers at home.
 - (5) Alcohol pricing.
 - (6) Enforcement policies.
- D. 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.



REGION 2



THE INTERAGENCY COORDINATING COMMITTEE
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)



Region 2

Region Population: 28,335,751
Population Ages 12–20: 3,090,000

Past-Month Alcohol Use Among 12- to 20-Year-Olds	
Past-Month Alcohol Use – Number (Percentage)	632,000 (20.5%)
Past-Month Binge Alcohol Use – Number (Percentage)	400,000 (12.9%)

Age of Initiation of Alcohol Use	
Average Age of Initiation	16.1

Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21	
Alcohol-Attributable Deaths (under 21)	216
Years of Potential Life Lost (under 21)	12,966

Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Content (BAC) > 0.01% ¹	
Number of Fatalities Involving a 15- to 20-Year-Old Driver With BAC > 0.01	32
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	21%

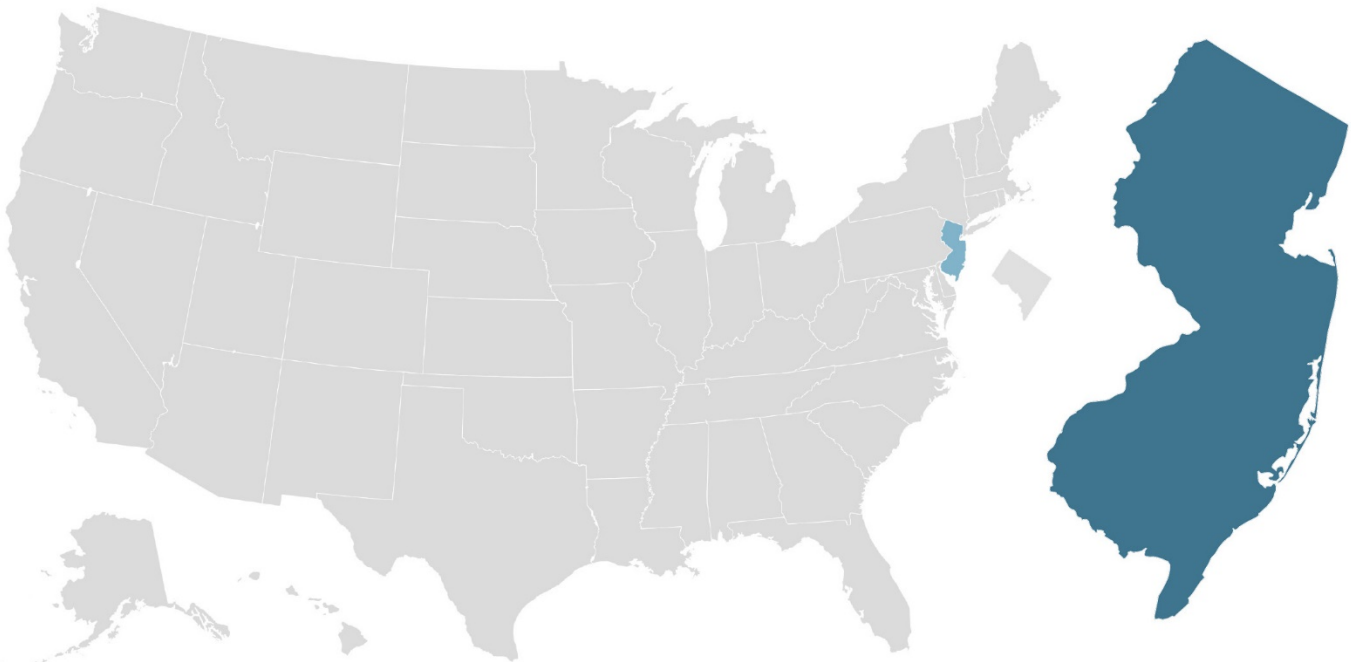
¹ Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number, however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may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



SAMHSA
Substance Abuse and Mental Health
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New Jersey

2021 STATE REPORTS – UNDERAGE DRINKING PREVENTION AND ENFORCEMENT



ICCPUD

**THE INTERAGENCY COORDINATING COMMITTEE
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)**

ICCPUD

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 2020. Regional and state profile data were drawn from the most recently available federal survey data as of 2019. State legal data reflect the status of the law as of January 1, 2020. State survey data, collected in 2020, 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 2016 through 2019 National Surveys on Drug Use and Health (NSDUH), the Substance Abuse and Mental Health Services Administration’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2020). 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 2011–2015 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 2019 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; 2021). *2021 New Jersey State Report – Underage Drinking Prevention and Enforcement*. Rockville, MD: SAMHSA.

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NEW JERSEY



THE INTERAGENCY COORDINATING COMMITTEE
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)



New Jersey

State Population: 8,882,190
Population Ages 12–20: 1,007,000

Past-Month Alcohol Use	
Ages 12–20	
Past-Month Alcohol Use – Number (Percentage)	216,000 (21.5%)
Past-Month Binge Alcohol Use – Number (Percentage)	133,000 (13.3%)
Ages 12–14	
Past-Month Alcohol Use – Number (Percentage)	7,000 (1.9%)
Past-Month Binge Alcohol Use – Number (Percentage)	1,000 (0.3%)
Ages 15–17	
Past-Month Alcohol Use – Number (Percentage)	69,000 (20.2%)
Past-Month Binge Alcohol Use – Number (Percentage)	39,000 (11.6%)
Ages 18–20	
Past-Month Alcohol Use – Number (Percentage)	141,000 (43.5%)
Past-Month Binge Alcohol Use – Number (Percentage)	93,000 (28.8%)
Adults Ages 18 +	
Past-Month Alcohol Use – (Percentage)	(57.1%)
Past-Month Binge Alcohol Use – (Percentage)	(27.3%)
Age of Initiation of Alcohol Use	
Average Age of Initiation	16.0
Alcohol-Related Deaths	
Alcohol-Attributable Deaths (under 21)	74
Years of Potential Life Lost (under 21)	4,406
Fatal Crashes Involving a 15- to 20-Year-Old Driver with Blood Alcohol Concentration (BAC) > 0.01% ¹	
Number of Fatalities Involving 15- to 20-Year-Old Driver with BAC > 0.01%	6
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	(10%)

¹ 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 Overview³

The Department of Human Services (DHS) serves more than 2.1 million of New Jersey's most vulnerable citizens, or about one of every five New Jersey residents. DHS serves individuals and families with low incomes, mental illnesses and/or substance abuse issues, developmental disabilities, and late-onset disabilities; and individuals who are blind, visually impaired, deaf, hard of hearing, deaf-blind, and aging. In addition, the Department serves parents needing child-care services and child support and/or healthcare for their children as well as families facing catastrophic medical expenses for their children. DHS has the following divisions: Division of the Deaf and Hard of Hearing; Division of Developmental Disabilities; Division of Disability Services; Division of Family Development, Division of Medical Assistance and Health Services; Division of Aging Services; and the Division of Mental Health and Addiction Services (DMHAS). These divisions provide many support systems for the families of children served by the Department of Children and Families (DCF).

New Jersey manages the public behavioral health system separately for adult and children services. Specifically, the adult behavioral health system is managed by DHS' DMHAS while the children's behavioral health system is managed by the DFC's Children's System of Care (CSOC). Previously, DHS managed both the adult and children's mental health and substance use disorder system. In 2013, the adult and children's substance abuse health systems were separated. The substance abuse programs that serve children under 18 years old were transferred in July 2013, and children in the South Jersey Initiative were transferred in December 2013. DMHAS continues to manage the Children's Crisis Intervention Services and blended mental health programs (serving both children and adults).

