



# New Hampshire

## State Profile and Underage Drinking Facts

**State Population: 1,316,470**  
**Population Ages 12–20: 166,000**

	Percentage	Number
<b>Ages 12–20</b>		
Past-Month Alcohol Use	34.6	58,000
Past-Month Binge Alcohol Use	24.5	41,000
<b>Ages 12–14</b>		
Past-Month Alcohol Use	5.3	3,000
Past-Month Binge Alcohol Use	2.4	1,000
<b>Ages 15–17</b>		
Past-Month Alcohol Use	29.1	17,000
Past-Month Binge Alcohol Use	20.0	11,000
<b>Ages 18–20</b>		
Past-Month Alcohol Use	64.2	38,000
Past-Month Binge Alcohol Use	47.1	28,000
		<b>Number</b>
<b>Alcohol-Attributable Deaths (under 21)</b>		12
<b>Years of Potential Life Lost (under 21)</b>		695

	<b>Percentage of All Traffic Fatalities</b>	<b>Number</b>
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC &gt; 0.01</b>	39.0	7

### **Laws Addressing Minors in Possession of Alcohol**

#### **Underage Possession of Alcohol**

Possession is prohibited—no explicit exceptions noted in the law.

#### **Underage Consumption of Alcohol**

Consumption is not explicitly prohibited.

#### **Internal Possession by Minors**

Internal possession is prohibited—no explicit exceptions noted in the law.

#### **Underage Purchase of Alcohol**

Purchase is prohibited and there is NO ALLOWANCE for youth purchase for law enforcement purposes.

#### **False Identification for Obtaining Alcohol**

##### ***Provision(s) Targeting Minors***

- Use of a false ID to obtain alcohol is a criminal offense.
- Penalty may include driver’s license suspension through a judicial procedure.

##### ***Provision(s) Targeting Suppliers***

- It is a criminal offense to lend, transfer, or sell a false ID.

##### ***Provisions Targeting Retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older.
- Specific affirmative defense—the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid.
- Retailer has the statutory right to sue a minor who uses a false ID to purchase alcohol for any losses or fines suffered by the retailer as a result of the illegal sale.

### **Laws Targeting Underage Drinking and Driving**

#### **BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)**

- BAC limit: 0.02
- BAC level at or above the limit is per se (conclusive) evidence of a violation
- Applies to drivers under age 21

#### **Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)**

Use/lose penalties apply to minors under age 21.

***Type(s) of Violation Leading to Driver’s License Suspension, Revocation, or Denial***

- Underage purchase
- Underage possession

***Authority To Impose Driver’s License Sanction***

- Discretionary

***Length of Suspension/Revocation***

- Minimum: 90 days
- Maximum: 365 days

*Note:* Although New Hampshire does not authorize a use/lose penalty for all underage consumption, a law imposes a discretionary license sanction on minors who are “intoxicated by consumption of an alcoholic beverage,” and provides that an alcohol concentration “of .02 or more shall be prima facie evidence of intoxication” (see N.H. Rev. Stat. Ann. §§ 179:10(I), 263:56-b).

**Graduated Driver’s License**

***Learner Stage***

- Minimum entry age: 15 years, 6 months
- There is no minimum age
- Minimum supervised driving requirement: 40 hours—10 of which must be at night

***Intermediate Stage***

- Minimum age: 16
- Unsupervised night driving
  - Prohibited after: 1 a.m.
  - Primary enforcement of the night-driving rule
- Passenger restrictions exist: No unrelated passengers under 25, unless accompanied by driver over 25
  - Primary enforcement of the passenger-restriction rule

***License Stage***

- Minimum age to lift restrictions: 18—passenger restrictions expire after 6 months; unsupervised night-driving restrictions remain until age 18.

**Laws Targeting Alcohol Suppliers**

**Furnishing Alcohol to Minors**

Furnishing is prohibited—no explicit exceptions noted in the law.

**Compliance Check Protocols**

***Age of Decoy***

- Minimum: 17
- Maximum: 20

***Appearance Requirements***

- Age assessment panel
- Casual attire
- Average height and build
- If decoy is 20 years old, must appear to be between 17 and 19
- Male: No facial hair
- Female: Minimal makeup

***ID Possession***

- Required

***Verbal Exaggeration of Age***

- Prohibited

***Decoy Training***

- Mandated

**Penalty Guidelines for Sales to Minors**

- Time period/conditions: Not specified
- First offense: No aggravating factors—\$500 fine, four license points, 3-day suspension

*Note:* Fine range mandated by statute. Only one compliance check annually shall incur license points.

