

Acceptable Forms of Identification

The following are the only acceptable forms of identification by any person purchasing any alcoholic beverage in the State of New York:

1. A valid driver's license OR non-driver identification card issued by:
 - a. The commissioner of motor vehicles
 - b. The federal government
 - c. Any United States territory
 - d. Commonwealth or possession
 - e. The District of Columbia
 - f. A state government within the United States
 - g. A province of Canada
2. A valid passport issued by the United States government or any other country
3. An identification card issued by the armed forces of the United States.

Electronic Scanners

The law permits licensees or employees to scan any valid form of identification if such identification includes a bar code or magnetic strip that may be scanned by a device capable of deciphering any electronically readable format.

A device capable of deciphering any electronically readable format means any commercial device or combination of devices used at a point of sale or entry that is capable of reading the information encoded on the magnetic strip or bar code of a driver's license or non-driver identification card issued by the commissioner of motor vehicles.

"Transaction scan" means the process involving a device capable of deciphering any electronically readable format by which a licensee, or agent or employee of a licensee reviews a driver's license or non-driver identification card presented as a precondition for the purchase of an alcoholic beverage or as a precondition for admission to an establishment licensed for the on-premises sale of alcoholic beverages where admission is restricted to persons 21 years or older.

In the instances where the information deciphered by the transaction scan fails to match the information printed on the driver's license or non-driver identification card presented by the card holder, or if the transaction scan indicates that the information is false or fraudulent, the attempted purchase of the alcoholic beverage should be denied.

The information gathered by a transaction scan may be recorded and maintained only for the purposes of the transaction. The information gathered shall be limited to: (i) name; (ii) date of birth; (iii) identification number; and (iv) expiration date. Such information shall only be used for the transaction and shall not be resold or disseminated for any purpose. The only permitted disclosure of such records is through court order or subpoena. Each violation of this section shall be punishable by civil penalty of not more than \$1,000.

A person found accepting an unauthorized form of identification shall be 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. In addition, the court may order completion of an approved alcohol training awareness program.