DMHAS is the single state authority (SSA) for substance abuse in New Jersey. Between the Substance Abuse Prevention and Treatment (SAPT) Block Grant and other federal and state resources, the SSA provides services across the continuum of care, which includes prevention, early intervention, treatment, and recovery support. In FFY 2018 and 2019, the SSA funds: a) 19 community-based prevention coalitions for the provision of prevention programs with a focus on environmental strategies; b) over 30 community-based prevention providers that offer a variety of evidence-based curricula for children, adolescents, older adults, and families; c) 2 state institutions of higher education that provide early intervention services (Rutgers University and The College of New Jersey); e) 4 intensive supported housing programs including the recent contract awards of 3 regional pilot recovery-based housing residences and case management and supportive services for consumers with an opioid use disorder (OUD) who are homeless or at risk of homelessness; f) 24-hour Addictions Hotline services; g) 2 non-profit corporations for the operation of recovery support centers Recovery Center at Eva's Village and Living Proof Recovery Center; h) 3 smaller Community Peer Recovery Centers; i) 21 Opioid Overdose Recovery Programs; j) 21 Support Teams for Addiction Recovery (9 recently awarded); k) 19 Older Adult Education Programs (9 recently awarded); l) 3 Family Support Centers; m) a Telephone Recovery Support program; n) an addictions workforce training and development initiative; o) 21 county governments for the provision of services throughout the continuum of care; p) funding through a Request for Letter of Intent (RLI) for all county jails to incorporate or

³ Extracted from FY 2020/2021 – (New Jersey) State Behavioral Health Assessment and Plan, SABG, 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.

enhance medication assisted treatment as well as case management services for inmates with an OUD at the jail; q) 16 trainings to support approximately 1,000 physicians, advanced practice nurses, and physician assistants to attain a buprenorphine waiver; and r) the recent award of 11 hospitals for the Opioid Reduction Options in the Emergency Department (ED) that aims to reduce the use of opioids in EDs and the subsequent prescribing of opioids at ED discharge.

Within its treatment, continuum levels of care range from detoxification, outpatient, intensive outpatient, residential (short-term, long-term, halfway house), partial hospitalization, and opioid maintenance. As of June 2018, there were 242 licensed providers, 344 licensed outpatient sites, and 73 licensed residential sites which provide substance use disorder services. DMHAS utilizes the American Society of Addiction Medicine principles in client placement.

In New Jersey, the administration and organization of the substance use disorder (SUD) system is centralized, rather than county or locally based. A broad array of SUD services is offered in the community, and the SSA awards funding to 178 SUD treatment agencies that provide a continuum of treatment. It provides funding to 32 SUD prevention agencies. It also provides awards to the 21 county governments.

Children's System of Care

Interdivisional and interdepartmental collaboration between DMHAS and DCF's CSOC is frequent. Executive staff from each division have collaborated to make system recommendations for youth with mental illness and/or substance use challenges and families currently served in the CSOC whose youth are emerging adults. Recommendations were made in the form of policies, procedures, and protocols that will ensure a seamless transition of youth and their families to all adult mental health services. In addition, several staff from CSOC attend monthly Behavioral Health Planning Council meetings to better coordinate services.

CSOC offers an array of substance use treatment services for youth and young adult, including four withdrawal management beds, contracted outpatient/intensive outpatient services through 10 providers statewide, partial care services through one provider, short-term out-of-home treatment through one provider with 22 beds, and long-term out-of-home treatment through two providers—one with 36 beds and the other with 64 beds. In addition, residential treatment services for youth with co-occurring substance use needs and significant behavioral health needs can be accessed from five providers with a total of 54 beds.

Expenditures for Substance Abuse Prevention and Treatment

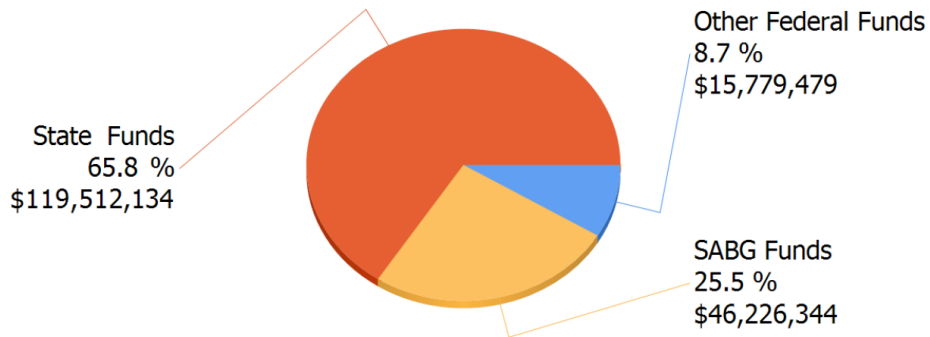
All states receive federal funds for substance abuse prevention through the Substance Abuse Prevention and Treatment Block Grant (SABG) administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). Exhibit 1 shows the sources that New Jersey used for expenditures on substance abuse prevention and treatment in 2020. As indicated, state funds and SABG funds account for the largest sources (65.8 percent and 25.5 percent, respectively).⁴

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2020–2021, New Jersey designated reducing the percentage of persons aged 12–17 who report binge drinking in the past month as

⁴ WebBGAS State Profile, 2020 SABG and MHBG Reports – New Jersey 2020.

priority number five and increasing integration of community-based services for children, youth, and young adults with substance use challenges as part of priority number eleven for use of SABG funds.⁵

Exhibit 1: Sources of New Jersey’s 2020 Expenditures for Substance Abuse Prevention and Treatment



⁵ FY 2020/2021 – (New Jersey) 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.

State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details New Jersey'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 underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into six categories:

1. Underage possession or purchase of alcohol.
2. Underage drinking and driving.
3. Alcohol availability.
4. Sales and delivery to consumers at home.
5. Alcohol pricing.
6. Enforcement policies.

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.

Underage Possession or Purchase of Alcohol

Underage Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships? <ul style="list-style-type: none"> • Is possession allowed if parent or guardian is present or consents? • Is possession allowed if spouse is present or consents? 	No No
Is there an exception based on location?	Yes, in a private location

Underage Consumption	
Is underage consumption of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships? <ul style="list-style-type: none"> • Is consumption allowed if parent or guardian is present or consents? • Is consumption allowed if spouse is present or consents? 	No No
Is there an exception based on location?	Yes, in a private location

Underage Internal Possession	
Is underage internal possession of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships? <ul style="list-style-type: none"> • Is internal possession allowed if parent or guardian is present or consents? • Is internal possession allowed if spouse is present or consents? 	N/A 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?	No
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 the retailer 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
<ul style="list-style-type: none"> Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)? 	Yes
<ul style="list-style-type: none"> 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 the retailer detain a minor who used a false ID?	No

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?	0.01
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?	0
What is the maximum age to which the limit applies?	21

Loss of Driving Privileges for Alcohol Violations by Minors ("Use/Lose" Laws)	
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?	
<ul style="list-style-type: none"> Purchase of alcohol 	Yes
<ul style="list-style-type: none"> Possession of alcohol 	No
<ul style="list-style-type: none"> 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	180
Maximum number of days	180

Graduated Driver's Licenses	
Learner Stage	
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?	0
Intermediate Stage	
What is the minimum age for driving without adult supervision?	17
For night driving, when does adult supervision requirement begin?	11:01 PM
Can law enforcement stop a driver for night driving violation as a primary offense?	Yes
Are there restrictions on passengers?	Yes; no more than one passenger unless accompanied by parent or guardian, unless additional passengers are dependents of the driver.
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	Yes
License Stage	
What is the minimum age for full license privileges and lifting of restrictions?	18

Alcohol Availability

Furnishing Alcohol to Minors	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
<ul style="list-style-type: none"> Is furnishing allowed if the parent or guardian supplies the alcohol? Is furnishing allowed if the spouse supplies the alcohol? 	<p>Yes</p> <p>No</p>
Is there an exception based on location?	No
Affirmative Defense for Sellers and Licensees	

Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No
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Responsible Beverage Service (RBS)	
Is there a state law pertaining to Beverage Service Training?	Yes, mandatory
If training is mandatory, who must participate?	Licensee, manager
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)?	Off-premises
Does the RBS law apply to new or existing licensees?	New

Minimum Age for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)	
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 when an underage person is selling beverages?	No

Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)	
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 when an underage person is selling beverages?	No
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Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools	
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
Primary and Secondary Schools	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	Yes, within 200 feet. School has authority to override state prohibition.
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, within 200 feet. School has authority to override state prohibition.
To which alcohol products does requirement apply?	Beer, wine, spirits

Dram Shop Liability	
Does a statute create dram shop liability?	Yes
Does the statute limit damages that may be recovered?	No
Does the statute limit who may be sued?	No
Does the statute limit elements or standards of proof?	No
Does common law dram shop liability exist?	No

Social Host Liability	
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?	Unclear
Notes: A New Jersey court held that a social host who furnishes excessive amounts of alcoholic beverages to a visibly intoxicated minor, knowing the minor is about drive a car on the public highways, may be liable to a third party injured in an automobile accident.	

