

## State Report

# Virginia

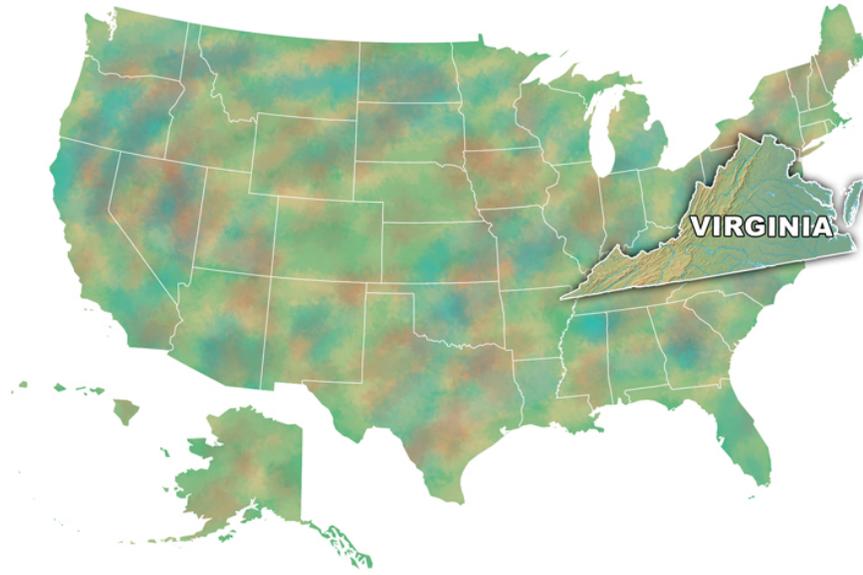
This state report is excerpted from:

**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>



# Virginia

## State Profile and Underage Drinking Facts\*

**State Population: 8,096,604**  
**Population Ages 12–20: 970,000**

	Percentage	Number
<b>Ages 12–20</b>		
Past-Month Alcohol Use	26.8	260,000
Past-Month Binge Alcohol Use	19.1	185,000
<b>Ages 12–14</b>		
Past-Month Alcohol Use	5.5	15,000
Past-Month Binge Alcohol Use	2.6	7,000
<b>Ages 15–17</b>		
Past-Month Alcohol Use	18.4	60,000
Past-Month Binge Alcohol Use	12.2	40,000
<b>Ages 18–20</b>		
Past-Month Alcohol Use	50.6	184,000
Past-Month Binge Alcohol Use	38.0	138,000
<b>Alcohol-Attributable Deaths (under 21)</b>		113
<b>Years of Potential Life Lost (under 21)</b>		6,762
	<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>	24.0	26

\* See Appendix C for data sources.

## Laws Addressing Minors in Possession of Alcohol

### Underage Possession of Alcohol

Possession is prohibited with the following exception(s):

- Private residence AND EITHER
- Parent/guardian OR
- Spouse

*Note:* Virginia law provides for two separate family exceptions. First, Virginia permits a person under 21 to possess alcoholic beverages due to such person’s “making a delivery of alcoholic beverages by order of his parent.” For purposes of this report, the phrase “by order of his parent” is interpreted as providing for parental consent (Va. Code Ann. § 4.1-305). Second, Virginia permits underage possession when an alcoholic beverage is provided to an underage guest in a private residence and the underage guest is “accompanied by a parent, guardian, or spouse who is 21 years of age or older” (Va. Code Ann. §§ 4.1-305, 4.1-200). The second exception is limited to specific locations, but the first one is not.

### Underage Consumption of Alcohol

Consumption is prohibited with the following exception(s):

- Private residence AND EITHER
- Parent/guardian OR
- Spouse

### Internal Possession by Minors

Internal possession is not explicitly prohibited.

*Note:* Although Virginia does not prohibit internal possession, it has a statutory provision that makes it unlawful for a minor to “exhibit evidence of physical indicia of consumption of alcohol” (Va. Code Ann. § 4.1-305). Laws that punish minors for displaying “indicators of consumption” or for “exhibiting the effects” of having consumed alcohol, but which 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 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.

