

State Report

Vermont

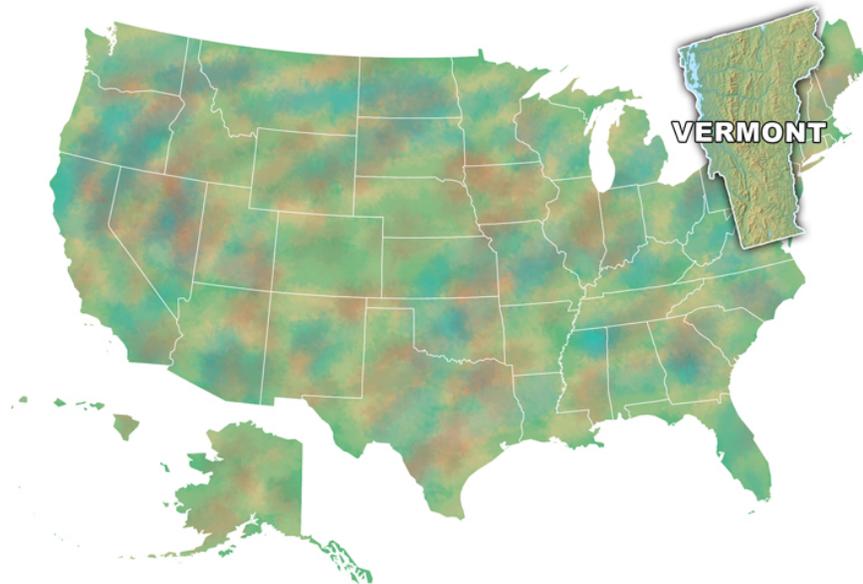
This state report is excerpted from:

The 2013 Report to Congress on the Prevention and Reduction of Underage Drinking

submitted to Congress by The U.S. Department of Health and Human Services.

To obtain more information and a copy of the full Report to Congress go to:

<https://www.stopalcoholabuse.gov>



Vermont

State Profile and Underage Drinking Facts*

State Population: 626,431
Population Ages 12–20: 76,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	36.8	28,000
Past-Month Binge Alcohol Use	24.6	19,000
Ages 12–14		
Past-Month Alcohol Use	5.7	1,000
Past-Month Binge Alcohol Use	1.9	1,000
Ages 15–17		
Past-Month Alcohol Use	30.1	8,000
Past-Month Binge Alcohol Use	18.0	4,000
Ages 18–20		
Past-Month Alcohol Use	65.6	19,000
Past-Month Binge Alcohol Use	47.2	14,000
Alcohol-Attributable Deaths (under 21)		7
Years of Potential Life Lost (under 21)		443
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	73.0	5

* See Appendix C for data sources.

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 prohibited—no explicit exceptions noted in the law.

Internal Possession by Minors

Internal possession is not explicitly prohibited.

Note: Although Vermont does not prohibit internal possession, it has a statutory provision that makes it unlawful for a minor to, “consume malt or vinous beverages or spirituous liquors. A violation of this subdivision may be prosecuted in a jurisdiction where the minor has consumed malt or vinous beverages or spirituous liquors, or in a jurisdiction where the indicators of consumption are observed” (Vt. Stat. Ann. tit. 7, § 657). Laws that punish minors for displaying “indicators of consumption” or for “exhibiting the effects” of having consumed alcohol, but do so without reference to a blood, breath, or urine test, are not considered as prohibiting internal possession, for purposes of this report.

Underage Purchase of Alcohol

Purchase is NOT prohibited and there is no specific allowance for youth purchase for law enforcement purposes.

Note: Vermont prohibits minors from procuring alcohol only in connection with a false representation of age (see 2000 Vt. Acts & Resolves 160). This report does not include laws with such limitations in the purchase policy topic.

False Identification for Obtaining Alcohol

Provision(s) Targeting Minors

- Use of a false ID to obtain alcohol is a criminal offense.
- No driver’s license suspension procedure

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.

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”)

No use/lose law

Graduated Driver’s License

Learner Stage

- Minimum entry age: 15
- Minimum learner-stage period: 12 months
- Minimum supervised driving requirement: 40 hours—10 of which must be at night

Intermediate Stage

- Minimum age: 16
- Unsupervised night driving
 - Night driving is not restricted.
- Passenger restrictions exist: During first 3 months, restricted to driving alone or with a licensed parent, instructor or person at least 25 years old. During next 3 months, may also transport family members.
 - No primary enforcement of the passenger-restriction rule

License Stage

- Minimum age to lift restrictions: 16 years, 6 months

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: 18
- Maximum: 20

Note: Director’s permission required for 17-year-olds.

