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YOUR KIDS AND ALCOHOL: INFORMATION FOR PARENTS

Prepared the by Westchester County Office of Drug Prevention and Stop-DWI

Frequently Asked Questions

In a recent national survey, more than 90 percent of high-school seniors reported that it is “fairly easy” or “very easy” to get alcohol. The same survey reported an average age of 11 at which kids first try alcohol. In an effort to prevent this behavior, here’s some clarification of those iffy alcohol-related issues pertaining to New York State law.

Am I allowed to give alcohol to a person under the age of 21?

It is illegal to give any alcoholic beverage to a person who is less than 21 years old who is not your own child; even if it is in your own home and the person’s parent is present. Parents who provide alcohol to their own children are responsible for their well-being, and must consider the consequences to their children’s health as well as their future attitudes toward alcohol consumption. (*New York State Alcoholic Beverage Control Law (“Alcoholic Beverage Control Law”) § 65; New York State Penal Law (“Penal Law”) § 260.20(2)*)

What are the consequences of providing alcohol to underage children?

Providing alcohol to a person under the age of 21, other than your own child, is illegal and can carry a maximum sentence of one year in jail and/or a fine not to exceed \$1,000. The child may also be subject to fines and penalties for underage drinking. Additionally, if you furnish alcohol to a person under the age of 21, you can be held civilly liable for any property damage, physical injury, or death that results from that person’s consumption of alcohol. Parents can also be subject to criminal liability for knowingly providing unreasonable and injurious amounts of alcohol to a child under the age of 17. (*Alcoholic Beverage Control Law §65-c; Penal Law §§ 70.15, 80.05(a), 260.10(1) 260.20(2); New York State General Obligations Law (“General Obligations Law”) §11-100*)

Is my child allowed to enter a bar or restaurant serving alcohol without a parent being present?

It is illegal for the owner of a bar or restaurant serving alcohol to allow a child under the age of 16 to enter the premises unaccompanied by a parent, except under certain very limited circumstances. A child age 16 or older may enter a bar or restaurant unaccompanied by a parent but is not permitted to consume alcohol on the premises. If caught drinking, your child may be issued a summons to appear in court, and can be fined or receive other criminal penalties.

(Alcoholic Beverage Control Law § 65-c; Penal Law § 260.21(1))

Can my child consume alcohol in a bar/restaurant if I am present and I purchase the alcohol for him/her?

No. Bars and restaurants are licensed by the New York State Liquor Authority, and the law does not allow consumption of alcoholic beverages by persons under the age of 21, even under their parents' supervision. The bar and restaurant owner may also be liable if a patron under the age of 21 leaves the establishment intoxicated and causes property damage, personal injury or the death of a person.

(Alcoholic Beverage Control Law §§ 65, 65-c; Penal Law § 260.20(2); General Obligations Law §11-100)

What can happen if my child is under 21 and uses a fake identification to illegally obtain alcohol?

It is a violation punishable under law for any person under the age of 21 to present any written evidence of age which is false, fraudulent or not actually his/her own for the purpose of attempting to purchase any alcoholic beverage. In addition, if your child manufactures or alters a driver's license, he/she may be subject to serious criminal liability. *(Alcoholic Beverage Control Law §65-b; Penal Law §§ 170.10, 170.25, 190.25, 190.23)*

SCENARIO: We just had a family dinner at a nearby restaurant. I have had several glasses of wine and my child has had one glass, so s/he drives us home. I am certain his/her BAC is below the legal limit of .08. Is this OK?

No. An underage child should not have consumed alcohol in a bar or restaurant licensed by the New York State Liquor Authority. New York State has a zero-tolerance policy on alcohol and under-21 drivers. While your child may not be intoxicated, it is illegal for someone under-21 to drive with a Blood Alcohol Content (BAC) as low as .02. A BAC over .05 can result in your child being issued a summons for DWAI (Driving While Ability Impaired), which carries a minimum penalty of a six-month license revocation. *(New York State Vehicle and Traffic Law §§ 1192, 1192a, 1194a, 1195)*

SCENARIO: At a sporting event, I ask my child to hold my alcoholic beverage while I go to the bathroom. When I am gone, a police officer approaches him/her and issues a warning for possession. Is it illegal for my child to handle alcohol in public which is not his/her own?

The law says it is illegal for anyone under the age of 21 to possess alcohol with intent to consume, which would apply to everyone at a sporting facility licensed to sell alcohol. A police officer may interpret your child holding your open drink as intent to consume alcohol. The police officer could seize the beverage and issue a summons for you and/or your child to appear in court for furnishing alcohol to a person under the age of 21 and/or possession of alcohol by a person under the age of 21. *(Alcoholic Beverage and Control Law §§ 65, 65-c; Penal Law § 260.20(2))*

So what can I do to prevent my child and his/her friends from drinking illegally?

Speak with your children. Let them know the laws and consequences.

Teach by example. If you act responsibly with alcohol, you will be setting a standard for your children that can stay with them the rest of their lives.

Find out where your child is going when they leave the house. If s/he is going to be at a party, contact the parents or person in charge at that house. Make sure an adult will be present to supervise and that no alcohol will be present.

Set a curfew for your child and when s/he arrives home, have him/her check in with you.

Assure your child that s/he can telephone you to be picked up whenever needed.

Encourage your child to host friends at your home, where you can properly monitor the guests arriving and activities taking place. Refuse to supply alcohol to underage children and do not allow anyone to bring alcohol into your home.