**Responsible Beverage Service**

***Mandatory Beverage Service Training for Managers***

- Applies to both on-sale and off-sale establishments
- Applies only to new outlets

***Voluntary Beverage Service Training***

- Applies to both on-sale and off-sale establishments
- Applies to both new and existing outlets

***Incentives for Training***

- Defense in dram shop liability lawsuits
- Mitigation of fines or other administrative penalties for sales to minors

**Minimum Ages for Off-Premises Sellers**

- Beer: 16
- Wine: 16
- Spirits: 16

***Condition(s) That Must Be Met in order for an Underage Person To Sell Alcoholic Beverages***

- Manager/supervisor is present.

*Note:* To act as a cashier in a selling capacity, a minor is required to be at least 16 years old, providing a person at least 18 years old is in attendance and is designated in charge of the employees and business.

### **Minimum Ages for On-Premises Sellers**

- Beer: 18 for both servers and bartenders
- Wine: 18 for both servers and bartenders
- Spirits: 18 for both servers and bartenders

### **Dram Shop Liability**

Statutory liability exists.

*Note:* State law includes a responsible beverage service defense.

### **Social Host Liability Laws**

- There is no statutory liability.
- The courts recognize common law social host liability.

### **Host Party Laws**

Social host law is specifically limited to underage drinking parties.

- Action by underage guest that triggers violation: Intention, possession, consumption.
- Property type(s) covered by liability law: Residence, outdoor, other.
- Standard for hosts' knowledge or action regarding the party: Overt act—host must have actual knowledge and commit an act that contributes to the occurrence.
- Preventive action by the host negates the violation.
- Exception(s): Family

*Note:* In New Hampshire, an “underage alcohol house party” means a gathering of five or more people under age 21 at any occupied structure, dwelling, or curtilage, where at least one person under age 21 unlawfully possesses or consumes an alcoholic beverage. A person is guilty of a misdemeanor if he or she owns or has control of the occupied structure, dwelling, or curtilage where an underage alcohol house party is held and he or she knowingly commits an overt act in furtherance of the occurrence of the underage alcohol house party knowing persons under age 21 possess or intend to consume alcoholic beverages. The “preventive action” provision in New Hampshire allows the defendant to avoid criminal liability by establishing, as an affirmative defense, that he or she took preventive action with respect to the underage alcohol house party.

### **Direct Sales/Shipments of Alcohol by Producers**

Direct sales/shipments from producers to consumers are permitted for beer, wine, and distilled spirits with the following restrictions:

*Age Verification Requirements:* None

#### ***State Approval/Permit Requirements***

- Producer/shipper must obtain State permit.
- State must approve common carrier.

#### ***Reporting Requirements***

- Producer must record/report purchaser's name.
- Common carrier must record/report purchaser's name.

#### ***Shipping Label Statement Requirements***

- Contains alcohol
- Recipient must be 21

## **Keg Registration**

- Keg definition: More than 7 gallons
- Prohibited:
  - Possessing an unregistered, unlabeled keg—maximum fine/jail: \$1,000
  - Destroying the label on a keg—maximum fine/jail: \$1,000
- Purchaser information collected:
  - Purchaser’s name and address
  - Verified by a government-issued ID
- Warning information to purchaser: Active—purchaser action required (e.g., signature)
- Deposit required
- Provisions do not specifically address disposable kegs.

## **Alcohol Pricing Policies**

### **Home Delivery**

- Beer: Permitted
- Wine: Permitted
- Spirits: No law

### **Alcohol Tax**

- Beer (5 percent alcohol): Specific excise tax is \$0.30 per gallon
- Wine (12 percent alcohol): Control State
- Spirits (40 percent alcohol): Control State

### **Drink Specials**

- Free beverages: Prohibited
- Multiple servings at one time: Not prohibited
- Multiple servings for same price as single serving: Not prohibited
- Reduced price at specified day or time: Not prohibited
- Unlimited beverages: Not prohibited
- Increased volume: Not prohibited

### **Wholesale Pricing**

Pricing restrictions exist.

#### ***Beer (5 percent alcohol)***

- Price posting requirements: Post—wholesalers shall make their current prices available to the commission in writing.
- Retailer credit: Restricted—10 days maximum.

