

HOUSE No. 1925

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the youth alcohol education program to reduce underage drinking and promote healthy choices.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 138 of the General Laws, as appearing in the 2004 Official Edition, is hereby
2 amended by inserting after section 34D, the following new section:— Section 34E. Persons
3 under 21 years of age; consumption of alcohol; department of public health youth alcohol
4 education program. Whoever, being under 21 years of age and not accompanied by a parent or
5 legal guardian, is visibly intoxicated or has a detectable blood alcohol content of .02 or is in
6 violation of Section 34A or 34C of this chapter, may be issued a civil citation by a police officer
7 imposing a fine of three hundred dollars; provided, however, that this section shall not apply to
8 the possession or consumption of alcohol for religious purposes protected by the first amendment
9 to the United States Constitution or for lawful medicinal purposes. This section shall not apply to
10 any person with a prior criminal record or to any person who causes serious personal injury or
11 death of another person. In lieu of said fine, such minor and parent or guardian of such person
12 may consent to enroll in a youth alcohol education program as provided herein. Said youth
13 alcohol education program shall be established and administered by the department of public
14 health to prevent and significantly reduce alcohol and controlled substance use and shall be

15 specifically designed for the individual education, assessment and treatment of youth at risk of
16 alcohol and controlled substance use. Youth alcohol education program providers utilized under
17 the provisions of this section shall be certified by the department of public health as in
18 compliance with a standard assessment tool approved by the department for the initial
19 assessment of youth, and include age specific standards and performance measures that the
20 department adopts. Any licensed professional, public or private out-patient clinic, hospital,
21 employer or union sponsored program, or any other organization, facility, service or internet
22 accessible program which the department has accepted as appropriate for the purposes of this
23 section may be certified as a youth alcohol education program provider. The department of
24 public health shall make a list of certified youth alcohol education program providers available to
25 the public. Any person participating in said program shall pay directly to a certified provider to
26 enroll in the youth alcohol education program. Enrollment in said program and satisfactory
27 completion of its conditions, including substance abuse screening if deemed appropriate, may be
28 in lieu of any conviction, adjudication or motor vehicle license penalty ordinarily imposed by
29 Section 34A or 34C of this chapter. The registrar of motor vehicles shall not consider citations
30 issued under this section a violation of the motor vehicle laws.