Prohibitions Against Hosting Underage Drinking Parties	
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?	Consumption
Property type covered by the law?	Residential/outdoor/other
What level of knowledge by the host is required?	Overt act (Host must have actual knowledge and commit act that contributes to party's occurrence)
Does host's preventive action protect him/her from being held liable?	No
Are there any exceptions for underage guests?	Yes, family members

Keg Registration	
How is a keg defined (in gallons)?	No law
Prohibitions	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	No law
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	No law
What purchaser information is collected?	
Must the retailer collect the name and address?	No law
Must the retailer collect the ID number, name and address on license or other government information?	No law
Must the retailer collect the address at which keg will be consumed?	No law
Must warning information be given to purchaser?	No law
Is a deposit required?	No law
Does law cover disposable kegs?	No law

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

Sales and Delivery to Consumers at Home

Retailer Interstate Shipments of Alcohol	
Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Uncertain
Wine	Uncertain
Spirits	Uncertain

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?	No
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"?	No
Must the label state "Recipient must be 21 years old"?	No
Notes: Licensees cannot produce more than 250,000 gallons of wine per year.	

Home Delivery	
Is home delivery of alcohol permitted?	
Beer	Permitted
Wine	Permitted
Spirits	Permitted
Notes: Delivery vehicles must display a transit insignia to identify the vehicle as having authority to transport alcohol.	

Alcohol Pricing

Alcohol Taxes	
Beer	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	\$0.12
Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	

If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	
Wine	
Control system for wine?	No
Specific excise tax per gallon for 12% alcohol wine	\$0.88
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 6 – 14% alcohol wine if applicable	
Spirits	
Control system for spirits?	No

Specific excise tax per gallon for 40% alcohol spirits	\$5.50
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 15 – 50% alcohol spirits if applicable	

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

Wholesaler Pricing Restrictions	
Beer	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	Yes
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 (30 days)
Wine	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	Yes
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 (30 days)
Spirits	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	Yes
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 (30 days)
Notes: Wholesalers may not sell below cost.	

Enforcement Policies

Compliance Check Protocols	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	No
What is the minimum age a decoy may be to participate in a compliance check?	N/A
What is the maximum age a decoy may be to participate in a compliance check?	N/A
Are there appearance requirements for the decoy?	N/A
Does decoy carry ID during compliance check?	N/A
May decoy verbally exaggerate his or her actual age?	N/A
Is decoy training mandated, recommended, prohibited, or not specified?	N/A

Penalty Guidelines for Sales to Minors	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	Yes
What is the time period for defining second, third and subsequent offenses?	N/A
What is the penalty for the first offense?	For sales to 18-20 year olds: 15-day suspension

	For sales to anyone under 18 years old: 30-day suspension
What is the penalty for the second offense?	For sales to 18-20 year olds: 30-day suspension For sales to anyone under 18 years old: 60-day suspension
What is the penalty for the third offense?	For sales to 18-20 year olds: 45-day suspension For sales to anyone under 18 years old: 90-day suspension
What is the penalty for the fourth offense?	Revocation

New Jersey State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i>	
New Jersey Division of Alcoholic Beverage Control	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol-Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	Yes
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	New Jersey Division of Alcoholic Beverage Control
Such laws are also enforced by local law enforcement agencies	Don't know
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	Yes
Number of minors found in possession ¹ by state law enforcement agencies	54
Number pertains to the 12 months ending	12/31/2019
Data include arrests/citations issued by local law enforcement agencies	No
<i>State conducts underage compliance checks/decoy operations² to determine whether alcohol retailers are complying with laws prohibiting sales to minors</i>	No
Data are collected on these activities	No
Number of retail licensees in state ³	9,000
Number of licensees checked for compliance by state agencies (including random checks)	Not applicable
Number of licensees that failed state compliance checks	Not applicable
Numbers pertain to the 12 months ending	Not applicable
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Not applicable
<i>State conducts random underage compliance checks/decoy operations</i>	Not applicable
Number of licensees subject to random state compliance checks/decoy operations	Not applicable
Number of licensees that failed random state compliance checks	Not applicable
<i>Local agencies conduct underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors</i>	No
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	
<i>State collects data on fines imposed on retail establishments that furnish to minors</i>	Yes
Number of fines imposed by the state ⁴	No data
Total amount in fines across all licensees	No data
Smallest fine imposed	\$500
Largest fine imposed	\$80,000

Numbers pertain to the 12 months ending	12/31/2019
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of suspensions imposed by the state ⁵	No data
Total days of suspensions across all licensees	No data
Shortest period of suspension imposed (in days)	15
Longest period of suspension imposed (in days)	150
Numbers pertain to the 12 months ending	12/31/2019
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of license revocations imposed ⁶	0
Numbers pertain to the 12 months ending	12/31/2019

Additional Clarification

No data

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

County-Based Prevention Coalitions

Number of youth served	489,500
Number of parents served	376,000
Number of caregivers served	160,000
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report	Request from Donald Hallcom, Director of Prevention - donald.hallcom@dhs.nj.gov
URL for more program information	https://www.state.nj.us/humanservices/dmhas/resources/services/prevention/coalitions.html

Program Description: Effective January 1, 2012, the Division of Mental Health and Addiction Services (DMHAS) selected 17 coalition regions in New Jersey based on the “Prevention Needs Assessment Using Social Indicators: State of New Jersey Substance Abuse Prevention County Level Needs Assessment, 2011.” The needs assessment used archival data of social indicators to develop composite indices of risks to estimate the need for prevention services among New Jersey’s 21 counties. Criteria included population, substance abuse treatment admissions, and rates of harmful consequences related to substance misuse/abuse within the region. Prevalence of alcohol and prescription drug misuse among middle and high school students also were considered in identifying the 17 regions. Additional criteria were that each region (1) must comprise at least one county and (2) must have reported a minimum of 2,000 treatment admissions (according to the latest available data) for the previous year. In 2017, coalitions were developed in most of the remaining New Jersey counties. There are now 19 county-based coalitions.

All coalitions are required to utilize environmental strategies to address underage drinking in their region. Coalitions have followed SPF as a planning model and have submitted strategic plans describing their needs assessments, capacity analyses, and program plans. Strategic plans were approved by DMHAS. Coalitions have identified the following root causes related to underage drinking: availability/access, social access, retail access, medical access, community norms, low enforcement, low perception of risk, parental attitudes favorable to use, peer influence, price promotion, and social norms.

Coalitions are using the following interventions and strategies in their regions:

- Parents Who Host, Lose the Most Campaign
- Responsible Beverage Services
- Restricted Sales of Alcohol at Public Events
- Promoted State Social Host Laws
- Promoted/Adopted Private Property Ordinances
- Sticker Shock Campaign

In September 2018, DMHAS was awarded a Partnerships for Success (PFS) cooperative agreement from the Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Prevention (CSAP). PFS' community-level funding was awarded to the 19 existing regional coalitions. The required prevention priority specified for PFS communities is underage drinking, an issue the 19 regional coalitions have focused on since their inception. Since 2015, coalitions have been responsible for the passage or adoption of more than 1,200 municipal and/or county ordinances that address issues related to underage drinking, including sale, access, enforcement, and others.

