

Appendix B

Summary of New York State Drug/Alcohol Sanctions and Penalties

New York State Sanctions for Possession of Marijuana (See NYS Penal Law Section 221.05)

1st offense; a fine of no more than \$100;

2nd offense; a fine of no more than \$200;

3rd offense; a fine of no more than \$250 and/or 15 days imprisonment

New York State Sanctions for Criminal Possession and Sale of Marijuana (See NYS Penal Law Article 221)

(Degree depends upon amount of substance seized)

5th Degree-Class B Misdemeanor; imprisonment up to 3 months

4th Degree-Class A Misdemeanor; imprisonment up to 1 year

3rd Degree-Class E Felony; imprisonment up to 4 years

2nd Degree-Class D Felony; imprisonment up to 7 years

1st Degree-Class C Felony; imprisonment up to 15 years

New York State Sanctions for Possession and Sale of Controlled Substances (See NYS Penal Law Article 220)

“Controlled substance” means any substance listed in schedule I, II, III, IV, or V of section thirty-three hundred six of the public health law other than marijuana, but including concentrated cannabis as defined in paragraph (a) of subdivision four of section 3302 of such law. This includes, but is not limited to: methamphetamine, heroin, cocaine, PCP, LSD, Fentanyl, and Fentanyl analogue.

New York State Sanctions for Criminal Possession and Sale of Controlled Substances

(Degree depends upon substance, amount of substance, age of purchaser and prior record)

7th Degree-Class A Misdemeanor; imprisonment up to 1 year

5th Degree-Class D Felony; imprisonment up to 7 years

4th Degree-Class C Felony; imprisonment up to 15 years

3rd Degree-Class B Felony; up to 25 years imprisonment

2nd Degree-Class A-II Felony; up to life imprisonment

1st Degree-Class A-1 Felony; up to life imprisonment

New York State Alcoholic Beverage Control Law (ABC Law)

Prohibited Sales

(Excerpts from ABC Law Section 65)

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 21 years;
2. Any visibly intoxicated person;
3. Any habitual drunkard known to be such to the person authorized to dispense any alcoholic beverages.
4. Neither such person so refusing to sell or deliver under this section nor his employer shall be liable in any civil or criminal action or for any fine or penalty based upon such refusal, except that such sale

or delivery shall not be refused, withheld from or denied to any person on account of race, creed, color, or natural origin.

5. The provisions of subdivision one of this section shall not apply to a person who gives or causes to be given any such alcoholic beverage to a person under the age of 21 years, who is a student in a curriculum licensed or registered by the state education department and is required to taste or imbibe alcoholic beverages in courses which are part of the required curriculum, provided such alcoholic beverages are used only for instructional purposes during classes pursuant to such curriculum.

In New York State, a Class A Misdemeanor is committed when an alcoholic beverage is given to a person under the age of 21. This crime is punishable by up to one year imprisonment and a \$1,000 fine.

Procuring Alcoholic Beverages for Persons under the Age of 21 (ABC Law Section 65-a)

Any person who misrepresents the age of a person under the age of 21 years for the purpose of inducing the sale of any alcoholic beverage, as defined in the alcoholic beverage control law, to such person, is guilty of an offense and upon conviction thereof shall be punished by a fine of not more than \$200, or by imprisonment for not more than five days, or by both such fine and imprisonment.

Offense for One Under Age of 21 to Purchase or Attempt to Purchase Alcoholic Beverages through Fraudulent Means

(Excerpts from Section ABC Law 65-b)

- 2a. No person under the age of 21 years shall present or offer to any licensee under this chapter, or to the agent or employee of such licensee, any written evidence of age which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to purchase any alcoholic beverage. (For a first violation, a person violating the provisions of this subdivision is guilty of a violation punishable by a fine of not more than \$100, and/or an appropriate amount of community service not to exceed 30 hours, and/or completion of an alcohol awareness program.)

If a New York driver's license was used as the false identification, a violator's license may be suspended for 90 days. Since the ABC Law requires sellers of alcoholic beverages to demand a driver's license, passport, or armed forces ID card as evidence of age, serious consequences will result from altering one of the required forms of official ID. Possession of a forged instrument with the intent to defraud is a Class D Felony, punishable by a fine up to \$5,000, imprisonment up to seven years, or both (See NYS Penal Law, 170.25).

- 2b. No licensee or agent or employee of such licensee shall accept as written evidence of age by any such person for the purchase of alcoholic beverage, any documentation other than: (i) a valid driver's license or non-driver identification card issued by the commissioner of motor vehicles, the federal government, any United States territory, commonwealth or possession, the District of Columbia, a state government within the United States or a provincial government of the dominion of Canada, or (ii) a valid passport issued by the United States government or any other country, or (iii) an identification card issued by the armed forces of the United States.

New York General Obligations Law

Compensation for Injury or Damage Caused by the Intoxication of a Person, Under 21

(GOL Section 11-100)

1. Any person who shall be injured in person, property, means of support, or otherwise, by reason of the intoxication or impairment of ability of any person under the age of 21 years, whether resulting in his death or not, shall have a right of action to recover actual damages against any person who knowingly causes such intoxication or impairment of ability by unlawfully furnishing to or unlawfully assisting in procuring alcoholic beverages for such person with knowledge or reasonable cause to believe that such person was under the age of 21 years.
2. In case of death of either party, the action or right of action established by the provisions of this section shall survive to or against his or her executor or administrator, and the amount so recovered by either a husband, wife, or child shall be his or her sole and separate property.
3. Such action may be brought in any court of competent jurisdiction.
4. In any case where parents shall be entitled to such damages, either of such parents may bring an action therefore; but that recovery by either one of such parties shall constitute a bar to suit brought by the other.

Compensation for Injury Caused by the Illegal Sale of Intoxicating Liquor

(GOL Section 11-101)

1. Any person who shall be injured in person, property, means of support, or otherwise by any intoxicated person, or by reason of the intoxication of any person, whether resulting in his death or not, shall have a right of action against any person who shall, by unlawful selling to or unlawfully assisting in procuring liquor for such intoxicated person, have caused or contributed to such intoxication; and in any such action such person shall have a right to recover actual and exemplary damages.
2. In case of the death of either party, the action given by this section shall survive to or against his or her executor or administrator, and the amount so recovered by either a husband, wife, or child shall be his or her sole and separate property.
3. Such action may also be brought in any court of competent jurisdiction.

In any case where parents shall be entitled to such damages, either the father or mother may sue alone therefore, but recovery by one of such parties shall constitute a bar to suit brought by the other.