Memorandum to Presidents

Date:    July 30, 1982

From:    Offices of Vice Chancellor for Educational Services and
         University Counsel and Vice Chancellor for Legal Affairs

Subject:  Raising of Minimum Age for Sale and Purchase of Alcoholic Beverages

Recently enacted legislation, which becomes effective on December 4, 1982, will raise generally the minimum age requirement for the purchase of alcoholic beverages in New York State from eighteen to nineteen (Chapter 159 of the Laws of 1982, copy attached). By amendments to existing statutory provisions in the Alcoholic Beverage Control Law and the Penal Law, this legislation will:

-- prohibit the sale of alcoholic beverages to any person under the age of 19;

-- prohibit anyone from inducing the sale of alcoholic beverages for any person under the age of 19 by misrepresenting such person's age;

-- prohibit anyone under the age of 19 from purchasing or attempting to purchase alcoholic beverages by fraudulent means; and

-- classify as a Grade B misdemeanor the act of any person, other than a parent or guardian, who gives or sells alcoholic beverages to anyone under the age of 19.

As the Governor's approval memorandum indicates (copy attached), the new law is part of a safety program to reduce the number of drivers whose abilities may be impaired as a result of the consumption of alcoholic beverages. The Governor makes direct reference to the high percentage of alcohol-related motor vehicle accidents and fatalities in which eighteen-year olds are involved.
The application of this new law will require a thorough review of campus alcohol use policies and enforcement practices relative to achieving compliance in the distribution and sale of alcoholic beverages in the campus environment. We invite you to direct to us any specific inquiries which you or the members of your staff may have during this review process. You may wish to contact Assistant Vice Chancellor Ronald Bristow (518-473-4083) or Assistant Counsel Gerianne Dias (518-473-7591) for assistance.

Attachments

cc: Chief Student Affairs Administrators
    Directors, Auxiliary Service Corporations

This memorandum addressed to:

    Presidents, State-operated campuses
    Presidents, Community Colleges

Copies for information only:

    Deans, Statutory Colleges
    President Coll
    Vice Provost Spencer
L. 1982, Ch. 159

STATE OF NEW YORK

1981-1982 Regular Sessions

SENATE—ASSEMBLY

January 26, 1981

IN SENATE—Introduced by Sens. PADAVAN, SMITH, PISANI, AUEr, BERNAN, BOUGUES, BRUNO, DALY, DUNNE, FARLEY, FLOSS, FLynn, GALIBER, GAZZARA, GOUDHUE, HALPERIN, JOHNSON, KENOE, KNORR, LACK, LVÁLLE, LEICHER, MARINO, MEGA, MENDEZ, NOLAN, OWENS, PRESENT, RUIZ, TRUNZ0—at the request of the Governor—read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Taxation—reported favorably from said committee, ordered to first and second report, recommitted to the committee on Investigations and Taxation—committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee—recommitted to the Committee on Investigations and Taxation in accordance with Senate Rule 6, sec. 8—committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee.

IN ASSEMBLY—Introduced by M. of A. CONNELLY, HARENBERG, ZIMMER—Multi-Sponsored by M. of A. COHEN, COOKE, DAVIS, DUGAN, FLACK, FOSSEL, FREDA, HAGUE, HANNON, HEALEY, HEVESI, HIRSCH, HOCHEBRECKNER, HOYT, KIDDER, KISER, KOPPEL, LANE, MARChISELLI, MONTANO, MURPHY, MURTAUGH, ORAZIO, PASSANANTE, PERONE, PRESCOTT, RETTALIATA, KUBACH, SEARS, SEM- InERIO, SHaffer, SHOLER, E. G. SULLIVAN, F. M. SULLIVAN, WARREN, WEINBERG—at the request of the Governor—read once and referred to the Committee on Commerce, Industry and Economic Development—committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee—recommitted to the Committee on Commerce, Industry and Economic Development in accordance with Assembly Rule 3, sec. 2—reported and referred to the Committee on Codes—committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee.