Governor's Council on Alcoholism and Drug Abuse - Municipal Alliance Programs

Number of youth served	No data
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://gcada.nj.gov/alliance

Program Description: The Governor's Council on Alcoholism and Drug Abuse - Municipal Alliance Programs administers the state's \$10 million Alliance to Prevent Alcoholism and Drug Abuse Program, the largest network of community-based antidrug coalitions in the nation, with thousands of stakeholders serving on nearly 400 alliances encompassing more than 530 municipalities throughout New Jersey. Municipal Alliances are established by municipal ordinance and engage residents, local government, law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth, and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In 2015, Municipal Alliances revised their planning processes and each alliance aligned its prevention priorities with those identified by the regional coalitions in their area. Regional coalitions and alliances continue to coordinate their efforts in addressing underage drinking.

Partnership for a Drug-Free New Jersey School Based Programs

Number of youth served	133,000
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report	Not applicable

URL for more program information

<http://drugfreenj.org/school/school-based-programs/>

Program Description: The Partnership for a Drug-Free New Jersey (PDFNJ) offers a number of school-based programs that are available to all New Jersey schools at no charge. PDFNJ programs range from third grade through high school and provide unique opportunities to supplement your drug-prevention and health curricula.

Partnership for a Drug-Free New Jersey's 15-Minute Child Break

Number of youth served	No data
Number of parents served	6,000
Number of caregivers served	1,600
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report	http://drugfreenj.org/research/research-overview/

URL for more program information

<http://drugfreenj.org/child-break/15-minute-child-break/>

Program Description: The 15-Minute Child Break is a free, interactive, one-hour presentation for parents, grandparents, and caregivers who are concerned about children (of any age) and substance abuse.

Representatives from the Partnership for a Drug-Free New Jersey (PDFNJ) meet with groups on location to deliver this informative, engaging, and educational presentation. Participants receive age-specific information and communication skills concerning substance abuse. Parents are empowered and supported with the assurance that they have and will continue to have the strongest influence in their children's lives. The 15-Minute Child Break presentation is supported by research that demonstrates that kids who communicate regularly with their parents about their daily activities are 67 percent less likely to be involved in substance abuse than children who have little or no communication. The 15-Minute Child Break covers topics such as:

- Talking to your kids about drugs and alcohol
- The influence of media and pop culture
- Effects of specific drugs
- Keeping your kids drug-free
- Strengthening parenting skills
- Utilizing teachable moments

Strengthening Families Program

Number of youth served	6,300
Number of parents served	4,200
Number of caregivers served	1,700
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report	https://strengtheningfamiliesprogram.org/evaluation/

URL for more program information

<https://www.strengtheningfamiliesprogram.org/publications.html>

Program Description: DMHAS provides funding for delivery of the Strengthening Families Program (SFP) in all 21 New Jersey counties. The SFP is a nationally and internationally recognized parenting and family strengthening program for high-risk and regular families. It is an evidence-based family skills training program found to significantly reduce problem behaviors, delinquency, and alcohol and drug abuse in children and to improve social competencies and school performance. Child maltreatment also decreases as parents strengthen bonds with their children and learn more effective parenting skills.

Military Family Nights

Number of youth served	No data
Number of parents served	33,00
Number of caregivers served	650
Program has been evaluated	Yes
Evaluation report is available	Not applicable
URL for evaluation report	Not applicable
URL for more program information	https://www.njpn.org/military

Program Description: Family communication and structure are strained in military families with each deployment. The Military Family Nights series, offered by the New Jersey Prevention Network, is based on the nationally researched Strengthening Families Program, in which families practice communication skills, family meetings, effective discipline, therapeutic child play, reinforcing positive behaviors in each other, and jointly planning family activities. The program assists parents in effectively communicating with each other and achieving desired behaviors in children by using attention and rewards, clear communication, effective discipline, substance use education, problem solving, and limit setting. Children learn stress management, social skills, problem solving, resisting peer pressure, consequences of substance use, compliance with parental rules, understanding feelings, and coping with anger. The Military Family Night program is for military families during pre-deployment, deployment, or post-deployment. Families with children ages 6-11 participate in a 14-session program and families with children ages 10-14 participate in a seven-session program. The program is free and includes:

- Family dinner at each session
- Gifts for participation
- Babysitting services available for children too young to participate in the program
- Skill-building sessions for parents and youth
- Family activities at each session

This project is funded by the New Jersey Department of Human Services, DMHAS, and is coordinated by the New Jersey Prevention Network and its member agencies in cooperation with the New Jersey National Guard's Family Assistance Centers.

Parent Check NJ

Number of youth served	No data
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.parentchecknj.com/about/>

Program Description: The New Jersey Prevention Network (NJPN) was one of 11 grantees that received funding from DMHAS’ Strategic Prevention Framework-State Incentive Grant (SPF-SIG). NJPN and PDFNJ created ParentCheckNJ.com to address the identified need to reduce the number of New Jersey youth ages 18-25 who reported engaging in binge drinking (nearly 50 percent). NJPN’s Social Marketing Coalition followed the SPF to implement a comprehensive program to meet data-driven needs. Research reinforces the important role parents have in affecting alcohol use of youth and this influence continues with this high-risk population. Recently, the site has been expanded to include information about opiate abuse. ParentCheckNJ.com is an interactive learning tool and social marketing campaign designed to prepare parents of youth ages 18-25 to influence their young adult children’s behavior and raise their awareness of the severe consequences of underage drinking and prescription drug abuse. ParentCheckNJ.com was created to help parents set the foundation for these conversations by providing current research related to the negative effects of underage and binge alcohol use, as well as opiate abuse, and to provide parents with opportunities to start the conversation with their college-aged children by sending them an e-card.

NJPN and PDFNJ used a comprehensive advertising campaign to promote the ParentCheckNJ.com site. This campaign included website ads, radio spots, billboards, and bus signs. Additionally, NJPN used a plane banner to reach beachgoers from Sandy Hook to Cape May during the summer months. This resulted in the largest spike in website traffic during the course of our entire advertising campaign. ParentCheckNJ.com is an interactive website that provides two educational quizzes for parents. At the end of each quiz, parents take a survey on how the quiz affected their attitudes to alcohol or opiates. Eighty-three percent of respondents indicated that they would take action based on the information given to them on the ParentCheckNJ.com website. The site also offers a list of additional resources and provides parents with information about the alcohol policies of New Jersey’s colleges. Over the past year, the website has had more than 3,300 unique visitors.

Sticker Shock

Number of youth served	2,800
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report	Not applicable
URL for more program information	https://preventionconnections.fgcwc.org/sticker-shock-campaign/ (about one county's project)

Program Description: The Sticker Shock campaign is an initiative delivered by numerous DMHAS-funded agencies and coalitions, as well as municipal alliances and drug-free communities (DFC) coalitions in New Jersey. Sticker Shock brings awareness to underage drinking, one of New Jersey’s four prevention priorities. Stickers and hangers placed on the products throughout a store act as “warning” labels, informing the public of the consequences they can face if they provide or purchase alcohol for minors. The message is extremely effective when minors spread the word and take action. Parents, older siblings, older friends, and others who buy alcohol for minors are often unaware that they can encounter negative consequences in addition to the minor who consumes the alcohol.

Parents Who Host, Lose the Most Campaign

Number of youth served	15,000
Number of parents served	90,000

Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report	Not applicable
URL for more program information	https://preventionactionalliance.org/about/programs/parents-who-host-lose-the-most/

Program Description: Numerous agencies and coalitions work with parents using the Parents Who Host, Lose the Most campaign. These organizations work to encourage and support awareness of the social host liability laws. The campaign functions to create a statewide message to parents that underage drinking will not be tolerated. Parents also learn that serving alcohol to minors (other than their children) in their home is illegal.

Private Property Ordinances

Number of youth served	No data
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.drugfreej.org/private-property-ordinance-database/

Program Description: A state law passed in 2000 (N.J.S.A. 40:48-1.2) permits municipalities in New Jersey to enact an ordinance making it unlawful for any underage person to possess or consume an alcoholic beverage on private property. Currently, 77 percent of all municipalities in New Jersey have enacted such ordinances.

