

HOUSE No. 1884

By Mr. Hynes of Marshfield, petition of Frank M. Hynes relative to the Youth Alcohol Education Program to reduce underage drinking and promote healthy choices. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

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 Offi-
2 cial Edition, is hereby amended by inserting after section 34D, the
3 following new section:—

4 Section 34E. Persons under 21 years of age; consumption of
5 alcohol; department of public health youth alcohol education pro-
6 gram.

7 Whoever, being under 21 years of age and not accompanied by a
8 parent or legal guardian, is visibly intoxicated or has a detectable
9 blood alcohol content of .02 or is in violation of Section 34A or 34C
10 of this chapter, may be issued a civil citation by a police officer
11 imposing a fine of three hundred dollars; provided, however, that
12 this section shall not apply to the possession or consumption of
13 alcohol for religious purposes protected by the first amendment to
14 the United States Constitution or for lawful medicinal purposes. This
15 section shall not apply to any person with a prior criminal record or
16 to any person who causes serious personal injury or death of another
17 person.

18 In lieu of said fine, such minor and parent or guardian of such
19 person may consent to enroll in a youth alcohol education program
20 as provided herein. Said youth alcohol education program shall be
21 established and administered by the department of public health to
22 prevent and significantly reduce alcohol and controlled substance
23 use and shall be specifically designed for the individual education,
24 assessment and treatment of youth at risk of alcohol and controlled

25 substance use. Youth alcohol education program providers utilized
26 under the provisions of this section shall be certified by the depart-
27 ment of public health as in compliance with a standard assessment
28 tool approved by the department for the initial assessment of youth,
29 and include age specific standards and performance measures that
30 the department adopts. Any licensed professional, public or private
31 out-patient clinic, hospital, employer or union sponsored program, or
32 any other organization, facility, service or internet accessible pro-
33 gram which the department has accepted as appropriate for the pur-
34 poses of this section may be certified as a youth alcohol education
35 program provider. The department of public health shall make a list
36 of certified youth alcohol education program providers available to
37 the public. Any person participating in said program shall pay
38 directly to a certified provider to enroll in the youth alcohol educa-
39 tion program.

40 Enrollment in said program and satisfactory completion of its
41 conditions, including substance abuse screening if deemed appro-
42 priate, may be in lieu of any conviction, adjudication or motor
43 vehicle license penalty ordinarily imposed by Section 34A or 34C of
44 this chapter. The registrar of motor vehicles shall not consider cita-
45 tions issued under this section a violation of the motor vehicle laws.