Appearance Requirements

- Exhibit a young adult appearance
- Male: No facial hair
- Female: No excessive makeup

ID Possession

- Required

Verbal Exaggeration of Age

- Prohibited

Decoy Training

- Not specified

Penalty Guidelines for Sales to Minors

- Time period/conditions: Not specified
- First offense: Written warning or fine of \$250
- Second offense: \$300 fine or 3-day license suspension (compliance-check setting only)
- Third offense: \$500 fine or 5-day license suspension (compliance-check setting only)
- Fourth offense: Mandatory hearing to consider license suspension or revocation (compliance-check setting only)

Note: Written warning allowed in compliance-check setting. For noncompliance-check setting: \$500 fine applies to sales to 19-year-olds; \$250 fine applies to sales to 20-year-olds; hearing required for sales to those under 18 years old.

Responsible Beverage Service

Mandatory Beverage Service Training for Licensees, Managers, Servers

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

Minimum Ages for Off-Premises Sellers

- Beer: 16
- Wine: 16
- Spirits: Not specified

Note: Vermont statutes and regulations are silent regarding the minimum age of seller for distilled spirits sold for off-premises consumption, which occur only in state-controlled outlets. Vermont's Liquor Control Board establishes minimum age of seller in its outlets as a matter of internal board policy.

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

Distance Limitations for New Alcohol Outlets Near Universities and Schools

Colleges and Universities

No distance limitation

Primary and Secondary Schools

No distance limitation

Dram Shop Liability

Statutory liability exists.

Note: Vt. Stat. Ann. tit. 7, § 501 includes a responsible beverage service defense.

Social Host Liability Laws

Statutory liability exists.

Host Party Laws

No state-imposed liability for hosting underage drinking parties

Retailer Interstate Shipments of Alcohol

Retailer interstate shipments are prohibited for all types of beverages.

Direct Sales/Shipments of Alcohol by Producers

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

Age Verification Requirements

- Common carrier must verify age of recipient.

State Approval/Permit Requirements

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

Reporting Requirements

- Producer must record/report purchaser's name.

Shipping Label Statement Requirements

- Contains alcohol
- Recipient must be 21

Keg Registration

- Keg definition: At least 5 gallons
- Prohibited:
 - Destroying the label on a keg—maximum fine/jail: \$1,000/2 years
- 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: \$25
- Provisions do not specifically address disposable kegs.

Note: Although Vermont does not require a retailer to record the number of a keg purchaser's ID, it does require that the purchaser's name, address, and date of birth be recorded as they appear on the purchaser's identification.

Alcohol Pricing Policies**Home Delivery**

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

Alcohol Tax

Beer (5 percent alcohol)

- Specific excise tax: \$0.27 per gallon
- Ad valorem excise tax (on-premises sales): 10 percent

General sales tax rate of 6 percent does not apply to onsite sales. The onsite ad valorem retail tax is 10 percent. The “sales tax adjusted” onsite retail ad valorem rate is therefore 4 percent.

Wine (12 percent alcohol)

- Specific excise tax: \$0.55 per gallon
- Ad valorem excise tax (on-premises sales): 10 percent

General sales tax rate of 6 percent does not apply to onsite sales. The onsite ad valorem retail tax is 10 percent. The “sales tax adjusted” onsite retail ad valorem rate is therefore 4 percent.

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: Prohibited
- Unlimited beverages: Not prohibited
- Increased volume: Not prohibited

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

- Volume discounts: Banned
- Price posting requirements: Post and hold—14 days minimum hold. Each licensee in wholesale dealer’s territory must receive at least one opportunity to buy at changed price.
- Retailer credit: Not permitted

Wine (12 percent alcohol)

- Retailer credit: Not permitted

Spirits (40 percent alcohol)

