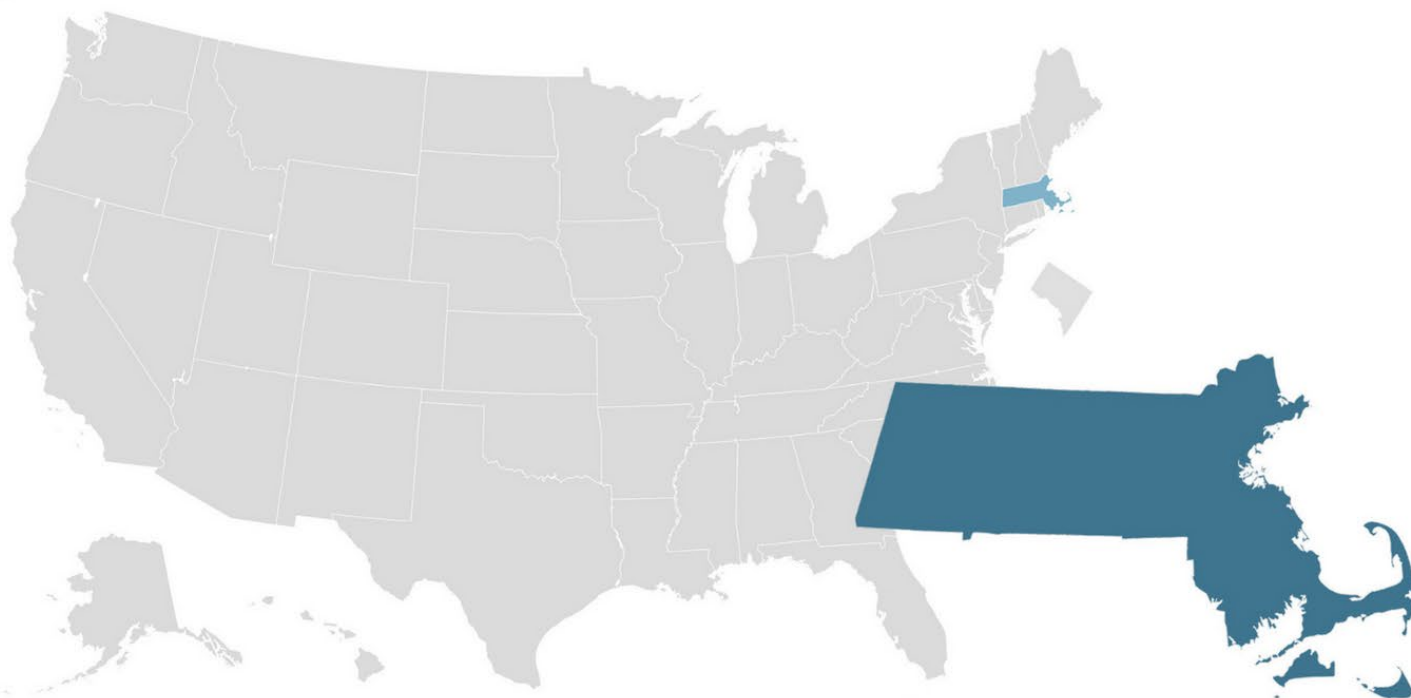




SAMHSA
Substance Abuse and Mental Health
Services Administration

Massachusetts

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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MASSACHUSETTS



SAMHSA
Substance Abuse and Mental Health
Services Administration

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



Massachusetts

State Population: 6,893,574

Population Ages 12–20: 779,000

Past-Month Alcohol Use	
Ages 12–20	
Past-Month Alcohol Use – Number (Percentage)	193,000 (24.7%)
Past-Month Binge Alcohol Use – Number (Percentage)	127,000 (16.3%)
Ages 12–14	
Past-Month Alcohol Use – Number (Percentage)	2,000 (0.8%)
Past-Month Binge Alcohol Use – Number (Percentage)	0 (0%)
Ages 15–17	
Past-Month Alcohol Use – Number (Percentage)	56,000 (22.1%)
Past-Month Binge Alcohol Use – Number (Percentage)	29,000 (11.5%)
Ages 18–20	
Past-Month Alcohol Use – Number (Percentage)	135,000 (44.6%)
Past-Month Binge Alcohol Use – Number (Percentage)	98,000 (32.4%)
Adults Ages 21+	
Past-Month Alcohol Use – (Percentage)	3,460,000 (67.1%)
Past-Month Binge Alcohol Use – (Percentage)	1,618,000 (31.4%)
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)	52
Years of Potential Life Lost (under 21)	3,050
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%	10
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	26%