#### ***Wine (12 percent alcohol)***

- Control State

#### ***Spirits (40 percent alcohol)***

- Control State

## New Hampshire State Survey Responses

<b>State Agency Information</b>	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> NH Liquor Commission—Division of Enforcement and Licensing	
<i>Methods by which local and State enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> The Liquor Commission Division of Enforcement & Licensing has established an alcohol compliance protocol based upon research and administrative and criminal case law. The goals of the alcohol compliance program are education of the general public, increased awareness of the risks associated with providing alcohol to minors, and enforcement of underage drinking laws. The Division works with local police departments to coordinate alcohol compliance checks and collaborates on the investigation of alcohol source fatalities, prohibited retail sales, and house parties. The Division and the NH Police Academy work together to provide training on underage drinking laws.	
<b>Enforcement Strategies</b>	
<i>State law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<i>State has a program to investigate and enforce direct sales/shipment laws</i> Yes	
Primary State agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	NH Liquor Commission Division of Enforcement and Licensing
Such laws are also enforced by local law enforcement agencies	No
<b>Enforcement Statistics</b>	
<i>State collects data on the number of minors found in possession</i> Yes	
Number of minors found in possession by State law enforcement agencies	2,136
Number pertains to the 12 months ending	06/30/2010
Data include arrests/citations issued by local law enforcement agencies	Yes
<i>State conducts underage compliance checks/decoy operations<sup>2</sup> to determine if alcohol retailers are complying with laws prohibiting sales to minors</i> Yes	
Data are collected on these activities	Yes
Number of licensees checked for compliance by State agencies	1,774
Number of licensees that failed State compliance checks	196
Numbers pertain to the 12 months ending	12/31/2009
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i> Yes	
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	0
Number of licensees that failed local compliance checks	0
Numbers pertain to the 12 months ending	12/31/2009
<b>Sanctions</b>	
<i>State collects data on fines imposed on retail establishments that furnish minors</i> Yes	
Number of fines imposed by the State <sup>3</sup>	97
Total amount in fines across all licensees	\$63,450
Numbers pertain to the 12 months ending	12/31/2009
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i> Yes	
Number of suspensions imposed by the State <sup>4</sup>	18
Total days of suspensions across all licensees	54

Numbers pertain to the 12 months ending	12/31/2009
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of license revocations imposed <sup>5</sup>	0
Numbers pertain to the 12 months ending	12/31/2009
<b>Additional Clarification</b>	
Section B2 data would be the same as Section B1.	

<sup>1</sup> Or having consumed or purchased per State statutes

<sup>2</sup> Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors

<sup>3</sup> Does not include fines imposed by local agencies

<sup>4</sup> Does not include suspensions imposed by local agencies

<sup>5</sup> Does not include revocations imposed by local agencies

<b>Underage Drinking Prevention Programs Operated or Funded by the State: Programs SPECIFIC TO Underage Drinking</b>	
<b>Ten Regional Networks</b>	
Number of youth served	102,395
Number of parents served	698,372
Number of caregivers served	No data
Numbers pertain to the 12 months ending	06/30/2010
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report	Not applicable
URL for more program information	<a href="http://www.dhhs.nh.gov/dcbcs/bdas/prevention.htm">http://www.dhhs.nh.gov/dcbcs/bdas/prevention.htm</a>
<p>Program description: Ten Regional Networks (RN) are geographically designed to provide alcohol and drug prevention services and health promotion for every community in NH. RN's primary focus is underage drinking and drug use prevention for individuals and the environments in which they live. RNs cast a wide net to convene and mobilize five core sectors—business, medical/ behavioral health, educational institutions, safety, and local government—in environmental prevention strategies and interventions. Each RN has a data-driven prevention priority plan outlining local contributing risk and protective factors that align environmental approaches and targeted interventions. Strategically distributed throughout the 10 regions are over 60 subcontracted service providers that implement targeted prevention for selective and indicated populations (high-risk individuals) such as court diversionary, student assistance, parental/guardian education and skill building, and school-based education.</p>	
<b>Parenting Education</b>	
Number of youth served	195
Number of parents served	145
Number of caregivers served	No data
Numbers pertain to the 12 months ending	06/30/2010
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report	Not applicable
URL for more program information	No data
<p>Program description: The goals of this program are to prevent early initiation of substance use in the children of the participating families by increasing protective factors and decreasing risk factors through parent education, discussion, support, information dissemination, and increasing social connectedness; increase knowledge of risk and protective factors; improve family functioning; increase social connectedness and bonding; increase knowledge and use of community resources; and change parental attitudes about substance use.</p>	

