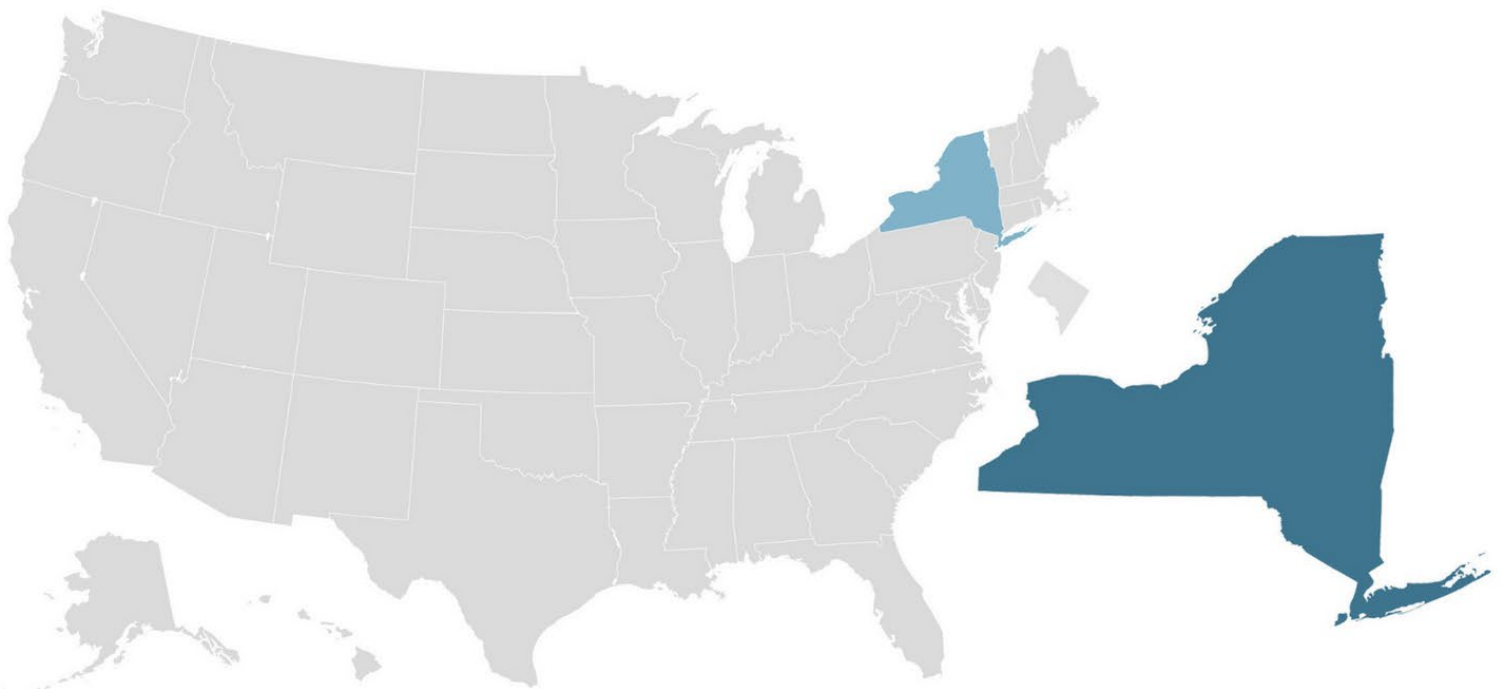




SAMHSA
Substance Abuse and Mental Health
Services Administration

New York

2022 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), 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), chaired by Miriam Delphin-Rittmon, Ph.D., 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 and 2021. Regional and state profile data were drawn from the most recently available federal survey data as of 2020. State legal data reflect the status of the law as of January 1, 2021. State survey data, collected in 2021, 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 2017 through 2020 National Surveys on Drug Use and Health (NSDUH), SAMHSA’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2021). 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 (updated May 2022) served as the resource for data about alcohol-attributable deaths from 2015–2019 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 2020 data used to present statistics about fatalities among 15- to 20-year-old drivers. State legal policy data were obtained from the following sources: 1) the National Institute on Alcohol Abuse and Alcoholism’s Alcohol Policy Information System (APIS) website (<https://alcoholpolicy.niaaa.nih.gov/>); 2) legal research planned and managed by the ICCPUD.