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 System Overview¹

The Behavioral Health system in Massachusetts is overseen and managed by the Executive Office of Health and Human Services, the Department of Public Health, the Department of Mental Health and the state’s Medicaid Authority, also known as MassHealth. There is collaboration between these departments to ensure coordinated and comprehensive service delivery is achieved.

As the Single State Authority (SSA) for Substance Abuse, the Department of Public Health’s Bureau of Substance Addiction Services (BSAS, formerly known as the Bureau of Substance Abuse Services) is responsible for overseeing the statewide system of prevention, intervention, treatment, and recovery support services for individuals, families, and communities affected by addiction. This includes responsibility for:

- Licensing substance use disorder treatment programs and counselors
- Funding and monitoring prevention, intervention, treatment, and recovery services
- Providing access to treatment for the uninsured
- Developing and implementing substance use disorder-related policies and programs
- Tracking substance use disorder treatment trends in the state

Overview of SUD Prevention, Early Identification, Treatment, and Recovery Support Services

In Massachusetts, we have a robust system of care for substance use disorder that serves both adults and children. This system of care includes prevention, intervention, acute treatment, stabilization, long term residential, outpatient, medication assisted treatment, and recovery support services. These services are provided by community-based behavioral health providers contracted directly by DPH/BSAS, DMH, and/or MassHealth. In Massachusetts behavioral health services are not managed at the county level or by an intermediary.

Our prevention system of care seeks to empower communities using a public health approach to promote and support healthy decisions regarding substance use. To achieve this mission, we provide direct support including capacity building, technical assistance, and evaluation support to municipalities statewide. The flagship initiative of the BSAS Prevention Unit is called the Massachusetts Collaborative for Action, Leadership, and Learning 3 (MassCALL3). As part of this initiative, BSAS is currently supporting three groups of grantees based on their level of readiness and the characteristics of the local municipal prevention infrastructure: (1) capacity building grantees, (2) comprehensive prevention implementation grantees, and (3) innovation grantees. Across the three parts of this initiative, prevention services are reaching approximately three-quarters of the state population through direct or indirect prevention supports. All prevention services within Massachusetts are guided by SAMHSA’s Strategic Prevention Framework (SPF). Grantees are trained in the SPF and are required to utilize it to generate data-informed local comprehensive prevention plans that outline their approach to implementing

¹ Extracted from fiscal year (FY) 2022/2023 – (Massachusetts) 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.

programs, policies, and practices that best fit their unique settings, needs, and assets. BSAS is committed to the principles of equity, restorative prevention, and cultural responsiveness – each of which is embedded in state and local prevention processes. In addition, the prevention unit also conducts media and social media initiatives directed at youth, seniors, health care providers, parents and other caretakers, and teachers and school staff. Printed documents, advertising on public transportation systems, use of the Mass.gov website, blogs, and YouTube videos are some of the other vehicles used to convey the Bureau’s Prevention message.

Our intervention system of care includes a wide variety of activities ranging from outreach and engagement to overdose education and naloxone distribution to funding training and capacity building designed to promote and support Screening, Brief Intervention and Referral to Treatment (SBIRT) both in healthcare and school-based settings statewide.