Additional Underage Drinking Prevention Programs Operated or Funded by the State

Training for Intervention Procedures - Training for Intervention Procedures (TIPS) is the global leader in education and training for responsible service, sale, and consumption of alcohol. Proven effective by third-party studies, TIPS is a skill-based training program that is designed to prevent intoxication, underage drinking, and drunk driving. Training is provided throughout the state by numerous DMHAS-funded agencies and coalitions.

Evidence-Based Individual and Family Curricula - DMHAS funds agencies in all 21 counties to deliver evidence-based prevention curricula to children, adolescents, and parents/caregivers. The specific intent of many of the programs is to prevent underage drinking. Some of the programs provided include LifeSkills, Project Towards No Drug Abuse, All Stars, Beginning Awareness Basic Education Studies (BABES), Positive Action, I Can Problem Solve, and numerous others.

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>	No recognized tribal governments
Description of collaboration: Not applicable	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
Description of program: Not applicable	
<i>State collaborates with/participates in media campaigns to prevent underage drinking</i>	Yes

Federal campaigns: Talk. They Hear You	Yes
Regional and local media campaigns: We Check for 21, Talk Now NJ	Yes
Local school district efforts: Local PSAs and print ads	Yes
Other:	No
<i>State collaborates with/participates in SAMHSA’s national media campaign, “Talk. They Hear You.” (TTHY)</i>	Yes
State officially endorses TTHY efforts	No
State commits state resources for TTHY	No
State forwards TTHY materials to local areas	Yes
Other:	No
<i>State procures funding for TTHY</i>	Yes
Pro bono	Yes
Donated air time	No
Earned media	No
Other:	No
<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:	No
Nongovernmental agency(ies):	No
Other:	No
Best practice standards description: 2009 Edition of "Identifying and Selecting Evidence-Based Interventions"	
1. Inclusion in federal registries of evidence-based interventions; or	
2. Reported (with positive effects on the primary targeted outcome) in peer-reviewed journals; or	
3. Documented effectiveness supported by other sources of information and the consensus judgment of informed experts, as described in the following set of guidelines, all of which must be met:	
• Guideline 1: The intervention is based on a theory of change that is documented in a clear logic or conceptual model	
• Guideline 2: The intervention is similar in content and structure to interventions that appear in registries and/or the peer-reviewed literature	
• Guideline 3: The intervention is supported by documentation that it has been effectively implemented in the past, and multiple times, in a manner attentive to scientific standards of evidence and with results that show a consistent pattern of credible and positive effects	
• Guideline 4: The intervention is reviewed and deemed appropriate by a panel of informed prevention experts that includes: well-qualified prevention researchers who are experienced in evaluating prevention interventions similar to those under review; local prevention practitioners; and key community leaders as appropriate, e.g., officials from law enforcement and education sectors or elders within Indigenous cultures.	

Additional Clarification

No data

State Interagency Collaboration

A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities No

Committee contact information:

Not applicable

Agencies/organizations represented on the committee:

Not applicable

A website or other public source exists to describe committee activities Not applicable

URL or other means of access: Not applicable

Underage Drinking Reports

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

No data	
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State Expenditures for the Prevention of Underage Drinking*Compliance checks in retail outlets:*

Estimate of state funds expended	No data
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Estimate based on the 12 months ending	Data not available
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Checkpoints and saturation patrols:

Estimate of state funds expended	No data
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Estimate based on the 12 months ending	Data not available
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Community-based programs to prevent underage drinking:

Estimate of state funds expended	\$7,200,000
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Estimate based on the 12 months ending	06/30/2019
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K-12 school-based programs to prevent underage drinking:

Estimate of state funds expended	\$1,800,000
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Estimate based on the 12 months ending	06/30/2019
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Programs targeted to institutes of higher learning:

Estimate of state funds expended	\$2,250,000
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Estimate based on the 12 months ending	06/30/2019
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Programs that target youth in the juvenile justice system:

Estimate of state funds expended	Data not available
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Estimate based on the 12 months ending	Data not available
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Programs that target youth in the child welfare system:

Estimate of state funds expended	\$325,000
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Estimate based on the 12 months ending	06/30/2019
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Other programs:

Programs or strategies included: Data not available	
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Estimate of state funds expended	Data not available
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Estimate based on the 12 months ending	Data not available
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Funds Dedicated to Underage Drinking*State derives funds dedicated to underage drinking from the following revenue streams:*

Taxes	Yes
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Fines	Yes
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Fees	Yes
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Other: Not applicable	No
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Description of funding streams and how they are used:

Fines collected through the Drug Enforcement Demand Reduction (DEDR) program are used to fund programs provided by the Governor's Council on Alcoholism and Drug Abuse (GCADA) Municipal Alliances. Taxes and licensing fees fund certain programs provided by the Division of Alcoholic Beverage Control.

Additional Clarification

No data	
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ICCPUD

**THE INTERAGENCY COORDINATING COMMITTEE
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)**

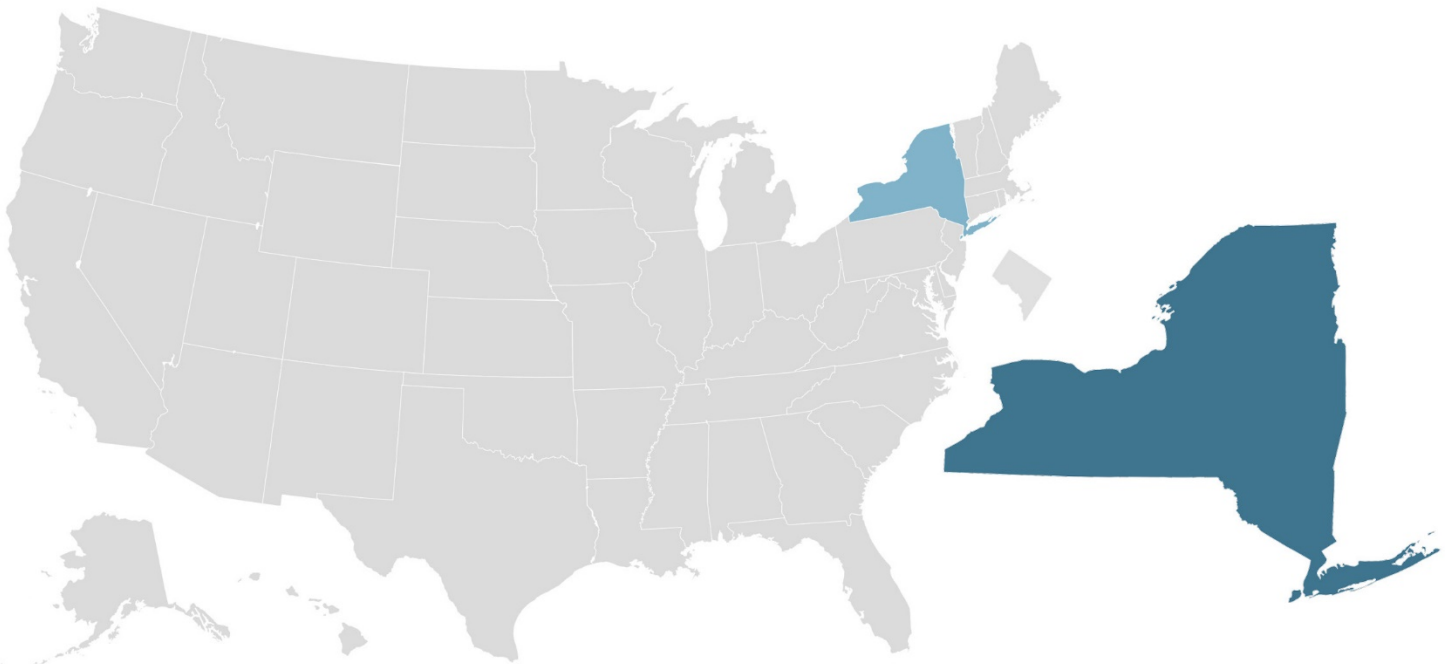




SAMHSA
Substance Abuse and Mental Health
Services Administration

New York

2021 STATE REPORTS – UNDERAGE DRINKING PREVENTION AND ENFORCEMENT



ICCPUD

THE INTERAGENCY COORDINATING COMMITTEE
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)

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 2020. Regional and state profile data were drawn from the most recently available federal survey data as of 2019. State legal data reflect the status of the law as of January 1, 2020. State survey data, collected in 2020, 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 2016 through 2019 National Surveys on Drug Use and Health (NSDUH), the Substance Abuse and Mental Health Services Administration’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2020). 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 2011–2015 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 2019 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; 2021). *2021 New York State Report – Underage Drinking Prevention and Enforcement*. Rockville, MD: SAMHSA.

