Date: September 20, 1985

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

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

To: Presidents, State-operated Campuses
    Presidents, Community Colleges

Recently enacted legislation, which becomes effective December 1, 1985, will raise the minimum age requirement for the purchase of alcoholic beverages in New York State from 19 to 21 (Chapter 274 of the Laws of 1985, copy attached). By a series of amendments to existing statutes, this legislation:

(1) prohibits anyone from selling, delivering or giving away alcoholic beverages to persons under the age of 21. A violation of this provision constitutes a misdemeanor which may be punishable by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both. For alcoholic beverage licensees or permittees, a violation of this law may result in suspension or revocation of a license or permit. (Alcohol Beverage Control Law, §65);

(2) prohibits anyone from inducing the sale of alcoholic beverages for any person under the age of 21 by misrepresenting such person's age. A violation of this law is punishable by a fine of not more than two hundred dollars or by imprisonment for not more than five days, or both (Alcohol Beverage Control Law, §65-a);

(3) prohibits anyone under the age of 21 from purchasing or attempting to purchase alcoholic beverages by fraudulent means. If a charge which alleges such conduct is sustained, the court must impose a one-year term of probation and may, in addition, impose a fine which does not exceed one hundred dollars (Alcohol Beverage Control Law, §65-b);
(4) classifies as a Class B misdemeanor the act of giving or selling or causing to be given or sold, alcoholic beverages to a person under 21 years of age, other than by the parent or guardian of such person. A class B misdemeanor is punishable by imposition of a fine of not more than five hundred dollars, or imprisonment for not more than three months, or both (Penal Law, §260.20);

(5) imposes civil liability upon any person who knowingly causes the intoxication of a person under the age of 21 in the event such intoxication causes property damage or personal injury to a third party (General Obligations Law, §11-100).

As was the case in 1982 when the sale and purchase age was raised from 18 to 19, the major public policy consideration supporting the legislation is the goal of reducing alcohol-related traffic accidents (see Governor's approval memorandum, copy attached).

The application of this new law will require a re-examination of campus alcohol use policies. A greater proportion of the campus population, both students and employees, will be under the minimum age for the sale and purchase of alcoholic beverages. Accordingly, revisions to existing procedures, especially for the registration and approval of organized campus activities at which alcohol is served, may be necessary. 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 William Murabito (518-473-4083) or Associate Counsel Gerianne Dias (518-473-7591) for assistance.

Attachments
cc: Chief Student Affairs Administrators
    Directors, Auxiliary Service Corporations

Copy for Information only:

Deans, Statutory Colleges
President Coll
Vice Provost Spencer
AN ACT to amend the alcoholic beverage control law, the general obligations 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:

Section 1. Subdivision one of section sixty-five of the alcoholic beverage control law, as amended by chapter one hundred fifty-nine of the laws of nineteen hundred eighty-two, is amended to read as follows:

1. Any person, actually or apparently, under the age of nineteen twenty-one years;

$\S$ 2. Section sixty-five-a of such law, as amended by chapter three hundred seventy-three of the laws of nineteen hundred eighty-three, is amended to read as follows:

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

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.
§ 3. The section heading and subdivision one of section sixty-five-b of such law, as amended by chapter one hundred fifty-nine of the laws of nineteen hundred eighty-two, are amended to read as follows:

Offense for one under age of [nineteen] twenty-one years to purchase or attempt to purchase an alcoholic beverage through fraudulent means.

1. Any person under the age of [nineteen] twenty-one 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. The section heading and subdivision one of section 11-100 of the general obligations law, as added by chapter six hundred forty-one of the laws of nineteen hundred eighty-three, are amended to read as follows:

Compensation for injury or damage caused by the intoxication of a person under the age of [nineteen] twenty-one years. 1. Any person who shall be injured in person, property, means of support or otherwise, by reason of the intoxication or impairment of ability of any person under the age of [nineteen] twenty-one years, whether resulting in his death or not, shall have a right of action to recover actual damages against any person who knowingly causes such intoxication or impairment of ability by unlawfully furnishing to or unlawfully assisting in procuring alcoholic beverages for such person with knowledge or reasonable cause to believe that such person was under the age of [nineteen] twenty-one years.

§ 5. Subdivision four of section 260.20 of the penal law, as amended by chapter one hundred fifty-nine of the laws of nineteen hundred eighty-two, is amended to read as follows:

4. 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] person less than [nineteen] twenty-one years old; except that this subdivision does not apply to the parent or guardian of such a [child] person; or

§ 6. This act shall take effect on the first day of December next succeeding the date on which it shall have become a law.
FOR RELEASE:
IMMEDIATE, THURSDAY
JUNE 27, 1985

STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

June 27, 1985

MEMORANDUM filed with Assembly Bill Number 2574-A, entitled:

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

APPROVED

The bill, which is part of my 1985 legislative program, increases the minimum legal age for the purchase and sale of alcoholic beverages to twenty-one.

With the enactment of a twenty-one year old purchase age for alcoholic beverages, New York addresses the number one health hazard facing the young people of our Nation. Alcohol-related highway accidents are the leading cause of death for nineteen and twenty year olds. The impact of alcohol abuse on the lives of our young people can also be seen in increased crime, decreased productivity, and countless other alcohol-related problems. Although there is no panacea for the complex problem of alcohol abuse, the effectiveness of purchase age legislation in reducing alcohol-related highway accidents and other manifestations of alcohol abuse has been well documented. The enactment of the twenty-one year old purchase age is the single most effective measure available to reduce alcohol-related health and safety risks now faced by persons under the age of twenty-one.

In enacting a twenty-one year old purchase age, we will join with our neighboring states of Massachusetts, Connecticut, New Jersey and Pennsylvania in the movement toward a common drinking age aimed at protecting the lives of all the young people of our region.

Among the many organizations, agencies and individuals recommending approval of the bill are: the Division of Alcoholism and Alcohol Abuse, the Department of Motor Vehicles, the Division of Criminal Justice Services, the Department of Health, the New York State Police, the New York State Council on Alcoholism, the Public Health Association, the Catholic Conference, the Automobile Association of America, the National Safety Council, the New York State Congress of Parents and Teachers, the Coalition of Northeastern Governors, the New York State Association of Chiefs of Police, Inc., the American Council on Alcohol Problems, the Association of Labor Management Administrators and Consultants on Alcoholism, the Alliance of American Insurers, the Medical Society of the State of New York, Mothers Against Drunk Driving, the National Association of Independent Insurers, the New York State Association of Counties, the New York Federation of Alcoholism Counselors, the New York State Council on School Superintendents, the New York State Head Injury Association, Remove Intoxicated Drivers, the New York State Coalition for Safety Belt Use, the Greater New York Fund/United Way, the New York City Department of Mental Health, and the Hospital Association of New York State.

The bill is approved.

(Signed) Mario M. Cuomo