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Committee Assignment: Assembly Freedom 4

Bill #:AF-27

Sponsors: Brogan Bennett, Dan Gilligan, Derek Martelle, Will Lanzoni

An Act To Amend the New York State Alcohol Beverage Control Law Article 1, Section 3, Subsection 1 and Article 5, Section 65, Subsection (1) to change the legal age for the sale of alcoholic beverages from 21 years of age to 18 years.

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

Purpose To reduce the minimum age for the sale and consumption of alcoholic beverages from twenty-one years of age to eighteen years of age.

Summary of Provisions

Section 1

Alcoholic beverage: alcohol, spirits, liquor, wine, beer, cider and every liquid, solid, powder or crystal, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being, and any warehouse receipt, certificate, contract or other document pertaining thereto; except that confectionery containing alcohol as provided by subdivision twelve of section two hundred of the agriculture and markets law and ice cream and other frozen desserts made with wine, beer or cider as provided in subdivision fifteen of section two hundred of the agriculture and markets law shall not be regulated as an "alcoholic beverage" or "beverage" within the meaning of this section where the sale, delivery or giving away is to a person aged eighteen years or older. The sale, delivery or giving away of ice cream or other frozen desserts made with wine, beer or cider to a person under the age of eighteen years may be prosecuted administratively and/or criminally in accordance with the provisions of this chapter.

Section 2

Article 1, Section 31. Definitions.

"Alcoholic beverage" or "beverage" mean and include alcohol, spirits, liquor, wine, beer, cider and every liquid, solid, powder or crystal, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being, and any warehouse receipt, certificate, contract or other document pertaining thereto; except that confectionery containing alcohol as provided by subdivision twelve of section two hundred of the agriculture and markets law and ice cream and other frozen desserts made with wine, beer or cider as provided in subdivision fifteen of section two hundred of the agriculture and markets law shall not be regulated as an "alcoholic beverage" or "beverage" within the meaning of this section where the sale, delivery or giving away is to a person aged eighteen years or older. The sale, delivery or giving away of ice cream or other frozen desserts made with wine, beer or cider to a person under the age of



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eighteen years may be prosecuted administratively and/or criminally in accordance with the provisions of this chapter.

Article 5, Section 65. Prohibited sales.

No person shall sell, deliver or give away or cause or permit or procure to be sold, delivered or given away any alcoholic beverages to

1. Any person, actually or apparently under the age of eighteen years.

Justification

A Minimum Legal Drinking Age (MLDA) has had close to no impact to preventing teenage drinking and has instead pushed teens to binge drink in an uncontrolled environment. At age 18, you enter adulthood allowing you to join the army, vote in elections, as well as sign legally binding contracts. This is the age when one makes their own decisions, and drinking should be one of them. Lowering the age from 21 to 18 would diminish the thrill to break the law to get a drink. Teens seek a certain thrill of drinking because of the aspect of breaking the law. In the United States, underage drinking accounts for 17.5 % of alcoholic beverage consumption. Allowing an 18 year old to drink in a controlled environment will decrease risky or unsafe activities. In the United States the rate of automobile fatalities is 31% while in Germany, a country where the drinking age is 18 the rate is only 9%. There has been no correlation found between a decline of drunk driving fatalities and an MDLA of 21. In fact, Alcohol Alert reported that reductions in drunk driving fatalities have been reported for all drinking ages.

Fiscal Implications

The state will realize additional revenue from the sale of alcoholic beverages to more individuals. There may be an additional cost to the state associated with accidents and incidents, including police responses associated with intoxication, however that is speculative. Passing this bill will also increase revenue for private business owners and greater amounts of tax revenue would be collected by the government.

Environmental Implications

There will be no known environmental implications to this bill.

Effective Date

The law will go into effect one year after passage.