



Massachusetts

State Profile and Underage Drinking Facts

State Population: 6,547,629
Population Ages 12–20: 765,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	33.0	253,000
Past-Month Binge Alcohol Use	22.5	172,000
Ages 12–14		
Past-Month Alcohol Use	5.0	13,000
Past-Month Binge Alcohol Use	1.3	3,000
Ages 15–17		
Past-Month Alcohol Use	28.5	71,000
Past-Month Binge Alcohol Use	17.7	44,000
Ages 18–20		
Past-Month Alcohol Use	63.8	169,000
Past-Month Binge Alcohol Use	47.1	125,000
Alcohol-Attributable Deaths (under 21)		Number 56
Years of Potential Life Lost (under 21)		3,340

	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	21.0	10

Laws Addressing Minors in Possession of Alcohol

Underage Possession of Alcohol

Possession is prohibited with the following exception(s):

- Parent/guardian

Underage Consumption of Alcohol

Consumption is not explicitly prohibited.

Internal Possession by Minors

Internal possession is not explicitly prohibited.

Underage Purchase of Alcohol

Purchase is prohibited and there is NO ALLOWANCE for youth purchase for law enforcement purposes.

False Identification for Obtaining Alcohol

Provision(s) Targeting Minors

- Use of a false ID to obtain alcohol is a criminal offense.
- Penalty may include driver’s license suspension through a judicial procedure.

Provision(s) Targeting Suppliers

- It is a criminal offense to lend, transfer, or sell a false ID.
- It is a criminal offense to manufacture or distribute a false ID.

Provisions Targeting Retailers

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older.
- Specific affirmative defense—the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid.

Laws Targeting Underage Drinking and Driving

BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)

- BAC limit: 0.02
- BAC level at or above the limit is per se (conclusive) evidence of a violation
- Applies to drivers under age 21

Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)

Use/lose penalties apply to minors under age 21.

Type(s) of Violation Leading to Driver’s License Suspension, Revocation, or Denial

- Underage possession

Authority To Impose Driver’s License Sanction

- Mandatory

Length of Suspension/Revocation

- 90 days

Provisions Applied to Underage Purchase Violations

Use/lose penalties apply to minors under age 21

Type(s) of Violation Leading to Driver’s License Suspension, Revocation, or Denial

- Underage purchase

Authority To Impose Driver’s License Sanction

- Mandatory

Length of Suspension/Revocation

- 180 days

Graduated Driver’s License

Learner Stage

- Minimum entry age: 16
- Minimum learner-stage period: 6 months
- Minimum supervised driving requirement: 40 hours—or 30 hours of supervised driving if applicant completes driver skills program

Intermediate Stage

- Minimum age: 16 years, 6 months
- Unsupervised night driving
 - Prohibited after: 12:30 a.m.
 - Primary enforcement of the night-driving rule: Exception: secondary enforcement between 12:30 and 1 a.m. and between 4 and 5 a.m.
- Passenger restrictions exist: No unrelated passengers under 18, unless supervised by licensed driver over 21
 - Primary enforcement of the passenger-restriction rule

License Stage

- Minimum age to lift restrictions: 18—passenger restrictions expire 6 months after issuance of intermediate license; unsupervised night-driving restrictions remain until full licensure is obtained.

Laws Targeting Alcohol Suppliers

Furnishing Alcohol to Minors

Furnishing is prohibited with the following exception(s): EITHER

- Parent/guardian OR
- Spouse

Compliance Check Protocols

Age of Decoy

- Minimum: Not specified
- Maximum: Not specified

Appearance Requirements

- Age-appropriate appearance

ID Possession

- Prohibited

Verbal Exaggeration of Age

- Prohibited

Decoy Training

- Recommended

Penalty Guidelines for Sales to Minors

Time period/conditions: No guidelines provided

Responsible Beverage Service

No beverage service training requirement

Minimum Ages for Off-Premises Sellers

- Beer: 18
- Wine: 18
- Spirits: 18

Minimum Ages for On-Premises Sellers

- Beer: 18 for both servers and bartenders
- Wine: 18 for both servers and bartenders
- Spirits: 18 for both servers and bartenders

Dram Shop Liability

- There is no statutory liability.
- The courts recognize common law dram shop liability.