AN ACT to amend the alcoholic beverage control law and the penal law, in relation to certain prohibited sales, offenses, practices and conduct.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

EXPLANATION—Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.
Section 1. Subdivision one of section sixty-five of the alcoholic beverage control law, as amended by chapter two hundred ninety-two of the laws of nineteen hundred forty-five, is amended to read as follows:

1. Any [minor] person, actually or apparently, under the age of [eighteen] nineteen years;

2. Section sixty-five-a of such law, as added by chapter ten hundred thirty-one of the laws of nineteen hundred sixty-five, is amended to read as follows:

§ 2. Procuring alcoholic beverages for persons under the age of [eighteen] nineteen years. Any person who misrepresents the age of a [minor] person under the age of [eighteen] nineteen years for the purpose of inducing the sale of any alcoholic beverage, as defined in the alcoholic beverage control law, to such [minor] person, is guilty of an offense and upon conviction thereof shall be punished by a fine of not more than fifty dollars, or by imprisonment for not more than five days, or by both such fine and imprisonment.

§ 3. The section heading and subdivision one of section sixty-five-b of such law, as added by chapter ten hundred thirty-one of the laws of nineteen hundred sixty-five and subdivision one as amended by chapter two hundred seventy-five of the laws of nineteen hundred eighty-one, are amended to read as follows:

Offense for one under age of [eighteen] nineteen years to purchase or attempt to purchase an alcoholic beverage through fraudulent means. Any person under the age of [eighteen] nineteen years who presents or offers to any licensee under the alcoholic beverage control law, or to the agent or employee of such licensee, any written evidence of age which is false, fraudulent or not actually his own, for the purpose of purchasing or attempting to purchase any alcoholic beverage, may be arrested or summoned and be examined by a magistrate having jurisdiction on a charge of illegally purchasing or attempting to illegally purchase an alcoholic beverage. If a determination is made sustaining such charge the court or magistrate shall release such person on probation for a period of not exceeding one year, and may in addition impose a fine not exceeding one hundred dollars.

§ 4. Subdivision four of section 260.20 of the penal law is amended to read as follows:

1. He gives or sells or causes to be given or sold any alcoholic beverage, as defined by section three of the alcoholic beverage control law, to a child less than [eighteen] nineteen years old, except that this subdivision does not apply to the parent or guardian of such a child;

2. § 5. This act shall take effect on the one hundred eightieth day after it shall have become a law.
FOR RELEASE:
IMMEDIATE, MONDAY
JUNE 7, 1982

STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

June 7, 1982

MEMORANDUM filed with Senate Bill Number 1581-D, entitled:

#16
(Chapter 159)

APPROVED

The bill amends the Alcoholic Beverage Control Law by raising the minimum age for the purchase of alcohol from eighteen to nineteen. The bill also amends sections 65-a and 65-b of the Alcoholic Beverage Control Law and section 260.20 of the Penal Law to make conforming amendments with respect to the offenses of procuring alcoholic beverages for minors, attempting to procure alcoholic beverages by fraudulent means and selling or giving alcoholic beverages to a child.

The evidence linking alcohol-related motor vehicle accidents and fatalities is compelling, as are the facts with respect to the high percentage of such incidents in which 18 year olds are involved. While less than two percent of licensed New York State drivers are 18 years old, that age group is involved in over seven percent of alcohol-related accidents and nine percent of alcohol-related fatal accidents on a statewide basis. Outside of New York City, alcohol-related accidents account for over 25 percent of all deaths of 18 year olds in the State. The raising of the minimum purchase age to nineteen should have the effect each year of reducing the number of fatalities by more than 25, the number of serious injuries by more than 450, and the cost of medical treatment, insurance and other related expenses by more than $27 million.

The bill is one more important part of our comprehensive program to assure the safe use of the State's roads by reducing the number of drivers whose abilities may be impaired as a result of the consumption of alcoholic beverages. Last year, I approved several bills which significantly strengthened the penalties for alcohol-related driving offenses. Currently pending in the Legislature are proposals by the Governor's Alcohol and Highway Safety Task Force which would expand the grounds on which police officers could require drivers to submit to breath tests, and which would establish an administrative procedure in the Department of Motor Vehicles for the suspension of motor vehicle licenses of persons found to have operated a motor vehicle while impaired by alcohol. Also, I have proposed legislation relating to the appropriate supervision of persons who are 18 years of age and who are employed in establishments selling alcoholic beverages. I urge the prompt adoption of all of these legislative proposals.

The bill is approved.

(Signed) Hugh L. Carey