

**Administrative Penalties**  
**Alcoholic Beverage Control Law Section 65-b**

**Unlawful sale** - Any person who unlawfully sells or serves an alcoholic beverage to an underage patron shall be guilty of a violation punishable by a fine of not more than \$100 and/or appropriate amount of community service not to exceed thirty hours. In addition, the court may order completion of an alcohol training awareness program.

**Underage patron** – Any person under the age of 21 who presents identification for the purchase of alcoholic beverages and that identification is false, fraudulent or not actually his own, then the underage person shall be guilty of a violation and shall be sentenced as follows:

1. For a first violation – a fine not more than \$100 and/or community service not to exceed 30 hours. In addition, the court may order completion of an alcohol awareness program.
2. For a second violation – a fine not less than \$50 nor more than \$350 and/or community service not to exceed 30 hours. The court may order completion of an alcohol awareness program if not completed in the first offense.
3. For a third and subsequent violations – a fine of not less than \$50 nor more than \$750 and/or community service not to exceed 30 hours. The court shall also order the person submit to an evaluation by a substance abuse service provider to determine if the person suffers from the disease of alcoholism or alcohol abuse, unless the court determines that evaluation is not necessary and states so on the record the basis for such determination. The evaluation will be paid by the person. If the evaluation recommends a need for treatment and the person participates in the treatment, then the court shall suspend the payment of fine and community service until completion of the treatment.
4. Evaluation Procedures – For the purposes of this subdivision, the following shall apply.
  - (i) The contents of a required evaluation shall be used for the sole purpose of determining if such person suffers from the disease of alcoholism or alcohol abuse.

- (ii) The agency designated by the court to perform such evaluation shall conduct the evaluation and return the results to the court within 30 days, subject to any state or federal confidentiality laws governing alcohol and substance abuse treatment records.
  - (iii) The office of alcoholism and substance abuse services shall make available to each supreme court law library in this state, or in county court law library, a list of agencies certified to perform evaluations.
  - (iv) All evaluations required under this subdivision shall be in writing and the person so evaluated or his or her counsel shall receive a copy of such evaluation prior to its use by the court.
  - (v) A minor evaluated under this subdivision shall have, and shall be informed by the court of, the right to obtain a second opinion regarding his or her need for alcoholism treatment.
5. The court may also suspend the underage person's driver's license if it is found that a New York state driver's license was used for the purpose of such illegal purchase or attempt to illegally purchase alcohol.
- a. For a first violation – a 3-month suspension
  - b. For a second violation – a 6-month suspension
  - c. For a third or subsequent violation – one year or until the person reaches the age of 21, whichever is greater.
6. No determination of guilt of violating the administrative laws shall operate as a disqualification of any such person subsequently to hold public office, public employment, or as a forfeiture of any right or privilege or to receive any license granted by public authority; and no such person shall be denominated a criminal by reason of such determination.
7. Any violation by any person of the alcoholic beverage control law for which no punishment or penalty is otherwise provided shall be a misdemeanor, provided, however, that the provisions of this subdivision shall not apply to the prohibitions provided for in §106(6)(a).