Beginning in 2006, BSAS received \$14 million from SAMHSA to build our capacity to address substance misuse and treat dependence in general healthcare settings using SBIRT. BSAS has sustained this ongoing effort to increase use of SBIRT across the state by funding an MASBIRT Training and Technical Assistance Project (MASSBIRT TTA), based at Boston Medical Center. In addition to supporting healthcare sites in implementing SBIRT concepts and skills, School Health Services has been piloting the use of SBIRT in school health settings. In Massachusetts there are expert trainers available to work closely with a variety of health care providers to integrate SBIRT into their work.

With over 400 licensed programs throughout the state, our treatment system offers a full continuum of care ranging from acute treatment services such as inpatient medically managed hospital-based withdrawal management, community based medically monitored withdrawal management and clinical stabilization services to short and long term residential services and outpatient clinical services including medication assisted treatment. All of these levels of care are available in gender-specific and age-appropriate modalities for adults, adolescents, young adults, and families including specialized services for pregnant and parenting women. Massachusetts supports a “no wrong door” approach to treatment which allows an individual to access treatment at any point in the continuum of care as long as it is deemed clinically appropriate.

In terms of recovery support services, Massachusetts has invested in the expansion of our statewide recovery support centers increasing the number of BSAS-funded Recovery Support Centers from ten to twenty-six in 2019, with at least five to ten more to be added in 2022. Additionally, Massachusetts continues to support the training and certification of recovery coaches, offering recovery coach supervisor training, learning communities and an online recovery coach hub, to support this critical and expanding peer workforce in Massachusetts. Finally, Massachusetts has sustained its Access to Recovery (ATR) program expanding and enhancing the program to include increased support for on-going employment and housing.

Continuum of Care for Youth and Young Adults

In addition to the services described above, BSAS also oversees a continuum of developmentally appropriate substance use services specifically for youth and young adults (ages 8-25) that includes:

- School Based Response Teams
- School Based Intensive Intervention
- Community Based Intervention

- Outpatient
- Youth Withdrawal Management & Stabilization
- Youth Co-occurring Residential Treatment
- Transition Age Youth & Young Adult Residential Treatment
- Medications for Opioid Use Disorder (MOUD)
- Peer Recovery

Expenditures for Substance Abuse Prevention and Treatment

All states receive federal funds for substance abuse prevention through the Substance Abuse Prevention and Treatment Block Grant (SABG) administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). Exhibit 1 shows the sources that Massachusetts used for expenditures on substance abuse prevention and treatment in 2021. As indicated, state funds and SABG funds account for the largest sources (84.57 percent and 15.43 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, Massachusetts designated decreasing substance use among young people as priority number three for use of SABG funds.³

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



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

³ FY 2022/2023 – (Massachusetts) 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 Massachusetts' 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

Massachusetts-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

Massachusetts-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

Massachusetts-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

Massachusetts-Underage Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	Yes
May youth purchase for law enforcement purposes?	No

Massachusetts-Underage False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor's driver's license suspension?	Yes, through a judicial process

Provisions Targeting Suppliers	
Is the lending or transferring or selling of a false ID prohibited?	Yes
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	Yes
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	No
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

Massachusetts-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

Massachusetts-Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose” Laws)—Possession	
Is there a “use/lose” law that suspends or revokes a minor’s driving privileges for alcohol violations?	Yes

What types of violation lead to license suspension or revocation?	
• Purchase of alcohol	No
• Possession of alcohol	Yes
• Consumption of alcohol	No
The law applies to people under what age?	21
Is suspension or revocation mandatory or discretionary?	Mandatory
What is the length of suspension/revocation?	
Minimum number of days	90
Maximum number of days	90

Massachusetts-Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose” Laws)—Purchase	
Is there a “use/lose” law that suspends or revokes a minor’s driving privileges for alcohol violations?	Yes
What types of violation lead to license suspension or revocation?	
• Purchase of alcohol	Yes
• Possession of alcohol	No
• Consumption of alcohol	No
The law applies to people under what age?	21
Is suspension or revocation mandatory or discretionary?	Mandatory
What is the length of suspension/revocation?	
Minimum number of days	180
Maximum number of days	180

Massachusetts-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?	40 (or 30 hours of supervised driving if applicant completes driver skills program)
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?	12:30 AM