Social Host Liability Laws

- There is no statutory liability.
- The courts recognize common law social host liability.

Host Party Laws

Social host law is not specifically limited to underage drinking parties

- Action by underage guest that triggers violation: Possession
- Property type(s) covered by liability law: Residence, outdoor, other
- Standard for hosts' knowledge or action regarding the party: Knowledge—host must have actual knowledge of the occurrence.
- Exception(s): Family

Direct Sales/Shipments of Alcohol by Producers

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

Age Verification Requirements

- Common carrier must verify age of recipient.

State Approval/Permit Requirements

- Producer/shipper must obtain State permit.
- State must approve common carrier.

Reporting Requirements

- Producer must record/report purchaser's name.

Shipping Label Statement Requirements

- Contains alcohol
- Recipient must be 21

Note: Current law provides that a winery that produces 30,000 gallons of wine or more may obtain a direct shipment only if the winery has not contracted with or has not been represented by a Massachusetts wholesaler licensed for the preceding 6 months. There is no such requirement on wineries producing less than 30,000 gallons, which includes all wineries in the State of Massachusetts. This provision was ruled unconstitutional in a Federal district court on November 19, 2008, and upheld on appeal in the First Circuit U.S. Court of Appeals on January 14, 2010.

Keg Registration

- Keg definition: More than 2 gallons
- Purchaser information collected: Purchaser's name and address
- Warning information to purchaser: Active—purchaser action required (e.g., signature)
- Deposit required: \$5
- Provisions do not specifically address disposable kegs.

Note: The deposit provisions in Massachusetts require that a purchaser pay the following: (a) a container fee of not less than \$10 for each keg having a capacity of 6 or more gallons and of not less than \$1 for each container having a capacity of less than 6 gallons; and (b) a registration fee of \$10 for each keg having a capacity of 6 or more gallons and of \$4 for each keg having a capacity of less than 6 gallons.

Alcohol Pricing Policies

Home Delivery

- Beer: Permitted—each vehicle used for transportation and delivery must be covered by a permit issued by the commission.
- Wine: Permitted—each vehicle used for transportation and delivery must be covered by a permit issued by the commission.
- Spirits: Permitted—each vehicle used for transportation and delivery must be covered by a permit issued by the commission.

Alcohol Tax

- Beer (5 percent alcohol): Specific excise tax is \$0.11 per gallon.
- Wine (12 percent alcohol): Specific excise tax is \$0.55 per gallon.
- Spirits (40 percent alcohol): Specific excise tax is \$4.05 per gallon.

Drink Specials

- Free beverages: Prohibited
- Multiple servings at one time: Not prohibited
- Multiple servings for same price as single serving: Not prohibited
- Reduced price at specified day or time: Prohibited
- Unlimited beverages: Prohibited
- Increased volume: Prohibited

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

- Price posting requirements: Post and hold—1 month minimum
- Retailer credit: Restricted—60 days maximum

Wine (12 percent alcohol)

- Price posting requirements: Post and hold—1 month minimum
- Retailer credit: Restricted—60 days maximum

Spirits (40 percent alcohol)

- Price posting requirements: Post and hold—1 month minimum
- Retailer credit: Restricted—60 days maximum

Massachusetts State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Massachusetts Alcoholic Beverages Control Commission (ABCC)	
<i>Methods by which local and State enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> The ABCC Investigation and Enforcement Division works in close cooperation with local and State law enforcement departments on a weekly basis to obtain optimal enforcement coverage. Most often, these efforts are generated from requests for assistance from local police chiefs who have problematic licensees in their communities or local conflicts of interest that are eliminated through ABCC cooperation. Furthermore, when a complaint is received by ABCC, investigators also reach out to local police departments to conduct cooperative enforcement operations when feasible. The Investigation and Enforcement Division works in a concerted effort with the Massachusetts Police.	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	Yes
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	Yes
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>	
Primary State agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	Massachusetts Alcoholic Beverages Control Commission
Such laws are also enforced by local law enforcement agencies	No
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession ¹ by State law enforcement agencies	1,004
Number pertains to the 12 months ending	12/31/2010
Data include arrests/citations issued by local law enforcement agencies	No
<i>State conducts underage compliance checks/decoy operations² to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by State agencies	1,793
Number of licensees that failed State compliance checks	102
Numbers pertain to the 12 months ending	12/31/2010
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	1,378
Number of licensees that failed local compliance checks	118
Numbers pertain to the 12 months ending	12/31/2010
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the State ³	No data
Total amount in fines across all licensees	\$40,000
Numbers pertain to the 12 months ending	12/31/2010