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NEW YORK



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



New York

State Population: 19,336,776

Population Ages 12–20: 2,059,000

| Past-Month Alcohol Use | |
|---|-------------------|
| Ages 12–20 | |
| Past-Month Alcohol Use – Number (Percentage) | 376,000 (18.3%) |
| Past-Month Binge Alcohol Use – Number (Percentage) | 233,000 (11.3%) |
| Ages 12–14 | |
| Past-Month Alcohol Use – Number (Percentage) | 18,000 (2.5%) |
| Past-Month Binge Alcohol Use – Number (Percentage) | 3,000 (0.4%) |
| Ages 15–17 | |
| Past-Month Alcohol Use – Number (Percentage) | 122,000 (18.4%) |
| Past-Month Binge Alcohol Use – Number (Percentage) | 71,000 (10.7%) |
| Ages 18–20 | |
| Past-Month Alcohol Use – Number (Percentage) | 236,000 (33.5%) |
| Past-Month Binge Alcohol Use – Number (Percentage) | 160,000 (22.6%) |
| Adults Ages 21+ | |
| Past-Month Alcohol Use – (Percentage) | 8,126,000 (55.8%) |
| Past-Month Binge Alcohol Use – (Percentage) | 3,531,000 (24.3%) |
| Average Age of Initiation | |
| Average Age of Initiation | 16.1 |
| Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21 ¹ | |
| Alcohol-Attributable Deaths (under 21) | 136 |
| Years of Potential Life Lost (under 21) | 7,806 |
| Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Concentration (BAC) > 0.01% ² | |
| Number of Fatalities Involving 15- to 20-Year-Old Driver With BAC > 0.01% | 23 |
| Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver | 21% |

¹ The Alcohol-Related Disease Impact Application was updated May 2022 to reflect new methodology for calculating the average annual alcohol-attributable deaths, and it reflects national and state annual averages from 2015–2019.

² 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 Overview¹

Mental Health and Substance Use Disorder (SUD) services in New York State are certified/licensed, funded, and monitored by the two distinct State agencies within the Department of Mental Hygiene. The Office of Addiction Services and Supports (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 substance use disorder (SUD) services in New York. The Agency's 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 and treatment and prevention services, including the direct operation of 12 Addiction Treatment Centers (ATCs) statewide. Between 2017 and 2019 the OASAS treatment provider system served, on average, about 234,000 people with an average daily census of 99,000. During the 2019-20 school year approximately 4,060,000 residents were reached by a one-time, population-based prevention service and 402,000 youth received a recurring 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 as well as intervention, support, and crisis services. OASAS supports a comprehensive prevention system through approximately 150 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 150 providers operating in schools, 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.

¹ Extracted from fiscal year (FY) 2022/2023 – (New York) State Behavioral Health Assessment and Plan, Substance Abuse Prevention and Treatment Block Grant (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.

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.

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 2021. As indicated, state funds and SABG funds account for the largest (and only) sources (82.5 percent and 17.5 percent, respectively).²

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2022-2023, New York did not specifically identify underage drinking as a prevention priority for use of SABG funds.³

Exhibit 1: Sources of New York’s 2021 Expenditures for Substance Abuse Prevention and Treatment



² WebBGAS State Profile, 2021 SABG and Community Mental Health Block Grant (MHBG) Reports – New York 2021.