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NEW YORK



THE INTERAGENCY COORDINATING COMMITTEE
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)



New York

State Population: 19,453,561

Population Ages 12–20: 2,083,000

Past-Month Alcohol Use	
Ages 12–20	
Past-Month Alcohol Use – Number (Percentage)	416,000 (20%)
Past-Month Binge Alcohol Use – Number (Percentage)	267,000 (12.8%)
Ages 12–14	
Past-Month Alcohol Use – Number (Percentage)	20,000 (2.9%)
Past-Month Binge Alcohol Use – Number (Percentage)	7,000 (1%)
Ages 15–17	
Past-Month Alcohol Use – Number (Percentage)	117,000 (17.3%)
Past-Month Binge Alcohol Use – Number (Percentage)	68,000 (10.1%)
Ages 18–20	
Past-Month Alcohol Use – Number (Percentage)	278,000 (39.3%)
Past-Month Binge Alcohol Use – Number (Percentage)	192,000 (27.2%)
Adults Ages 18 +	
Past-Month Alcohol Use – (Percentage)	(54.6%)
Past-Month Binge Alcohol Use – (Percentage)	(24.9%)
Age of Initiation of Alcohol Use	
Average Age of Initiation	16.1
Alcohol-Related Deaths	
Alcohol-Attributable Deaths (under 21)	142
Years of Potential Life Lost (under 21)	8,560
Fatal Crashes Involving a 15- to 20-Year-Old Driver with Blood Alcohol Concentration (BAC) > 0.01% ¹	
Number of Fatalities Involving 15- to 20-Year-Old Driver with BAC > 0.01%	25
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	(27%)

¹ 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 Services Overview⁷

Mental health and substance use disorder (SUD) services in New York are certified/licensed, funded, and monitored by the two distinct state agencies within the Department of Mental Hygiene. The Office of Alcoholism and Substance Abuse Services (OASAS) and Office of Mental Health (OMH) are responsible for the development and management of the state's policy regarding behavioral health. Given the well-established linkage between addictive disorders and mental health disorders, collaboration between the agencies has increased over the years, ensuring that individuals receive necessary prevention, treatment, and recovery support services resulting in improved health and social outcomes. In addition to the primary roles filled by OASAS and OMH, the New York State Department of Health (DOH) also plays an important role in behavioral health services and policy. DOH is responsible for New York's tobacco control policies and programs, is a key partner in preventing the misuse of prescription drugs, and works with OASAS and OMH to link behavioral health and primary health services.

OASAS is the single state agency (SSA) responsible for the coordination of SUD services in New York. OASAS' mission is to improve the lives of New Yorkers by leading a premier system of addiction services through prevention, treatment, and recovery. OASAS oversees a SUD system that provides a full array of services to a large and culturally diverse population. OASAS funds, certifies, and regulates the state's system of SUD treatment and prevention services, including the direct operation of 12 Addiction Treatment Centers (ATCs) statewide. The OASAS treatment provider system serves about 234,000 people each year, with an average daily census of 99,000 across more than 900 certified programs. During the 2016–17 school year, approximately 3,718,000 residents were reached by a one-time, population-based prevention service and 454,000 youth received a direct prevention service.

The service continuum includes community-based treatment, including inpatient, residential, outpatient, crisis, and opioid treatment program services; school and community-based prevention services; and intervention, support, and crisis services. OASAS supports a comprehensive prevention system through approximately 160 providers with programs based in schools and local communities and promotes public awareness and involvement through a variety of community-based groups statewide. In addition, recovery-focused services include support for permanent supportive housing as well as peer engagement specialists, family support navigators, youth clubhouses, recovery centers, and regional addiction resource centers.

Substance Use Disorder Prevention

OASAS prevention service providers use a proactive planning process to deliver proven evidence-based programs to young people, their families, and communities. Prevention services are delivered by over 160 providers operating in schools, in community-based organizations, and embedded in the community at large. The providers deliver a wide range of services including evidence-based education programs, environmental efforts to reduce underage drinking, and early interventions for adolescents who have begun to use alcohol and other drugs.

⁷ Extracted from fiscal year (FY) 2020/2021 – (New York) 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 (CSAT), Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.

OASAS requires providers to use evidence-based programs and strategies (EBPS). Community coalitions, environmental strategies, education and awareness, and community capacity building are all critical components of an effective prevention program or system. EBPS include educational curricula, multi-component school-based programs, and environmental strategies. Most EBPS provided by OASAS-funded prevention providers are delivered in school settings.

OASAS established six Prevention Resource Centers (PRCs) to support local communities' implementation of EPBS. The PRCs disseminate current prevention science, through training and technical assistance, to community coalitions and prevention providers.

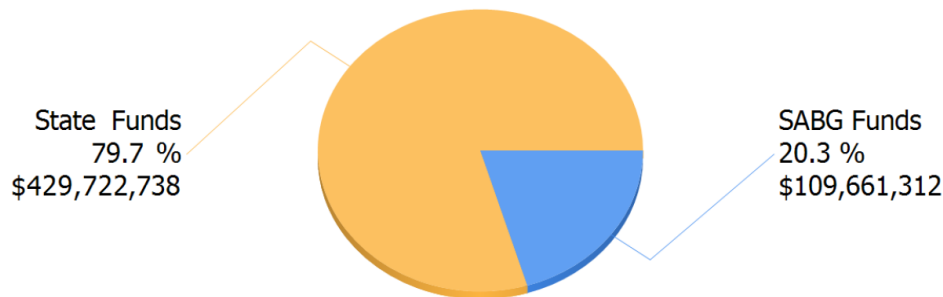
The New York State Epidemiological Workgroup (SEW) is an OASAS-led effort that seeks to understand the social and ecological determinants affecting substance abuse by integrating data about the nature and distribution of substance use and related consequences into ongoing assessment, planning, and monitoring decisions at state and local levels. Workgroup members include representatives of state agencies, such as DOH, Division of Criminal Justice Services, and OMH, as well as local government unit and prevention provider representatives. Guided by the Strategic Prevention Framework, the SEW examines, interprets, and applies data to inform prevention planning and decision-making.

Expenditures for Substance Abuse Prevention and Treatment

All states receive federal funds for substance abuse prevention through Substance Abuse Prevention and Treatment Block Grant (SABG) funds administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). Exhibit 1 shows the sources that New York used for expenditures on substance abuse prevention and treatment in 2020. As indicated, state funds and SABG funds account for the largest (and only) sources (79.7 percent and 20.3 percent, respectively).⁸

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2020–2021, New York did not specifically identify underage drinking as a prevention priority for use of SABG funds.⁹

Exhibit 1: Sources of New York's 2020 Expenditures for Substance Abuse Prevention and Treatment



⁸ WebBGAS State Profile, 2020 SABG and Community Mental Health Block Grant (MHBG) Reports – New York 2020.

⁹ FY 2020/2021 – (New York) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, CSAT, Division of State and Community Assistance: Table 1: Priority Areas and Annual Performance Indicators.

State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details New York’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 underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into six categories:

1. Underage possession or purchase of alcohol.
2. Underage drinking and driving.
3. Alcohol availability.
4. Sales and delivery to consumers at home.
5. Alcohol pricing.
6. Enforcement policies.

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.