- Control state

Vermont State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i>	
No data	
<i>Methods by which local and state enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i>	
Party Patrols	
Alcohol Compliance Tests	
Cops in Shops	
Enforcement Strategies	
<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	No
<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	Vermont Department of Liquor Control
Such laws are also enforced by local law enforcement agencies	No
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession ¹ by state law enforcement agencies	2,515
Number pertains to the 12 months ending	12/31/2011
Data include arrests/citations issued by local law enforcement agencies	Yes
<i>State conducts underage compliance checks/decoy operations² to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by state agencies	871
Number of licensees that failed State compliance checks	98
Numbers pertain to the 12 months ending	12/31/2011
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	No
Number of licensees checked for compliance by local agencies	Data not collected
Number of licensees that failed local compliance checks	Data not collected
Numbers pertain to the 12 months ending	Data not collected
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state ³	7
Total amount in fines across all licensees	\$2,500
Numbers pertain to the 12 months ending	12/31/2011
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	
Number of suspensions imposed by the state ⁴	53
Total days of suspensions across all licensees	97
Numbers pertain to the 12 months ending	12/31/2011

State collects data on license revocations imposed on retail establishments specifically for furnishing minors	Yes
Number of license revocations imposed ⁵	0
Numbers pertain to the 12 months ending	12/31/2011

Additional Clarification

Local law enforcement has the same authority as the Vermont Department of Liquor. Whether or not they choose to, they would not necessarily report their results to this agency.

- ¹Or having consumed or purchased per state statutes.
- ²Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.
- ³Does not include fines imposed by local agencies.
- ⁴Does not include suspensions imposed by local agencies.
- ⁵Does not include revocations imposed by local agencies.

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

ParentUp Media Campaign	
Number of youth served	No data
Number of parents served	24,957
Number of caregivers served	No data
Numbers pertain to the 12 months ending	12/31/2011
Program has been evaluated	Yes
Evaluation report is available	Strategic Prevention Framework State Incentive Grant (SPF SIG) evaluation report
URL for evaluation report:	http://www.healthvermont.gov/adap/adap.aspx
URL for more program information:	http://www.parentupvt.org

Program description: A coordinated statewide campaign to combat underage drinking, The ParentUp website, <http://www.ParentUpVT.org>, provides tools and resources to help parents have conversations with their kids about the dangers of underage drinking. It also provides information about how to set clear rules and consequences and restrict teens' access to alcohol, while encouraging parents to refuse to host underage drinking parties. Note: this is a federally funded program.

We Check ID – 1 866 ITS FAKE	
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	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report: Not applicable	
URL for more program information:	http://liquorcontrol.vermont.gov/education/wecheckkids.html

Program description: This is a statewide telephone system using computers and staff to answer a telephone line. This line supports stores with identification verification. We Check ID - 1 866 ITS FAKE is the publicized name of the project aimed at preventing sales to minors. Clerks can call 1 866 ITS FAKE to verify the match between the name on ID (from any state) and the date of birth. Note: this is a federally funded program.

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

Student Assistance Program (SAP)	
URL for more program information:	http://www.ASAP-vt.org

<p>Program description: SAPs provided prevention, intervention, and education services in 83 Vermont schools in 2011–2012. SAP counselors and teams identify students with substance use problems, intervene, and when necessary, refer them to community agencies for more specialized or intensive services. Students may also be referred to counselors by teachers, parents, or peers, or may seek help themselves. The counselors then screen the students and may refer them to local human service agencies for formal assessment and treatment. SAP teams and counselors follow up with students to ensure they obtain the treatment they need. The target population is K–12th grade, and core program components are prevention, intervention, and education services.</p>
<p>Combined Community-Based Prevention Grants URL for more program information: healthvermont.gov/adap/prevention</p>
<p>Program description: Community-based prevention grants support comprehensive communitywide prevention strategies. FY2012 grantees are a joint prevention initiative aimed at obesity and substance abuse prevention. The goal of the initiative is to reduce health care costs through the creation of healthy communities where Vermonters can lead healthy lives. Substance abuse prevention funds support interventions in 15 communities to reduce alcohol, marijuana, or any illicit drug use among adolescents ages 12 to 17 and reduce binge drinking among Vermonters ages 12 to 25.</p>
<p>Vermont Teen Leadership Safety Program—Students Against Destructive Decisions URL for more program information: http://liquorcontrol.vermont.gov/vtlsp</p>
<p>Program description: No data</p>
<p>Our Voices Exposed (OVX) URL for more program information: http://www.OVX.org</p>
<p>Program description: No data</p>
<p>Vermont Kids Against Tobacco (VKAT) URL for more program information: http://www.goVKAT.org</p>
<p>Program description: No data</p>
<p>Vermont Department of Education Tobacco Prevention Program URL for more program information: http://education.vermont.gov/new/html/pgm_substance/tobacco_prevention.html</p>
<p>Program description: No data</p>