#### *Provisions Targeting Retailers*

- Licenses for drivers under age 21 are easily distinguishable from those for drivers ages 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”)**

#### **Provisions Applicable to Minors Under Age 18**

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

- Underage purchase
- Underage possession
- Underage consumption

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

- Mandatory

##### ***Length of Suspension/Revocation***

- 180 days

#### **Provisions Applicable to Minors Ages 18 to 21**

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

- Underage purchase
- Underage possession
- Underage consumption

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

- Mandatory

##### ***Length of Suspension/Revocation***

- Minimum: 180 days
- Maximum: 365 days

### **Graduated Driver’s License**

#### ***Learner Stage***

- Minimum entry age: 15 years, 6 months
- Minimum learner-stage period: 9 months
- Minimum supervised driving requirement: 45 hours—15 of which must be at night

#### ***Intermediate Stage***

- Minimum age: 16 years, 3 months
- Unsupervised night driving
  - Prohibited after: 12 a.m.
  - No primary enforcement of the night-driving rule
- Passenger restrictions exist: For first year, no more than one unrelated passenger under 18; then, no more than three unrelated passengers under 18.
  - No primary enforcement of the passenger-restriction rule

***License Stage***

- Minimum age to lift restrictions: 18

**Laws Targeting Alcohol Suppliers****Furnishing Alcohol to Minors**

Furnishing is prohibited with the following exception(s):

- Private residence AND EITHER
- Parent/guardian OR
- Spouse

**Compliance Check Protocols*****Age of Decoy***

- Minimum: 17
- Maximum: 19

***Appearance Requirements***

- Age-appropriate appearance, clothing, and physical characteristics
- Male: No facial hair
- Female: No excessive makeup or revealing clothing

***ID Possession***

- Required

***Verbal Exaggeration of Age***

- Prohibited

***Decoy Training***

- Mandated

**Penalty Guidelines for Sales to Minors**

- Time period/conditions: 3 years
- First offense: \$2,000 fine or 25-day license suspension

*Note:* For first offense in 3-year period, licensee can agree to have responsible employee receive responsible beverage service training and accept a reduced penalty of \$1,000 fine or 5-day license suspension.

**Responsible Beverage Service*****Voluntary Beverage Service Training***

- The law does not specify on- or off-sale establishments.
- Applies only to existing outlets

***Incentive for Training***

- Mitigation of fines or other administrative penalties for sales to minors

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

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

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

- Beer: 18 for servers and 21 for bartenders
- Wine: 18 for servers and 21 for bartenders
- Spirits: 18 for servers and 21 for bartenders

*Note:* Although bartenders are generally required to be at least 21 years old in Virginia, a person who is at least 18 may sell or serve beer for on-premises consumption at a counter in an establishment that sells beer only. A person who is at least 18 may also sell or serve wine for on-premises consumption in an establishment that sells wine only.

### **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**

There is no statutory liability.

### **Social Host Liability Laws**

There is no statutory liability.

### **Host Party Laws**

No state-imposed liability for hosting underage drinking parties.

### **Retailer Interstate Shipments of Alcohol**

Prohibition against retailer interstate shipments:

- Beer: Permitted
- Wine: Permitted
- Spirits: Prohibited

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

Direct sales/shipments from producers to consumers are permitted for beer, 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.
- Common carrier must record/report purchaser's name.

**Shipping Label Statement Requirements**

- Contains alcohol
- Recipient must be 21

**Keg Registration**

- Keg definition: 4 gallons or more
- Prohibited:
  - Possessing an unregistered, unlabeled keg—maximum fine/jail:
  - Destroying the label on a keg—maximum fine/jail:
- Purchaser information collected:
  - Purchaser's name and address
  - Verified by a government-issued ID
  - Address where keg will be consumed
- Warning information to purchaser: Active—purchaser action required (e.g., signature)
- Deposit: Not required
- Provisions specifically address disposable kegs.

**Alcohol Pricing Policies****Home Delivery**

- Beer: Permitted—delivery permit required. Four-case limit without written prior notification to the state including the name and address to the intended recipient.
- Wine: Permitted—delivery permit required. Four-case limit without written prior notification to the state including the name and address to the intended recipient.
- Spirits: No law

**Alcohol Tax*****Beer (5 percent alcohol)***

- Specific excise tax: \$0.28 per gallon

Reported tax rate is calculated for the rate imposed on 12-ounce containers. Barrels taxed at \$0.2565 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: Prohibited
- Reduced price at specified day or time: Not prohibited—not permitted after 9 p.m.

- Unlimited beverages: Prohibited
- Increased volume: Prohibited

**Wholesale Pricing**

Pricing restrictions exist.