Can law enforcement stop a driver for night driving violation as a primary offense?	Yes (secondary enforcement between 12:30 AM and 1:00 AM and between 4:00 AM and 5:00 AM)
Are there restrictions on passengers?	Yes, no passengers under 18 who are not immediate family members, unless accompanied by licensed driver over 21.
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	Yes
License Stage	
What is the minimum age for full license privileges and lifting of restrictions?	18 (passenger restrictions expire 6 months after issuance of intermediate license; unsupervised night driving restrictions remain until full licensure is obtained)

Alcohol Availability

Massachusetts-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? 	Yes
<ul style="list-style-type: none"> Is furnishing allowed if the spouse supplies the alcohol? 	Yes
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

Massachusetts-Responsible Beverage Service (RBS)	
Is there a state law pertaining to Beverage Service Training?	No
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 	N/A
<ul style="list-style-type: none"> Discounts in dram shop liability insurance, license fees, or other 	N/A
<ul style="list-style-type: none"> Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons 	N/A
<ul style="list-style-type: none"> Protection against license revocation for sales to minors or sales to intoxicated persons 	N/A

Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	N/A
Does the RBS law apply to new or existing licensees?	N/A

Massachusetts-Minimum Ages for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)	
What is the minimum age requirement for off-premises retail establishments?	
Beer	18
Wine	18
Spirits	18
Does a manager or supervisor have to be present when an underage person is selling beverages?	No

Massachusetts-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

Massachusetts-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 500 feet. Local government has authority to override state restrictions.
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, within 500 feet. Local government has authority to override state restrictions.
To which alcohol products does requirement apply?	Beer, wine, and spirits

Notes: Exceptions are 1) inns and parts of buildings located ten or more floors above street level; and 2) extension of licensed premises that do not exceed 50 feet.

Massachusetts-Dram Shop Liability

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

Massachusetts-Social Host Liability

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

Massachusetts-Prohibitions Against Hosting Underage Drinking Parties

Does a statute prohibit hosting underage drinking parties?	Yes
Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	General
What action by underage guest triggers a violation?	Possession
Property type covered by the law?	Residential/outdoor/other
What level of knowledge by the host is required?	Knowledge (Host must have actual knowledge of party)
Does host's preventive action protect him/her from being held liable?	No
Are there any exceptions for underage guests?	Yes, family members

Massachusetts-Keg Registration

How is a keg defined (in gallons)?	Greater than 2.00
Prohibitions	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	No
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	No
What purchaser information is collected?	
Must the retailer collect the name and address?	Yes

Must the retailer collect the ID number, name and address on license or other government information?	No
Must the retailer collect the address at which keg will be consumed?	No
Must warning information be given to purchaser?	Active (requires action by purchaser)
Is a deposit required?	\$5.00
Does law cover disposable kegs?	No
Notes: The deposit provisions in Massachusetts require that a purchaser pay the following: (a) a container fee of not less than \$10.00 for each keg having a capacity of six or more gallons and of not less than \$1.00 for each container having a capacity of less than six gallons; and (b) a registration fee of \$10.00 for each keg having a capacity of six or more gallons and of \$4.00 for each keg having a capacity of less than six gallons.	

Massachusetts-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

Massachusetts-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

Massachusetts-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

Massachusetts-Home Delivery	
Is home delivery of alcohol permitted?	
Beer	Permitted
Wine	Permitted
Spirits	Permitted
Notes: Each vehicle used for transportation and delivery must be covered by a permit issued by the Alcoholic Beverages Control commission.	