<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of suspensions imposed by the State ⁴	117
Total days of suspensions across all licensees	275
Numbers pertain to the 12 months ending	12/31/2010
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of license revocations imposed ⁵	1
Numbers pertain to the 12 months ending	12/31/2010
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 Does not include fines imposed by local agencies

⁴ Does not include suspensions imposed by local agencies

⁵ Does not include revocations imposed by local agencies

Underage Drinking Prevention Programs Operated or Funded by the State: Programs SPECIFIC TO Underage Drinking	
<i>Bureau of Substance Abuse Services (BSAS), Underage Drinking Prevention Programs, and Regional Centers for Healthy Communities</i>	
Number of youth served	1,336,280
Number of parents served	720,040
Number of caregivers served	308,589
Numbers pertain to the 12 months ending	06/30/2010
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:	
<ul style="list-style-type: none"> • 31 underage drinking prevention programs in collaboration with 6 regional centers in communities across the Commonwealth • Coalition/community focused • Require city/town participation • Use SAMHSA's Strategic Prevention Framework (SPF) • Required to use evidence-based environmental strategies that relate directly to assessment-identified problems 	
<i>Town Meeting Initiative</i>	
Number of youth served	No data
Number of parents served	3,341
Number of caregivers served	No data
Numbers pertain to the 12 months ending	06/30/2010
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: BSAS supported 54 Town Hall Meetings as part of the SAMHSA-sponsored national Town Hall Meeting effort using the recommendations in the Surgeon General's <i>Call to Action</i> to prevent underage alcohol use. These local Town Hall Meetings provided 54 local communities in Massachusetts the opportunity to come together to learn more about new research on underage drinking and its consequences, and to encourage individuals, families, and communities to address the problem.	
<i>Berklee School of Music Demonstration Project</i>	
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	06/30/2010
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: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) funds this demonstration project, which is designed to address underage drinking within the student population of Berklee School of Music. It is particularly geared to first-year students.	
<i>District Attorneys Underage Drinking Prevention</i>	
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	06/30/2010
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: OJJDP funding enabled four District Attorneys Offices (Counties of Berkshire, Norfolk, Plymouth, and Worcester) to convene Underage Drinking Prevention Conferences.	
<i>Student Athlete Underage Drinking Prevention Conferences</i>	
Number of youth served	500
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	06/30/2010
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: Funded by the National Highway Traffic Safety Administration (NHTSA), two conferences for student athletes were attended by 500 students.	
<i>Dance Don't Chance Contest</i>	
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	06/30/2010
Program has been evaluated	No data
Evaluation report is available	No data
URL for evaluation report	No data
URL for more program information	http://www.youtube.com/promshorts

Program description: Funded by NHTSA, this is a spring prom and graduation season safe-driving video contest in which teens write, produce, and submit a 60-second YouTube video on safe driving and avoiding underage drinking. The winning school is awarded a package of prizes for their prom donated by private sponsors.

Underage Drinking Prevention Programs Operated or Funded by the State: Programs RELATED TO Underage Drinking	
<i>Bureau of Substance Abuse Services Underage Drinking Prevention Public Information Initiative</i>	
URL for more program information	http://www.maclearinghouse.com
Program description: The BSAS Underage Drinking Prevention Public Information Initiative offered science-informed information to parents and youth. The major approaches used were print media and outreach through the Black Ministerial Alliance. Ministers highlighted the availability of step-by-step guides in their services and afterschool programs. The guides were also distributed through health, social services, and educational settings. Radio and cable television advertisements reinforced the power of parents in preventing underage alcohol use, but the number affected is difficult to estimate.	
<i>Picture Yourself Alcohol and Drug Free</i>	
URL for more program information	No data
Program description: The Picture Yourself Alcohol and Drug Free Program is a creative alcohol and drug prevention pilot program. The campaign features messages from teens for teens. It encourages students to pursue their interests so that alcohol and drugs do not get in their way. Posters and news articles (in the school newsletters and community) as well as school-based incentive items reinforce this message.	
<i>Anti-Drug and Violence Prevention; a Safe and Drug-Free Schools Program</i>	
URL for more program information	No data
<i>CASASTART in three public schools in Boston and Winthrop</i>	
URL for more program information	http://www.wediko.org/news-events/2008/06/04/casastart-national-model-helping-most-risk-children-and-families
<i>CASASTART at six Department of Youth Services sites</i>	
URL for more program information	http://www.talkaboutaddiction.org/programs/treatment.htm