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

- Retailer credit: Not permitted

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

- Control state

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

- Control state

## Virginia State Survey Responses

<b>State Agency Information</b>	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i>	
Virginia Department of Alcoholic Beverage Control (ABC), Bureau of Law Enforcement	
<i>Methods by which local and state enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i>	
<p>Through the Virginia Department of Alcoholic Beverage Control's Bureau of Law Enforcement, the state has continued to enforce the laws of the Commonwealth through alcohol compliance checks programs. The state conducted approximately 2,700 checks in FY2011 and has reached a compliance rate of 90 percent. More than 11,259 criminal investigations were conducted, resulting in 2,213 arrests, 1,012 written warnings, and 716 administrative violations against ABC-licensed establishments. Through the community coalition, Operation Undergrad, and rural/local law enforcement grants, funding has been provided to local, rural, and campus police departments throughout the state. These projects are funded through OJJDP's Enforcing Underage Drinking Laws program. These agencies have used the funds to conduct alcohol prevention initiatives and programs, alcohol compliance checks, fake Identification investigations, and saturated enforcement investigations.</p>	
<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	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
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	Virginia Department of Alcoholic Beverage Control, Bureau of Law Enforcement
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	No data
Number pertains to the 12 months ending	06/30/2011
Data include arrests/citations issued by local law enforcement agencies	Unknown
<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	2,641
Number of licensees that failed state compliance checks	320
Numbers pertain to the 12 months ending	06/30/2011
<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	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

<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>	367
Total amount in fines across all licensees	\$807,100
Numbers pertain to the 12 months ending	06/30/2011
<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>	121
Total days of suspensions across all licensees	3,047
Numbers pertain to the 12 months ending	06/30/2011
<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	06/30/2011
<b>Additional Clarification</b>	
None given	

<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>None</b>	
Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Numbers pertain to the 12 months ending	Not applicable
Program has been evaluated	Not applicable
Evaluation report is available	Not applicable
URL for evaluation report	Not applicable
URL for more program information	Not applicable
Program description: Not applicable	

<b>Underage Drinking Prevention Programs Operated or Funded by the State: Programs RELATED TO Underage Drinking</b>	
<b>None</b>	
URL for more program information	Not applicable
Program description: Not applicable	

<b>Additional Information Related to Underage Drinking Prevention Programs</b>	
<i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i>	No recognized Tribal governments
Description of collaboration: Not applicable	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
Program description: Not applicable	

<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
Best practice standards description: <i>Our Common Language</i> , a booklet, is used by 13 state agencies that conduct prevention services. The booklet discusses language, theory, and common requirements for all prevention grants and programs.	
<b>Additional Clarification</b>	
None given	

<b>State Interagency Collaboration</b>	
<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: Erika C. Fischer E-mail: <a href="mailto:erika.fischer@governor.virginia.gov">erika.fischer@governor.virginia.gov</a> Address: Office of the Governor, 1111 East Broad St., Richmond, VA 23219 Phone: 804-380-3060	
<i>Agencies/organizations represented on the committee:</i> Governor's Office for Substance Abuse Prevention (GOSAP) Virginia Department of Alcoholic Beverage Control Virginia Department of Behavioral Health and Developmental Services Virginia Department of Criminal Justice Services Virginia Department of Education Virginia Department of Fire Programs Virginia Department of Health Virginia Department of Juvenile Justice Virginia Department of Motor Vehicles Virginia Department of Social Services Virginia Department of State Police Virginia National Guard Virginia Foundation for Healthy Youth	
<i>A website or other public source exists to describe committee activities</i>	Yes
URL or other means of access: <a href="http://www.gosap.virginia.gov">http://www.gosap.virginia.gov</a>	

<b>Underage Drinking Reports</b>	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by: GOSAP and GOSAP member agencies prepared the Strategic Prevention Framework-State Incentive Grant (SPF SIG) plan Plan can be accessed via: GOSAP is waiting for approval of the plan	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	Yes
Prepared by: GOSAP, Virginia ABC, Virginia Department of Motor Vehicles, and GOSAP member agencies Plan can be accessed via: <a href="http://www.gosap.virginia.gov">http://www.gosap.virginia.gov</a> (publication)	
<b>Additional Clarification</b>	
GOSAP has published three guides on underage drinking: 1. <i>Parent's Guide for Preventing Underage Drinking</i> , Newspaper Insert 2. <i>Parent's Guide for Preventing Underage Drinking</i> , Booklet 3. <i>Community Guide for Preventing and Reducing Underage Drinking</i> , Booklet	

<b>State Expenditures for the Prevention of Underage Drinking</b>	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

<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	\$215,000
Estimate based on the 12 months ending	09/30/2011
<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	06/30/2011
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$37,600
Estimate based on the 12 months ending	09/30/2011
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	06/30/2011
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	06/30/2011
<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

