



Civil Liability

Under NYS common law and “Dram Shop Law”, an adult/a parent may be held liable:

- if someone, particularly a minor, is injured on their property; if a minor dies as a result of drinking on their property;
- if an underage person gets into a fight, falls and hurts themselves or is sexually assaulted on their property especially if the alcoholic beverages were obtained on their property;
- if a neighbors property is damaged by persons or minors attending a party at your home for apartment;
- if an underage person who was drinking on your property, leaves your property, and is involved in a motor vehicle accident, causes injuries to themselves or others.

Although the above acts may or may not be covered under your homeowner’s insurance policy, you may still be responsible for costs not covered or beyond your policy limits. Parents and adults have a legal responsibility to insure the safety of underage persons while on their property or under their care, custody and control. Parents have a duty to monitor parties hosted by their children.

Criminal Liability

NYS Alcoholic Beverage Control Law:

Section 100.1 Sale without an appropriate license

No person shall manufacture for sale or sell at wholesale or retail any alcoholic beverage within the state with out obtaining the appropriate license.

This law applies when a person charges a fee to an attendee of a gathering (i.e. keg party, fraternity party and similar events) and provides alcoholic beverages.

Violation of this law is a misdemeanor.

Section 65 Prohibited sales

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

- any person, actually or apparently, under the age of twenty-one;
- any visibly intoxicated person.

This ABC Law is generally used if a violation occurs in an establishment licensed by a State Liquor Authority. It also addresses the unlicensed delivery by any person to someone under 21 or someone who is already intoxicated. The NYS Penal Law has a similar statute that prohibits the sale or delivery of an alcoholic beverage to an underage person.

Violation of this law is a misdemeanor.

Section 65-c Unlawful possession of an alcoholic beverage with the intent to consume by persons under the age of twenty-one years.

This law is used when an underage person is in possession of an alcoholic beverage with the intent to consume and the alcoholic beverage was not given to the underage person by his/her parent or legal guardian. Violation of the underage possession law is an offense. The underage person may be issued a summons to appear in court and be fined and/or receive other penalties as provided in the statute.

NYS Penal Law

Section 260.20 Unlawfully dealing with a child in the first degree

A person guilty of unlawfully dealing with a child in the first degree when:

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 person less than twenty one years old: except that this subdivision does not apply to the parent or guardian of such a person or to a person who gives or causes to be given any student in a curriculum licensed or registered by the state education department, where the tasting or imbibing of alcoholic beverages is required in courses that are given only for instructional purposes during classes conducted pursuant to such curriculum.

Unlawfully dealing with a child in the first degree is a class A misdemeanor.

Note: The exception for the parent or guardian does not extend to premises licensed by the State Liquor Authority.

Section 260.10 Endangering the welfare of a child.

A person is guilty of endangering the welfare of a child when:

He knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of a child less than seventeen years old or directs or authorizes such a child to engage in an occupation involving a substantial risk of danger to his life or health.

Endangering the welfare of a child is a class A misdemeanor.

Note: A parent or guardian may be arrested if they knowingly provide unreasonable amounts of alcoholic beverages in a manner likely to be injurious to the physical, mental or moral welfare of a child less than seventeen years of age.

False or Fraudulent Identification Cards

(Penal Law – PL)

The following criminal charges may be considered if an underage person alters and/or possess a false or fraudulent written instrument officially issued or created by a public office, public servant or governmental instrumentality.

Manufactures or alters a driver's license:

- Forgery in the 2nd Degree
(PL 170.10) – a Class D Felony
- Possession of a Forged Instrument in the 2nd Degree
(PL 170.25)

- Criminal Impersonation in the 2nd Degree (PL 190.25) – a Class A Misdemeanor
- False Personation (PL 190.23) – a Class B Misdemeanor

Additionally, the Alcoholic Beverage Control Law and Vehicle and Traffic Law both contain criminal and/or administrative penalties for attempting to purchase alcoholic beverages with an altered or false NYS driver's license.

NYS Laws that Protect Our Youth

Underage Alcohol Possession

In NYS, if you're under 21 years old, it is a violation of the law to possess alcohol with the intent to consume. If caught, the youth can be fined, required to complete an alcohol and drug education seminar, and/or required to complete community service.

Zero Tolerance

If you are under 21 and drink and drive, you face strict penalties. Under the Zero Tolerance Law, for small amounts of alcohol, teens can lose their license up to 6 months to 1 year. For larger amounts of alcohol, DWI penalties apply, including possible jail terms.

Sean's Law

Underage drinkers who drive will have their junior license or driving permits promptly suspended if they are charged with an alcohol-related traffic offense.

Lowering Blood Alcohol Content (BAC) for Driving While Intoxicated (DWI) from .10 to .08

In NYS, the BAC for legal intoxication while driving has been lowered from .10% to .08%. This law allows for suspension of a license pending prosecution if the BAC at arrest is .08% or more.

Keg Registration

This law requires that an identification tag be attached to every keg sold at a retail store that contains the name and address of the retail store, the name of the purchaser, and keg identification number. This allows our law enforcement professionals to track keg sales, especially those purchased and then given to people under age 21 for consumption. It is against the law for anyone under 21 to possess alcohol with the intent to consume.

(Source: NY State Alcohol and Your Child, Information Every Parent Should Know Division of Alcoholic Beverage Control State Liquor Authority and NYS OASAS, May 2006) – purple brochure