³ FY 2022/2023 – (New York) 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 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:

- underage possession or purchase of alcohol
- underage drinking and driving
- alcohol availability
- sales and delivery to consumers at home
- alcohol pricing
- 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:

- enforcement programs to promote compliance with underage drinking laws and regulations
- programs targeted to youth, parents, and caregivers to deter underage drinking
- state interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns
- state expenditures on the prevention of underage drinking

Underage Possession or Purchase of Alcohol

| New York-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 |

| New York-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 |

| New York-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 |

| New York-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. | |

| New York-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 |
| Do state statutes or regulations mandate that state driver's licenses for persons under 21 be 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

| New York-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 |

| New York-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? | |
| • Purchase of alcohol | N/A |
| • Possession of alcohol | N/A |
| • 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 |

| New York-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, and Putnam counties. These restrictions are not provided here. The New York DMV will issue a limited-use junior license to a junior driver (under 18) who passes a road test during the first 6 months (i.e., within the mandatory 6-month holding period) after the learner permit was issued. A limited-use junior license allows the junior driver to drive without | |

supervision between 5:00 AM and 9:00 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

| New York-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 |
| 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 |

| New York-Responsible Beverage Service (RBS)—Voluntary | |
|--|----------------|
| 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</p> | |

is required to prove each element of the affirmative defense by a preponderance of the credible evidence.

| New York-Minimum Ages 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 |

| New York-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 |

| New York-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 and 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, town of Bainbridge and borough of Brooklyn, county of Kings; and 3) special retail liquor licenses for theaters where availability of alcohol is not advertised in manner visible from street. | |

| New York-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 |

| New York-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 |

| New York-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 |

| New York-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 |

| New York-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

| New York-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 |

| New York-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. | |

| New York-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. | |

| New York- Direct to Consumer | |
|---|--------------------------|
| Is there a policy allowing on-premises retailers to deliver alcohol to a consumer at home? | No |
| Which on-premises retailers can provide delivery of alcoholic beverages? <ul style="list-style-type: none"> • Restaurant • Bar license • Third party license | N/A N/A N/A |
| Which types of alcohol are permitted to be delivered? <ul style="list-style-type: none"> • Beer • Wine • Spirits • Mixed Drinks | N/A N/A N/A N/A |
| Requirements and Restrictions | |
| Are there restrictions in place addressing details of the delivery? <ul style="list-style-type: none"> • Hours limited • Amount of alcohol limited • Food requirement | N/A N/A N/A |
| Are there certain requirements that the delivery person must meet? <ul style="list-style-type: none"> • Must be 21 • Must check ID at point of delivery • Must receive payment regardless of delivery completion | N/A N/A N/A |

Alcohol Pricing

| New York-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 |
| <ul style="list-style-type: none"> • General sales tax rate | Not relevant |
| <ul style="list-style-type: none"> • 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 |
| <ul style="list-style-type: none"> • General sales tax rate | Not relevant |
| <ul style="list-style-type: none"> • 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 |
| <ul style="list-style-type: none"> • General sales tax rate | Not relevant |

| | |
|---|--|
| <ul style="list-style-type: none"> 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 |
| <ul style="list-style-type: none"> General sales tax rate | Not relevant |
| <ul style="list-style-type: none"> 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 |
| <ul style="list-style-type: none"> General sales tax rate | Not relevant |
| <ul style="list-style-type: none"> 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 |
| <ul style="list-style-type: none"> General sales tax rate | Not relevant |
| <ul style="list-style-type: none"> 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 |

| New York-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 |

| New York-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 maximum) |
| 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 (1 month minimum) |
| Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period? | Yes (30 days maximum) |
| 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 (1 month minimum) |
| Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period? | Yes (30 days maximum) |

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

| New York-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 |

| New York-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:

NYS Police and Local Law Enforcement agencies as well as the Division of Alcoholic Beverage Control (Liquor Authority).

Enforcement Strategies

State law enforcement agencies use:

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

Local law enforcement agencies use:

| | |
|--|-----|
| Cops in Shops | No |
| Shoulder Tap Operations | No |
| Party Patrol Operations or Programs | No |
| 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/shipments 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 Yes

Number of minors found in possession¹ by state law enforcement agencies 29

Number pertains to the 12 months ending 12/31/2020

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

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) 2,350

Number of licensees that failed state compliance checks 280

Numbers pertain to the 12 months ending 12/31/2020

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 2,350

Number of licensees that failed random state compliance checks 280

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 146

Total amount in fines across all licensees No data

Smallest fine imposed \$2,500

| | |
|--|------------|
| Largest fine imposed | \$10,000 |
| Numbers pertain to the 12 months ending | 12/31/2020 |
| <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) | 5 days |
| Longest period of suspension imposed (in days) | 60 days |
| Numbers pertain to the 12 months ending | 12/31/2020 |
| <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 | 12/31/2020 |

Additional Clarification

Note that the State Liquor Authority did not conduct any compliance checks in 2020 due to being tasked with enforcing COVID Executive Orders.