<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	None of the taxes, fines or fees received are used for any of the Virginia ABC Underage Prevention Initiatives.
<i>Description of funding streams and how they are used:</i>	
No data	
<b>Additional Clarification</b>	
<p>From October 1, 2010, to September 30, 2011, state funds were used to support the Youth Alcohol Drug Abuse Prevention Project (YADAPP). YADAPP provides high school students with the motivation and resources to assume positive peer leadership roles within their schools and communities in order to develop projects related to the promotion of school safety and the prevention of drug use among their peers. By providing grant funding to this project, the Virginia Department of ABC will partner with the Virginia Department of Criminal Justice Services, Virginia Center for School Safety, to help offer and/or enhance underage drinking prevention programs in public schools. The 27th Annual YADAPP conference was held at Longwood University July 18–22, 2011. Seventy youth teams representing schools and communities across Virginia participated in the conference. The weeklong conference provides high school students with the motivation and resources to assume positive peer leadership roles within their schools and communities. The conference format consists of a variety of educational and instructional activities for both youth and adult participants. The vast majority of these activities are youth-led in order to model youth leadership for participating students and adults. Youth participant activities are focused on developing Structured Problem Solving, Action Planning (STAN Plan), Communication, Teamwork, and Relationships. Activities at the weeklong conference include:</p> <ul style="list-style-type: none"> <li>• Motivational general sessions</li> <li>• Educational free-round workshops</li> <li>• Experiential learning and teambuilding</li> </ul>	

Strategies To Act Now (STAN) planning participant structure: The summer leadership conference uses six different levels of participation and is centered on the experience of youth participants and adult sponsors. The remaining levels support and enrich the conference experience. The conference is a collaborative effort between each participant level, which consisted of: 280 youth participants, 74 adult sponsors, 40 youth leaders, 24 junior staff, 6 conference interns, and 12 resource officers. The conference vision is to empower youth to develop positive peer leadership roles in their school and community, and the conference mission is to develop youth leadership in order to foster substance abuse and violence prevention efforts at the state, regional, and local levels.

Conference Objectives:

- Broaden participant knowledge of substance abuse and violence prevention at the state, local and regional level
- Teach leadership skills and attitudes to address common issues among their peers
- Allow youth from across Virginia the opportunity to network
- Teach youth to work in teams to create a substance and/or violence prevention activity for their school or community

During this same time period, Virginia ABC also provided funding to seven Virginia community coalitions throughout the state totaling approximately \$61,424.81. These funds were obtained through the Office of Juvenile Justice and Delinquency Prevention, EUDL program.

From October 1, 2010, to September 30, 2011, state funds were used to support the Virginia ABC 25th Annual College Conference. This conference was held on the campus of George Mason University at the Mason Inn in Fairfax, VA, February 25–27, 2011. The Virginia Department of Alcoholic Beverage Control (ABC) in conjunction with the Virginia Alcohol Leadership Council (VACALC) presented the conference. Funding for the conference was through a grant from the Virginia Department of Motor Vehicles (DMV). The conference focused on students, underage/high-risk drinking, and highway safety issues affecting colleges and universities. This year's conference featured award-winning, nationally recognized speakers including Shaun Derik, Jeff Yalden, Dr. Ralph Hingson, and Javier Sanchez. A total of 228 persons attended the conference (156 students, 38 adult sponsors, 30 staff members, and 4 speakers). The mission of the annual conference is to prevent and reduce underage and high-risk drinking and alcohol-related injuries, fatalities, and problems on college campuses. It further aims to protect students from harm, and to improve the quality of life for the entire campus community. This year's conference featured high-energy motivational entertainment, resource fairs, social events, and showcased the Hero Institute (HI).

The Hero Institute was designed to assist campus teams in the development, modification, or revitalization of campuswide alcohol-related prevention programs. An overarching goal was to provide opportunities and resources for each participating campus team to articulate goals and develop strategies to achieve them. HI teams worked collaboratively over the weekend to create a prevention plan focusing on their campus issues concerning college drinking and impaired driving. They participated in breakout sessions to identify goals, and develop and implement plans to meet specific needs of their campuses. The HI teams were assisted by a team of dedicated peer facilitators experienced in leadership development and health advocacy program planning. The main goal of the peer facilitators was to encourage teams to be creative, detailed, and as realistic as possible in developing plans for their respective campuses. The top five HI teams were awarded \$1,000 minigrants to implement plans on their respective college campuses. A total of 130 participants (students and adult sponsors), or 67 percent (130 out of 194), completed end-of-conference evaluations. Participants were asked to rate the speakers and to indicate what knowledge/skill they gained as a result of the conference. They were also asked to rate Hero Institute facilitators and to rate their overall satisfaction with the HI program. In addition, they were asked to provide comments/suggestions for the conference, as well as ideas for alcohol education prevention initiatives and programs that could be implemented at their respective schools with the assistance of ABC.