<b>Youth Involvement/Empowerment</b>	
Number of youth served	125
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	06/30/2010
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report	Not applicable
URL for more program information	No data
Program description:	
<ol style="list-style-type: none"> <li>1. Keep youth involved—Provide safe and drug-free activities that empower participating youth.</li> <li>2. Girls Survival Skills Group—Educate youth on peer pressure and the dangers of alcohol, tobacco, and drugs by providing substance-free programming.</li> <li>3. Boys Survival Skills—Educate youth on peer pressure and the dangers of alcohol, tobacco, and drugs by providing substance-free programming.</li> <li>4. Prevention and Support—Offer information and life skills before they enter the teen years.</li> </ol>	
<b>Underage Drinking social norms influencing risk perception and community norms campaigns</b>	
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	06/30/2010
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report	Not applicable
URL for more program information	<a href="http://www.dhhs.nh.gov/dcbcs/bdas/prevention.htm">http://www.dhhs.nh.gov/dcbcs/bdas/prevention.htm</a>
Program description: Social Norms is a media campaign impacting inaccurate perception of prevalence of use/misuse of substances among youth, dispelling the myth most or all of their peers drink and use drugs. Many campaigns are directed at the community at-large, to dispel the belief that use/misuse to acceptable and normal rite of passage, that in fact it is harmful and is the cause of many negative consequences, e.g. car crashes, violence, and death.	
<ul style="list-style-type: none"> <li>• Region A – North Country Regional Network <a href="http://www.nchcnh.org/CSAP_realnormal.php">http://www.nchcnh.org/CSAP_realnormal.php</a></li> <li>• Region B – Lower Grafton County Regional Network <a href="http://www.bridges2prevention.org">http://www.bridges2prevention.org</a></li> <li>• Region C – Lakes Region- Mount Washington Valley <a href="http://www.lrpgh.org">http://www.lrpgh.org</a></li> <li>• Region D – Sullivan County Regional Network <a href="http://www.preventionworksnh.org">http://www.preventionworksnh.org</a></li> <li>• Region E – Capital Area Regional Network <a href="http://www.capitalprevention.org">http://www.capitalprevention.org</a></li> <li>• Region F – Southeastern Regional Network <a href="http://www.onevoicenh.org">http://www.onevoicenh.org</a></li> <li>• Region G – Monadnock Regional Network <a href="http://www.monadnockvoices.org">http://www.monadnockvoices.org</a></li> <li>• Region H – Greater Manchester Regional Network <a href="http://www.makinithappen.org">http://www.makinithappen.org</a></li> <li>• Region I – Greater Nashua Regional Network <a href="http://www.beyondinfluence.org">http://www.beyondinfluence.org</a></li> <li>• Region J – Greater Rockingham County Regional Network <a href="http://www.asapnh.org">http://www.asapnh.org</a></li> </ul>	
<b>Student Assistance Program - Project Success</b>	
Number of youth served	11,765
Number of parents served	5710
Number of caregivers served	No data
Numbers pertain to the 12 months ending	06/30/2010
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report	Not applicable
URL for more program information	No data
Program description: Project SUCCESS (Schools Using Coordinated Community Efforts to Strengthen Students) prevents and reduces substance use among high-risk, multiproblem high school adolescents. The program places highly trained professionals in schools to provide a full range of substance use prevention and early intervention services. An individual with a graduate degree in social work, counseling, or psychology who is experienced in providing substance abuse prevention counseling to	

adolescents is recruited to work in schools. This individual will provide the school with a full range of substance abuse prevention and early intervention services to help decrease risk factors and enhance protective factors related to substance abuse. Program components include: Prevention Education Series, Individual Assessment, Prevention Education Series, Individual and Group Counseling, Individual Sessions, Parent Programs, and referral to appropriate agencies or practitioners in the community.

**Underage Drinking Prevention Programs Operated or Funded by the State:  
Programs RELATED TO Underage Drinking**

**Ten Regional Networks**  
 URL for more program information <http://www.dhhs.nh.gov/dcbcs/bdas/prevention.htm>

Program description: The 10 Regional Networks address underage alcohol and drug use, including tobacco. Please see page 6 of this report.