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 | 84,596 |
| Number of parents served | N/A |
| Number of caregivers served | N/A |
| Program has been evaluated | No data |
| Evaluation report is available | No data |
| URL for evaluation report: | https://www.lifeskillstraining.com/evaluation-studies/ |
| 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

Project Towards No Drug Abuse

| | |
|-----------------------------------|---|
| Number of youth served | 7,403 |
| Number of parents served | N/A |
| Number of caregivers served | N/A |
| Program has been evaluated | Yes |
| Evaluation report is available | Yes |
| URL for evaluation report: | https://tnd.usc.edu/?page_id=42 |
| URL for more program information: | https://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.

Too Good for Drugs

| | |
|-----------------------------------|---|
| Number of youth served | 84,596 |
| Number of parents served | N/A |
| Number of caregivers served | N/A |
| Program has been evaluated | Yes |
| Evaluation report is available | Yes |
| URL for evaluation report: | https://toogoodprograms.org/pages/evidence-base |
| URL for more program information: | https://toogoodprograms.org/collections/too-good-for-drugs |

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.

Teen Intervene

| | |
|-----------------------------------|---|
| Number of youth served | 1,199 |
| Number of parents served | N/A |
| Number of caregivers served | N/A |
| Program has been evaluated | Yes |
| Evaluation report is available | No |
| URL for evaluation report: | Not applicable |
| URL for more program information: | https://www.hazeldenbettyford.org/addiction/intervention/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

All Stars

| | |
|-----------------------------------|---|
| Number of youth served | 1,071 |
| Number of parents served | N/A |
| Number of caregivers served | N/A |
| Program has been evaluated | Yes |
| Evaluation report is available | No |
| URL for evaluation report: | Not applicable |
| 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.

Class Action

| | |
|-----------------------------------|---|
| Number of youth served | 1,216 |
| Number of parents served | N/A |
| Number of caregivers served | N/A |
| Program has been evaluated | Yes |
| Evaluation report is available | Yes |
| URL for evaluation report: | No data |
| URL for more program information: | https://www.hazelden.org/store/item/142118?Class-Action- |

Implementation-
Collection-2nd-Edition

Program Description: Class Action looks at the real-world social and legal consequences involving teens and alcohol. Teens are divided into teams to prepare and present hypothetical civil cases in which someone has been harmed as a result of underage drinking. Each team is given a casebook that contains the facts of their case, affidavits and depositions, and all legal and other information needed to argue their case.

Underage Drinking Initiative (UDI)

| | |
|-----------------------------------|----------------|
| Number of youth served | No data |
| 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: | 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

Active Parenting (4th Ed.): Active Parenting is a video-based education program designed to teach parents how to raise a child by using encouragement and building self-esteem, active listening, effective communication, and problem-solving.

Brief Alcohol Screening and Intervention for College Students (BASICS): BASICS is a prevention program for college students who drink alcohol heavily and have experienced or are at risk for alcohol-related problems.

Building Skills: Building Skills is a 12-lesson curriculum designed to help 5th graders avoid or reduce high-risk behaviors, including substance abuse, by improving their inter- and intrapersonal skills.

Parenting Wisely: Parenting Wisely is a set of interactive, computer-based training programs for parents of children ages 3–18 years. Based on social learning, cognitive behavioral, and family systems theories, the programs aim to increase parental communication and disciplinary skills.

Positive Action: Positive Action is a systematic educational program that promotes an intrinsic interest in learning and encourages cooperation among students. It works by teaching and reinforcing the intuitive philosophy that you feel good about yourself when you do positive actions.