Underage Possession or Purchase of Alcohol

Underage Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships? <ul style="list-style-type: none"> • Is possession allowed if parent or guardian is present or consents? • Is possession allowed if spouse is present or consents? 	Yes 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? <ul style="list-style-type: none"> • Is consumption allowed if parent or guardian is present or consents? • Is consumption allowed if spouse is present or consents? 	N/A 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? <ul style="list-style-type: none"> • Is internal possession allowed if parent or guardian is present or consents? • Is internal possession allowed if spouse is present or consents? 	N/A N/A
Is there an exception based on location?	N/A

Underage Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	No
May youth purchase for law enforcement purposes?	No
Notes: 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. See N.Y. Alco. Bev. Cont. Law § 65-b.	

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?	No
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	No
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	Yes
Are state driver's licenses for persons under 21 easily distinguishable from licenses for persons 21 and over?	Yes
May the retailer 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
<ul style="list-style-type: none"> Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)? 	Yes
<ul style="list-style-type: none"> 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 the retailer detain a minor who used a false ID?	No

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?	0
What is the maximum age to which the limit applies?	21

Loss of Driving Privileges for Alcohol Violations by Minors ("Use/Lose" Laws)	
Is there a "use/lose" law that suspends or revokes a minor's driving privileges for alcohol violations?	No
What types of violation lead to license suspension or revocation?	
<ul style="list-style-type: none"> Purchase of alcohol 	N/A
<ul style="list-style-type: none"> Possession of alcohol 	N/A
<ul style="list-style-type: none"> Consumption of alcohol 	N/A

The law applies to people under what age?	N/A
Is suspension or revocation mandatory or discretionary?	N/A
What is the length of suspension/revocation?	
Minimum number of days	N/A
Maximum number of days	N/A

Graduated Driver's Licenses	
Learner Stage	
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?	50 (15 of which must be at night)
Intermediate Stage	
What is the minimum age for driving without adult supervision?	16 years, 6 months
For night driving, when does adult supervision requirement begin?	9:00 PM
Can law enforcement stop a driver for night driving violation as a primary offense?	Yes
Are there restrictions on passengers?	Yes; no more than one passenger under 21 who is not an immediate family member, unless accompanied by parent or instructor
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	Yes
License Stage	
What is the minimum age for full license privileges and lifting of restrictions?	17
Notes: New York has certain regional restrictions that apply to the 5 boroughs of New York City and Nassau, Suffolk, Westchester, Rockland & Putnam counties. These restrictions are not provided here. The New York DMV will issue a limited-use junior license to a junior driver (under 18) who passes a road test during the first six 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 am and 9 pm and within specific geographical boundaries for purposes related to school, employment, medical care, or child care. This would then convert to an intermediate stage license at the end of the mandatory 6-month holding period.	

Alcohol Availability

Furnishing Alcohol to Minors	
Is furnishing of alcoholic beverages to minors prohibited?	Yes

Are there exceptions based on family relationships? <ul style="list-style-type: none"> Is furnishing allowed if the parent or guardian supplies the alcohol? Is furnishing allowed if the spouse supplies the alcohol? 	No No
Is there an exception based on location?	No
Affirmative Defense for Sellers and Licensees	
Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No

Responsible Beverage Service (RBS)	
Is there a state law pertaining to Beverage Service Training?	Yes, voluntary
If training is mandatory, who must participate?	N/A
If training is voluntary, which of the following incentives are offered?	
<ul style="list-style-type: none"> Defense in dram shop liability lawsuits 	No
<ul style="list-style-type: none"> Discounts in dram shop liability insurance, license fees, or other 	No
<ul style="list-style-type: none"> Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons 	Yes
<ul style="list-style-type: none"> Protection against license revocation for sales to minors or sales to intoxicated persons 	No
Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	Both
Does the RBS law apply to new or existing licensees?	Unspecified
<p>Notes: 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. N.Y. Alco. Bev. Cont. Law § 65(6).</p>	

Minimum Age for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)	
What is the minimum age requirement for off-premises retail establishments?	
Beer	None
Wine	None
Spirits	18

Does a manager or supervisor have to be present when an underage person is selling beverages?	Yes
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Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)

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 when an underage person is selling beverages?	No

Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools

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
Primary and Secondary Schools	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	Yes, within 200 feet
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, within 200 feet (applies only to on-premises licenses which sell spirits)
To which alcohol products does requirement apply?	Wine, spirits
Notes: Exceptions are 1) club affiliated with such school, if school has no objection; 2) certain sections in county of Ulster, borough of Manhattan, and town of Bainbridge; 3) special retail liquor licenses for theaters where availability of alcohol is not advertised in manner visible from street.	

Dram Shop Liability

Does a statute create dram shop liability?	Yes
Does the statute limit damages that may be recovered?	No
Does the statute limit who may be sued?	No
Does the statute limit elements or standards of proof?	No
Does common law dram shop liability exist?	No

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

Prohibitions Against Hosting Underage Drinking Parties	
Does a statute prohibit hosting underage drinking parties?	No
Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	N/A
What action by underage guest triggers a violation?	N/A
Property type covered by the law?	N/A
What level of knowledge by the host is required?	N/A
Does host's preventive action protect him/her from being held liable?	N/A
Are there any exceptions for underage guests?	N/A

Keg Registration	
How is a keg defined (in gallons)?	No law
Prohibitions	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	No law
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	No law
What purchaser information is collected?	
Must the retailer collect the name and address?	No law
Must the retailer collect the ID number, name and address on license or other government information?	No law
Must the retailer collect the address at which keg will be consumed?	No law
Must warning information be given to purchaser?	No law
Is a deposit required?	No law
Does law cover disposable kegs?	No law

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
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Sales and Delivery to Consumers at Home

Retailer Interstate Shipments of Alcohol	
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
Notes: Direct sales/shipments permitted only for wineries in states that afford New York wineries a reciprocal shipping privilege.	

Home Delivery	
Is home delivery of alcohol permitted?	
Beer	Permitted (Beer deliveries limited to five gallons)
Wine	Permitted
Spirits	Permitted
Notes: Delivery vehicles must be clearly marked.	

Alcohol Pricing

Alcohol Taxes	
Beer	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	\$0.14
Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	
Wine	
Control system for wine?	No
Specific excise tax per gallon for 12% alcohol wine	\$0.30
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	

Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 6 – 14% alcohol wine if applicable	
Spirits	
Control system for spirits?	No
Specific excise tax per gallon for 40% alcohol spirits	\$6.44
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 15 – 50% alcohol spirits if applicable	\$2.54 per gallon for alcohol content of 24% or less.

Low-Price, High-Volume Drink Specials	
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	Yes
Reduced price for a specified day or time (i.e., happy hours)	No
Unlimited beverages for fixed price	Yes

Increased volume without increase in price	No
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Wholesaler Pricing Restrictions	
Beer	
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?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (25 days)
Wine	
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 (30 days)
Spirits	
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 (30 days)
Notes: Payment is required within 25 days 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).	

Enforcement Policies

Compliance Check Protocols	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	No
What is the minimum age a decoy may be to participate in a compliance check?	N/A
What is the maximum age a decoy may be to participate in a compliance check?	N/A

Are there appearance requirements for the decoy?	N/A
Does decoy carry ID during compliance check?	N/A
May decoy verbally exaggerate his or her actual age?	N/A
Is decoy training mandated, recommended, prohibited, or not specified?	N/A

Penalty Guidelines for Sales to Minors	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	No data
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

New York State Survey Responses

State Agency Information

Agency with primary responsibility for enforcing underage drinking laws:

New York State (NYS) Liquor Authority has primary responsibility; the New York State Police and other local agencies may do some prevention activities as well.