Additional Information Related to Underage Drinking Prevention Programs	
<p><i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i></p> <p>Description of collaboration: Not applicable</p>	No
<p><i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i></p> <p>Program description: Not applicable</p>	No
<p><i>State has adopted or developed best practice standards for underage drinking prevention programs</i></p> <p>Best practice standards description: Best practice standards are based on the SAMHSA Guidance Document. For Vermont standards, go to http://healthvermont.gov/adap/prevention/SPF/documents/FinalDraftGuidanceNov2008.pdf</p>	Yes

Additional Clarification	
With the exception of the Student Assistance Program (SAP), all programs related to underage drinking prevention (section B) are federally funded.	

State Interagency Collaboration	
<i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes
<i>Committee contact information:</i>	
Name: David O'Brien E-mail: dobrien@ucsvt.org Address: PO Box 588, Bennington, VT 05201 Phone: 802-442-5491	
<i>Agencies/organizations represented on the committee:</i>	
Barbara Cimaglio, Vermont Department of Health Lt. John Flannigan, Vermont State Police Michael Hogan, Vermont Department of Liquor Control Chauncey Liese, Vermont Department of Motor Vehicles Andy Snyder, Vermont Department of Education Lisa Anne Atwood, School Administrator Sarah Scrodin, Teacher Patrick Martin, Wits End Group Mark Ames, Recovery Center Network Chrissy Anderson, Young Adult Advisory Team Mitch Barron, Vermont Association of Alcohol Treatment Providers Ted Minall, Governor's Highway Safety Program Willa Farrell, Vermont Association of Court Diversion Programs Trudee Ettlinger, Vermont Department of Corrections Marc Goudreau, Vermont National Guard Lori Augustyniak, Prevention Works! Mark Helijas, Second Wind Foundation Rita Johnson, Friends of Recovery and Vermont College Alcohol Network Patty McCarthy, Friends of Recovery Ryan Mitofsky, Young Adult Advisory Team Joy Mitchell, Vermont Council on Problem Gambling Steve Waldo, Vermont Department of Liquor Control	
<i>A website or other public source exists to describe committee activities</i>	No
URL or other means of access: Not applicable	

Underage Drinking Reports	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by: Vermont Department of Health and the Vermont Strategic Prevention Framework Advisory Council Plan can be accessed via: http://healthvermont.gov/adap/prevention/SPF/documents/SPF-ExSumm0110.pdf	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	Yes
Prepared by: Vermont's Epidemiological Workgroup Plan can be accessed via: http://www.healthvermont.gov/adap/clearinghouse/publications.aspx#Epi	
Additional Clarification	
None given	

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of state funds expended	\$30,000
Estimate based on the 12 months ending	12/31/2011
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$830,000
Estimate based on the 12 months ending	06/30/2012
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	\$930,000
Estimate based on the 12 months ending	06/30/2012
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Other programs:</i>	
Programs or strategies included: No data	
Estimate of state funds expended	Not applicable
Estimate based on the 12 months ending	Not applicable

Funds Dedicated to Underage Drinking	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	Yes
Fines	No
Fees	Yes
Other	No data
<i>Description of funding streams and how they are used:</i>	
<p>Youth who violate Vermont's underage possession and consumption of alcohol laws (7 VSA §656) may opt to participate in the Teen Alcohol Safety Program (TASP) or face a fine and driver's license suspension. Participants' fees and state General Fund dollars support TASP, which is run by the Court Diversion program in each county. Participants meet with a licensed or certified substance abuse counselor for a screening or assessment (and must follow the recommendations of the counselor), and may participate in an educational program and perform community service. TASP case managers support youth to complete the program. Assessment and treatment are not covered through TASP funding.</p>	
Additional Clarification	
<p>Underage drinking prevention programs that target youth within juvenile justice system: \$930,000 refers to monies spent on the TASP program. Youth who violate Vermont's underage possession and consumption of alcohol laws (7 VSA §656) may opt to participate in TASP or face a fine and driver's license suspension. Participants' fees and state General Fund dollars support TASP, which is run by the Court Diversion program in each county. Participants meet with a licensed or certified substance abuse counselor for a screening or assessment (and must follow the recommendations of the counselor), and may participate in an educational program and perform community service. TASP case managers support youth to complete the program. Assessment and treatment are not covered through TASP funding.</p>	