**Additional Information Related to Underage Drinking Prevention Programs**

*State collaborates with federally recognized Tribal governments in the prevention of underage drinking* No recognized Tribes  
 Program description: Not applicable

*State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing* No  
 Program description: Not applicable

*State has adopted or developed best practice standards for underage drinking prevention programs* Yes  
 Best practice standards description: The Bureau of Alcohol and Drug Services developed the NH Center for Excellence (NHCFEx), which provides technical assistance for contracted providers toward quality improvement, best practices, and evidence-based interventions. To best support evidence-based practices, the Center developed a depository of statewide data as it related to substance misuse, prevention, and treatment. NHCFEx conducts learning collaboratives for contracted prevention providers with a followup action on-site meeting.

**Additional Clarification**

Informative Web sites that support prevention:

- NH Center for Excellence provides online tools: <http://www.nhcenterforexcellence.org/>
- Reducing smoking rates in New Hampshire residents through the use of evidence-based prevention and intervention strategies: <http://www.dhhs.nh.gov/dphs/tobacco/index.htm>
- NH Public Education Web site designed to help individuals, families, and communities become informed, get involved, get help, and find information on prevention efforts, effects of alcohol and drugs, guidance on recovery and treatment, and links to programs in the State: <http://drugfreenh.org/>

**State Interagency Collaboration**

*A State-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities* Yes

*Committee contact information:*  
 Name: Tym Rourke  
 Email: [tr@nhcf.org](mailto:tr@nhcf.org)  
 Address: 37 Pleasant Street, Concord, NH 03301  
 Phone: 603-225-6641

*Agencies/organizations represented on the committee:*  
 NH Department of Education  
 NH Department of Safety  
 NH Department of Corrections  
 NH Providers Associations

NH Attorney General NH Liquor Commission Juvenile Justice Services NH Administrative Judge of District and Municipal Courts NH Health and Human Services National Guard Adjunct General	
A Web site or other public source exists to describe committee activities URL or other means of access	Yes <a href="http://www.dhhs.nh.gov/dcbcs/bdas/commission.htm">http://www.dhhs.nh.gov/dcbcs/bdas/commission.htm</a>

<b>Underage Drinking Reports</b>	
State has prepared a plan for preventing underage drinking in the last 3 years Prepared by: AOD Prevention Logic Model developed by representatives of the Bureau of Drug and Alcohol Services, Governors' Commission on Alcohol and Other Drug Prevention, Intervention, and Treatment, and the Center for Excellence Plan can be accessed via	Yes <a href="http://www.nhcenterforexcellence.org/">http://www.nhcenterforexcellence.org/</a>
State has prepared a report on preventing underage drinking in the last 3 years Prepared by: Bureau of Drug and Alcohol Services Report can be accessed via: The strategic prevention framework final report is available as a PDF document and can be provided upon request. It is not posted online.	Yes
<b>Additional Clarification</b>	
Overcoming the Impact of Alcohol and Other Drug Problems: A Plan for New Hampshire: <a href="http://www.dhhs.nh.gov/dcbcs/bdas/plan.htm">http://www.dhhs.nh.gov/dcbcs/bdas/plan.htm</a>	

<b>State Expenditures for the Prevention of Underage Drinking</b>	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of State funds expended	No data
Estimate based on the 12 months ending	No data
<i>Checkpoints and saturation patrols:</i>	
Estimate of State funds expended	No data
Estimate based on the 12 months ending	No data
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	\$850,000
Estimate based on the 12 months ending	06/30/2010
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	\$500,000
Estimate based on the 12 months ending	06/30/2010
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of State funds expended	No data
Estimate based on the 12 months ending	No data
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of State funds expended	\$200,000
Estimate based on the 12 months ending	06/30/2010
<i>Programs that target youth in the child welfare system:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Other programs:</i>	
Programs or strategies included	No data
Estimate of State funds expended	No data
Estimate based on the 12 months ending	No data

<b>Funds Dedicated to Underage Drinking</b>	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	No
Fines	No
Fees	No
Other	Gov. Commission Alcohol Fund
<i>Description of funding streams and how they are used: No data</i>	
<b>Additional Clarification</b>	
Check points, compliance checks, and decoy operations are conducted by the Division of Liquor Enforcement, and Federal underage enforcement funds are used.	