Massachusetts- 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

<p>Are there certain requirements that the delivery person must meet?</p> <ul style="list-style-type: none"> • Must be 21 • Must check ID at point of delivery • Must receive payment regardless of delivery completion 	<p>N/A</p> <p>N/A</p> <p>N/A</p>
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Alcohol Pricing

Massachusetts-Alcohol Taxes	
Beer	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	\$0.11
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	\$0.55

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	\$4.05
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
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 15 – 50% alcohol spirits if applicable	

Massachusetts-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	No
Reduced price for a specified day or time (i.e., happy hours)	Yes
Unlimited beverages for fixed price	Yes
Increased volume without increase in price	Yes

Massachusetts-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?	Post and hold (1 month minimum)
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (60 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 (60 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 (60 days maximum)

Enforcement Policies

Massachusetts-Compliance Check Protocols	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	Yes
What is the minimum age a decoy may be to participate in a compliance check?	Not specified
What is the maximum age a decoy may be to participate in a compliance check?	Not specified
Are there appearance requirements for the decoy?	Yes, age-appropriate appearance
Does decoy carry ID during compliance check?	Prohibited
May decoy verbally exaggerate his or her actual age?	Permitted
Is decoy training mandated, recommended, prohibited, or not specified?	Not specified

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

Massachusetts State Survey Responses

State Agency Information

Agency with primary responsibility for enforcing underage drinking laws:

Massachusetts Alcoholic Beverages Control Commission

Enforcement Strategies

State law enforcement agencies use:

Cops in Shops	Yes
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	No

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

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

State collects data on the number of minors found in possession Yes

Number of minors found in possession¹ by state law enforcement agencies 175

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 12,000

Number of licensees checked for compliance by state agencies (including random checks) 0

Number of licensees that failed state compliance checks 0

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 0

Number of licensees that failed **random** state compliance checks 0

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 No

Number of fines imposed by the state⁴ Not applicable

Total amount in fines across all licensees Not applicable

Smallest fine imposed	Not applicable
Largest fine imposed	Not applicable
Numbers pertain to the 12 months ending	Not applicable
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors</i>	No
Number of suspensions imposed by the state ⁵	Not applicable
Total days of suspensions across all licensees	Not applicable
Shortest period of suspension imposed (in days)	Not applicable
Longest period of suspension imposed (in days)	Not applicable
Numbers pertain to the 12 months ending	Not applicable
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing to minors</i>	No
Number of license revocations imposed ⁶	Not applicable
Numbers pertain to the 12 months ending	Not applicable

Additional Clarification

In 2020 ABCC enforcement efforts were redirected to support the Executive Orders and public health Safety Standards that were enacted to address the worldwide COVID-19 pandemic in Massachusetts. From August 11, 2020, through May 28, 2021, ABCC Special Investigators observed approximately 44,700 licensed business locations and investigated 826 complaints. Of the approximately 33,588 open locations observed, 548 were issued written or verbal warnings or were charged with operating in violation of the Executive Orders.

In addition, Investigators addressed 172 complaints relative to, but not limited to, the sale of alcohol to underage or intoxicated individuals, illegal gambling activity, illegal alcoholic beverages, illegal narcotics activity, and unlawful ownership: resulting in the filing 49 violation reports detailing approximately 128 violations of the Liquor Control Act.

In 2020 we did not initiate the Compliance Check program as we had concerns for the welfare of the underage operatives where they would have been required to enter approximately 20 locations in a shift. We also believed that it would have been problematic with the underage operative wearing a mask while they attempted to purchase alcohol and it would not have been practical at on-premises locations with seated dining required for alcohol service.

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

Substance Abuse Prevention Collaborative

Number of youth served	NA
Number of parents served	NA
Number of caregivers served	NA
Program has been evaluated	No
Evaluation report is available	Not Applicable
URL for evaluation report:	Not applicable
URL for more program information:	NA

Program Description: The purpose of the Substance Abuse Prevention Collaborative (SAPC) grant program is to prevent underage drinking and other drug abuse across the commonwealth. This grant program serves to increase both the number and the capacity of municipalities across the commonwealth addressing these issues. The Bureau of Substance Addiction Services (note our new name, but the initials remain BSAS) is funding 28 local municipalities to prevent underage drinking and other drug use through local evidence-based policy, practice,

systems, and environmental change(s). The SAPC program emphasizes the integration of the Substance Abuse and Mental Health Services’ (SAMHSA) Strategic Prevention Framework (SPF) model into overall prevention systems. This comprehensive process informs consistent, data-driven planning across the commonwealth focused on implementing culturally competent and sustainable strategies that will have a measurable effect on preventing and reducing underage drinking and other drug use in Massachusetts. Programs have a choice about addressing alcohol advertising is a part of this initiative.