Enforcement Strategies

State law enforcement agencies use:

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

Local law enforcement agencies use:

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

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

No

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

Not applicable

Such laws are also enforced by local law enforcement agencies

Not applicable

Enforcement Statistics

State collects data on the number of minors found in possession

No

Number of minors found in possession¹ 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

State conducts underage compliance checks/decoy operations² 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 state³

59,000

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

2,253

Number of licensees that failed state compliance checks

480

Numbers pertain to the 12 months ending

12/31/2019

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

5,250

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

709

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

Yes

Number of fines imposed by the state⁴

No data

Total amount in fines across all licensees

No data

Smallest fine imposed

\$2,500

Largest fine imposed	No data
Numbers pertain to the 12 months ending	12/31/2019
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of suspensions imposed by the state ⁵	No data
Total days of suspensions across all licensees	No data
Shortest period of suspension imposed (in days)	No data
Longest period of suspension imposed (in days)	No data
Numbers pertain to the 12 months ending	No data
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of license revocations imposed ⁶	No data
Numbers pertain to the 12 months ending	No data
Additional Clarification	
No data	
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

LifeSkills Training

Number of youth served	82,805
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report	https://www.blueprintsprograms.org/factsheet/lifeskills-training-lst
URL for more program information	https://www.lifeskillstraining.com/

Program Description: LifeSkills Training (LST) is a school-based program that aims to prevent alcohol, tobacco, and marijuana use and violence by targeting major social and psychological factors that promote the initiation of substance use and other risky behaviors

Too Good for Drugs

Number of youth served	93,003
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report	https://www.crimesolutions.gov/ProgramDetails.aspx?ID=352
URL for more program information	https://toogoodprograms.org/

Program Description: Too Good For Drugs (TGFD) is a school-based prevention program for elementary and middle school students that builds on students' resiliency by teaching them how to be socially competent and autonomous problem solvers.

Project SUCCESS

Number of youth served	14,280
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report	Not available
URL for more program information	Not available

Program Description: Project SUCCESS (Schools Using Coordinated Community Efforts to Strengthen Students) is designed to prevent and reduce substance use among students ages 12-18. 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 Towards No Drug Abuse

Number of youth served	7,083
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report	https://www.crimesolutions.gov/ProgramDetails.aspx?ID=73
URL for more program information	http://tnd.usc.edu/

Program Description: Project Towards No Drug Abuse (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, and acquire resources that help them resist drug use, improve decision making strategies, and develop the motivation to not use drugs.

Class Action

Number of youth served	1,876
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report	Not available
URL for more program information	https://www.hazelden.org/OA_HTML/item/142118?Class-Action-Implementation-Collection-2nd-Edition&src_url=itemquest

Program Description: Class Action is the second phase of the Project Northland alcohol use prevention curriculum series. Class Action (for grades 11 and 12) and Project Northland (for grades 6 through 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.

All Stars

Number of youth served	1,104
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report	https://www.crimesolutions.gov/ProgramDetails.aspx?ID=319
URL for more program information	http://www.allstarsprevention.com/

Program Description: All Stars is a school-based program for middle school students (ages 11-14) designed to prevent and delay the onset of high-risk behaviors such as drug use, violence, and premature sexual activity.

Teen Intervene

Number of youth served	1,633
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report	https://www.childtrends.org/programs/teen-intervene
URL for more program information	https://www.childtrends.org/programs/teen-intervene

Program Description: Teen Intervene is a brief, early intervention program for youth ages 12-19 who display early signs of alcohol or drug involvement. Integrating stages of change theory, motivational enhancement, and cognitive behavioral therapy, the intervention aims to help teens reduce and ultimately eliminate their substance use.

Underage Drinking Initiative

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

Program Description: This initiative focuses on performing checks of licensed establishments to see if they are selling alcohol to minors. Investigators from The NYS Liquor Authority utilize underage agents who attempt to buy alcoholic beverages at locations licensed to traffic in alcohol.

Additional Underage Drinking Prevention Programs Operated or Funded by the State

No data

Additional Clarification

No data

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: St. Regis Mohawk Tribe and Health Services provides prevention services on and off the reservation. The provider delivers Too Good for Drugs programming and performs social marketing and coalition development. Alternatives Counseling Services, Inc. provides prevention services to the Shinnecock Indian Nation in Southampton (Suffolk County), including Too Good for Drugs, Too Good for Violence, and Teen Intervene.

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

Description of program: Many NYS Office of Addiction Services and Supports (OASAS)-funded providers and coalitions have been performing annual surveys that also measure youth exposure. The Youth Development Survey was last conducted in the fall of 2014. However, a new survey will be administered in the spring of 2021. The original plan was to administer the YDS in the fall of 2020; however, that was pushed back due to the COVID-19 pandemic.

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

Federal campaigns: Office of National Drug Control Policy and Substance Abuse and Mental Health Services Administration (SAMHSA) campaigns Yes
 Regional and local media campaigns: No
 Local school district efforts: No
 Other: New York State "Talk2Prevent" campaign Yes

State collaborates with/participates in SAMHSA's national media campaign, "Talk. They Hear You." (TTHY) No

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

State procures funding for TTHY Not applicable

Pro bono Not applicable
 Donated air time Not applicable
 Earned media Not applicable
 Other: Not applicable

State has adopted or developed best practice standards for underage drinking prevention programs Yes

Agencies/organizations that established best practices standards:
 Federal agency(ies): SAMHSA's Environmental Strategies Yes
 Agency(ies) within your state: No
 Nongovernmental agency(ies): No
 Other: No
 Best practice standards description: 120 coalitions recognized by NYS OASAS
<https://oasas.ny.gov/providers/evidencebased-prevention-programs>

Additional Clarification

No data

State Interagency Collaboration

A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities No

Committee contact information:

Not applicable

Agencies/organizations represented on the committee:

Not applicable

A website or other public source exists to describe committee activities Not applicable

URL or other means of access: Not applicable

Underage Drinking Reports

State has prepared a plan for preventing underage drinking in the last three years Yes

Prepared by: NYS OASAS developed the Statewide Comprehensive Plan 2020-2024 in accordance with Section 5.07 of Mental Hygiene Law. The Statewide Comprehensive Plan identifies statewide priorities; specifies statewide goals that reflect the statewide priorities; proposes strategies and initiatives to address the priorities and facilitate achievement of statewide goals; and identifies services and supports, which may include programs run or led by peers, that promote the health and wellness of persons with substance use or problem gambling disorders.

Plan can be accessed via:

https://oasas.ny.gov/system/files/documents/2020/02/oasas_statewide_plan_20_24.pdf

State has prepared a report on preventing underage drinking in the last three years Yes

Prepared by: NYS OASAS developed the Statewide Comprehensive Plan 2020-2024 in accordance with Section 5.07 of Mental Hygiene Law. The Statewide Comprehensive Plan identifies statewide priorities; specifies statewide goals that reflect the statewide priorities; proposes strategies and initiatives to address the priorities and facilitate achievement of statewide goals; and identifies services and supports, which may include programs run or led by peers, that promote the health and wellness of persons with substance use or problem gambling disorders.

Report can be accessed via:

https://oasas.ny.gov/system/files/documents/2020/02/oasas_statewide_plan_20_24.pdf

Additional Clarification

No data

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

Estimate of state funds expended Data not available

Estimate based on the 12 months ending Data not available

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 \$32,871,742

Estimate based on the 12 months ending 09/30/2019

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

Estimate of state funds expended Data not available

Estimate based on the 12 months ending Data not available

Programs targeted to institutes of higher learning:

Estimate of state funds expended \$2.5 million (The NYS OASAS College Prevention Grant is a 5-year initiative to

	prevent underage drinking on 20 campus communities. The funds are allotted annually.
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	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: Compliance checks in retail outlets - \$502,362.00 in federal grant funding	
Checkpoints and saturation patrols - \$1,162,944.00 in federal grant funding	
Estimate of state funds expended	\$1,665,306
Estimate based on the 12 months ending	09/30/2019

Funds Dedicated to Underage Drinking

State derives funds dedicated to underage drinking from the following revenue streams:

Taxes	No
Fines	No
Fees	No
Other: Federal grant money	Yes

Description of funding streams and how they are used:

Funding amounts for enforcement activities represent dollars that were awarded in federal grant money to combat the associated details. Checkpoints are not age specific; however, in an effort to apprehend all offenders, underage impaired drinkers are included among the population that is directly checked by these details.

Additional Clarification

No data



ICCPUD

**THE INTERAGENCY COORDINATING COMMITTEE
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)**





ICCPUD

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ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)**