Preventure: Preventure is a school-based intervention aimed to reduce drug and alcohol use while improving emotional well-being. Students who demonstrate certain personality profiles as identified through a screening questionnaire participate in a two 90-minute workshops. The workshops focus on motivating teens to understand their personality type that may lead to certain emotional or behavioral reactions. Specialized workshops include sensation seeking, impulsivity, anxiety sensitivity, and negative thinking.

SPORT: SPORT Prevention Plus Wellness, a motivational intervention designed for use by all adolescents, integrates substance abuse prevention with health promotion to help adolescents minimize and avoid substance use while increasing physical activity and other health-enhancing habits, including eating well and getting adequate sleep.

Triple P – Positive Parenting Program [Level 3 Group]: Triple P – Positive Parenting Program [Level 3 Group] is a small group intervention for parents of children 0 to 12 years old. It aims to prevent problems before they arise and to create family environments that encourage a child’s healthy development.

Additional Clarification

All New York State Police (NYS) underage drinking initiatives are funded by federal grant money. The NYS does not track local agency programs.

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 administer annual surveys that measure youth exposure. The statewide Youth Development Survey will be administered in the fall of 2021, which will be used to monitor exposure to advertising and marketing.

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: No

State collaborates with/participates in SAMHSA’s national media campaign, “Talk. They Hear You.” Yes

State officially endorses TTHY efforts No
 State commits state resources for TTHY No
 State forwards TTHY materials to local areas Yes
 Other: No

State procures funding for TTHY No

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 Yes
 Agency(ies) within your state: OASAS Evidence-based Review Panel Yes
 Nongovernmental agency(ies): No
 Other: No

Best practice standards description: All OASAS-funded coalitions are trained on the Strategic Prevention Framework (SPF) and implementation of evidence-based environmental change strategies with fidelity. OASAS also convenes a panel of researchers and evaluators across the state to review the underlying research supporting their selection of evidence-based 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 URL or other means of access: Not applicable | Not applicable |
| Underage Drinking Reports | |
| State has prepared a plan for preventing underage drinking in the last 3 years | Yes |
| Prepared by: The Division of Prevention and Problem Gambling Services at OASAS follows SAMHSA's Strategic Prevention Framework (SPF) in order to prioritize and specify goals. Through following the SPF, they identify and address substance use based on consumption and risk/protective factor data. 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 3 years | Yes |
| Prepared by: NYSP Report can be accessed via: No data | |
| Additional Clarification | |
| No data | |
| State Expenditures for the Prevention of Underage Drinking | |
| Compliance checks in retail outlets: | |
| Estimate of state funds expended | Unknown |
| Estimate based on the 12 months ending | 12/31/2020 |
| Checkpoints and saturation patrols: | |
| Estimate of state funds expended | Data not available |
| Estimate based on the 12 months ending | 12/31/2020 |
| Community-based programs to prevent underage drinking: | |
| Estimate of state funds expended | \$39,599,685 |
| Estimate based on the 12 months ending | 12/31/2020 |
| 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 for College Environmental Prevention Grants. The funds are allotted annually. |
| Estimate based on the 12 months ending | No data |
| Programs that target youth in the juvenile justice system: | |
| Estimate of state funds expended | Data not available |
| Estimate based on the 12 months ending | Data not available |
| Programs that target youth in the child welfare system: | |
| Estimate of state funds expended | Data not available |
| Estimate based on the 12 months ending | Data not available |
| Other programs: | |
| Programs or strategies included: | Data not available |
| Estimate of state funds expended: | Data not available |
| Estimate based on the 12 months ending: | Data not available |

Funds Dedicated to Underage Drinking

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

| | |
|-----------------------|----|
| Taxes | No |
| Fines | No |
| Fees | No |
| Other: Not applicable | No |

Description of funding streams and how they are used:

Not applicable

Additional Clarification

All NYSP underage details and checkpoints are funded by federal grant money.



ICCPUD

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