Additionally, this program provides financial support for groups of municipalities to enter into formal, long-term agreements to share resources and coordinate activities in order to increase the scope of this work and their capacity to address these issues in their combined populations. In implementing these grants, funded programs (“lead municipalities”) must work in partnership with neighboring municipalities to form a “Prevention Cluster.” For example, the local SAPCs create and/or sustain coalitions of municipal leadership, schools, police, preventionists, faith communities, and others to assess their community, build its capacity, and plan, implement, and evaluate evidence-based strategies in their Prevention Clusters. Some of the SAPCs promote “Talk. They Hear You.” and at least one has its own media campaign.

MA Health Promotion Clearinghouse	
Number of youth served	NA
Number of parents served	NA
Number of caregivers served	NA
Program has been evaluated	No
Evaluation report is available	Not Applicable
URL for evaluation report:	Not Applicable
URL for more program information:	https://massclearinghouse.ehs.state.ma.us/

Program Description: Specific underage drinking prevention resources (in English and Spanish) were updated in responsive designs (readable on any digital device) and limited reprinting. The revised website has worked well. Resources include concepts from evidence-based programs and models of health-promoting behaviors for parents and youth. Toolkits for retailers are downloadable.

Additional Underage Drinking Prevention Programs Operated or Funded by the State

NA

Additional Clarification

NA

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: The cross-tribal/BSAS Team (the Team) had a multipronged approach to prevention that included: 1) developing and planning the implementation of a Native-focused prevention program using a Native supplement to an evidence-based program; and 2) conducting outreach to tribal parents and youth to inform the prevention of alcohol and other drug use using Coming Home, and Stories and Poems for Northeastern Native Tribal Families, which are jointly created resources for Native parents to use with their youth.

The LifeSkills® Training (LST) is an evidence-based program to prevent alcohol and other drug misuse. The Team developed an LST-approved supplement that includes intertribal cultural content and illustrations to promote healthy choices among youth and complements 13 of the evidence-based prevention sessions. These books and the parent culture-specific resources are available at no charge at: <https://massclearinghouse.ehs.state.ma.us/category/NativeAmerican.html>.

BSAS funded a contract to:

- Continue the outreach initiative at virtual and other cultural events to Massachusetts Native communities with Native cultural consultants

- Recruit and train a cohort of Native college students who are LST-trained and serving as prevention specialists to deliver this evidence-based program with an approved Native supplement in Massachusetts Native communities, while collaborating with Native cultural consultants on facilitating this process and participating in an evaluation
- Develop and deliver trainings for BSAS staff and providers related to cultural humility and best practices for working with Native communities
- Assist tribes in their applications for prevention of substance misuse and related funding
- Convene a Community Advisory Board

Tribal members have shared that they are particularly committed to the prevention of alcohol misuse. To “meet people where they are,” the Team planned a virtual session. Participants were all invited to order copies of Native-specific BSAS resources, learn more about BSAS services, and visit the Helpline website. The Team is also expanding its partners to include a more diverse group of tribes and Native cultural organizations on the Community Advisory Board.