Additional Information Related to Underage Drinking Prevention Programs	
<i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i>	Yes
Program description: Meeting with Regional Centers for Healthy Communities to plan strategies at present. Department of Public Health-wide presentation on disparities in Native American health status was held in November.	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	Yes
Program description: Community level: restrictions on advertising; counter alcohol advertising on billboards and public transportation. State level: counter alcohol advertising via radio.	
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
Best practice standards description: BSAS implements best practices through:	
<ol style="list-style-type: none"> 1. A competitive request-for-response (RFR) process. 2. Strategy meetings. 3. Regular site visits. 	
The RFR requires the selection of a science-based model. Regular meetings provide technical assistance to ensure fidelity as well as cultural competence. The community's logic model, action plan, accomplishments, and challenges are reviewed at the yearly site visits.	

Additional Clarification	
No data	

State Interagency Collaboration	
<i>A State-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes
<i>Committee contact information:</i> Name: William D. Luzier, Executive Director, Interagency Council on Substance Abuse & Prevention Email: william.luzier@state.ma.us Address: 250 Washington St., Floor 3, Boston, MA 02108 Phone: 617-624-5121	
<i>Agencies/organizations represented on the committee:</i> Lieutenant Governor, Chair Executive Office of Health and Human Services Executive Office of Public Safety Executive Office of Elder Affairs Executive Office of Veterans Affairs Department of Elementary and Secondary Education Department of Corrections Parole Board Department of Probation Department of Public Health Department of Youth Services Department of Mental Health Department of Developmental Services Massachusetts Rehabilitation Commission Department of Transitional Assistance Department of Children and Families Department of Health Care Finance and Policy Department of the Deaf and Hard of Hearing Department of Early Education and Care Bureau of Substance Abuse Services MassHealth (Medicaid) Superior Court District Court Juvenile Court Governor's Office Senate House Private citizen recovering from substance abuse problems	
<i>A Web site or other public source exists to describe committee activities</i>	Yes
URL or other means of access	http://www.mass.gov/?pageID=gov3subtopic&L=5&L0=Home&L1=Our+Team&L2=Lieutenant+Governor+Timothy+P.+Murray&L3=Councils%2c+Cabinets%2c+and+Commissions&L4=Interagency+Council+on+Substance+Abuse+and+Prevention&sid=Agov3

Underage Drinking Reports	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by	Interagency Council on Substance Abuse and Prevention
Plan can be accessed via	http://www.mass.gov/Agov3/docs/Strategic%20Plan%20Update%20-%20July%202010.pdf
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	Yes
Prepared by:	Department of Elementary & Secondary Education and the Department of Public Health
Report can be accessed via	http://www.doe.mass.edu/cnp/hprograms/yrebs/

Additional Clarification	
No data	

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of State funds expended	\$27,500
Estimate based on the 12 months ending	12/31/2010
<i>Checkpoints and saturation patrols:</i>	
Estimate of State funds expended	\$100,000
Estimate based on the 12 months ending	12/31/2010
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	\$450,000
Estimate based on the 12 months ending	06/30/2010
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of State funds expended	\$319,000
Estimate based on the 12 months ending	06/30/2010
<i>Programs that target youth in the child welfare system:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Other programs:</i>	
Programs or strategies included	No data
Estimate of State funds expended	No data
Estimate based on the 12 months ending	No data

Funds Dedicated to Underage Drinking	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	Yes
Fines	No data
Fees	No data
Other	No data
<i>Description of funding streams and how they are used: A 6.25% sales tax on alcohol was implemented effective July 1, 2009 but was repealed by voters in November 2010 (effective January 1, 2011). This revenue stream was dedicated to substance abuse and prevention programs.</i>	
Additional Clarification	
No data	