<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	Yes
Description of program: Please see description of SAPC Program #1	
<i>State collaborates with/participates in media campaigns to prevent underage drinking</i>	Yes
Federal campaigns: “Talk. They Hear You.”	Yes
Regional and local media campaigns: SAPC site in Quincy has one called “Rethink the Drinks” (https://rethinkthedrinks.com/); Cape Cod’s campaign is titled “My Choice Matters” (https://www.mychoicematters.net/) covers multiple substances	Yes
Local school district efforts:	No
Other: Website - https://www.mass.gov/substance-use-prevention-for-parents	Yes
<i>State collaborates with/participates in SAMHSA’s national media campaign, “Talk. They Hear You.”</i>	Yes
State officially endorses TTHY efforts	No data
State commits state resources for TTHY	No data
State forwards TTHY materials to local areas	No data
Other: No data	No data
<i>State procures funding for TTHY</i>	No data
Pro bono	No data
Donated air time	No data
Earned media	No data
Other: No data	No data
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
Agencies/organizations that established best practices standards:	
Federal agency(ies): SAMHSA	Yes
Agency(ies) within your state: BSAS	Yes
Nongovernmental agency(ies):	No
Other:	No
Best practice standards description: BSAS implements best practices through (1) a competitive request-for-response (RFR) process; (2) trainings (including ethics, evidence-based programming) and strategy meetings; and (3) site visits, as needed. The RFR requires selection of an evidence-based policy, practice, or program(s). A 4-day Substance Abuse Prevention Skills Training is offered periodically to providers. Regular meetings provide technical assistance to ensure implementation of SPF sustainability as well as cultural competence. The community’s logic model, action plan, accomplishments, and challenges are reviewed throughout the year. If concerns arise, site visits are conducted.	

Additional Clarification

No data

State Interagency Collaboration

A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities Yes

Committee contact information:
 Name: Jose Morales
 Email: Jose.Morales@mass.gov
 Address: MDPH BSAS, 250 Washington St, 3rd Fl, Boston, MA 02108
 Phone: 617-624-5141 (Please use email)

Agencies/organizations represented on the committee:

The BSAS Prevention Unit is currently collaborating with the BSAS Office of Youth and Young Adult Services on an Advisory Board that includes multiple agencies:

- Executive Office of Health and Human Services: MassHealth – Office of Behavioral Health Services
 - Executive Office of Health and Human Services: MA State Plan to End Youth Homelessness
 - Department of Children and Families: Substance Use Unit
 - Department of Elementary and Secondary Education: Center for Educational Options/Office of Student and Family Support
 - Department of Mental Health: STAY Project (Young Adult Peer Recovery)
 - Department of Mental Health: Community Behavioral Health Knowledge Center
 - Department of Mental Health: Youth Forensic Services
 - Department of Public Health: Bureau of Community Health and Prevention - Office of Sexual Health and Youth Development
 - Department of Public Health: Bureau of Community Health and Prevention - Division of Child/Adolescent Health and Reproductive Health
 - Department of Public Health: Bureau of Community Health and Prevention - Division of Prevention and Wellness, Massachusetts Tobacco Cessation and Prevention Program
 - Department of Public Health: Bureau of Community Health and Prevention - Division of School-Based Health Centers
 - Department of Public Health: Bureau of Community Health and Prevention - Division of School Health Services
 - Department of Public Health: Bureau of Substance Addiction Services – Prevention Unit
 - Department of Public Health: Bureau of Substance Addiction Services - Office of Program Development (Workforce Development)
 - Department of Public Health: Bureau of Substance Addiction Services – Office of Youth and Young Adult Services
 - Department of Public Health: Office of Problem Gambling Services
 - Department of Youth Services
 - Department of Youth Probation
 - Institute for Health and Recovery: Youth Services Division
 - Massachusetts Organization for Addiction Recovery
- In addition, the Interagency Tribal Partners Group includes the Departments of Mental Health, Elementary and Secondary Education, and Early Elementary Education as well as Department of Public Health.

A website or other public source exists to describe committee activities No
 URL or other means of access: Not applicable

Underage Drinking Reports

State has prepared a plan for preventing underage drinking in the last 3 years No
 Prepared by: Not applicable
 Plan can be accessed via: Not applicable

State has prepared a report on preventing underage drinking in the last 3 years No
 Prepared by: Not applicable
 Report can be accessed via: Not applicable

Additional Clarification

No data

State Expenditures for the Prevention of Underage Drinking

Compliance checks in retail outlets:

Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

Checkpoints and saturation patrols:

Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

Community-based programs to prevent underage drinking:

Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

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	Data not available
Estimate based on the 12 months ending	Data not available

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

No data



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

ICCPUD