

State Report

West Virginia

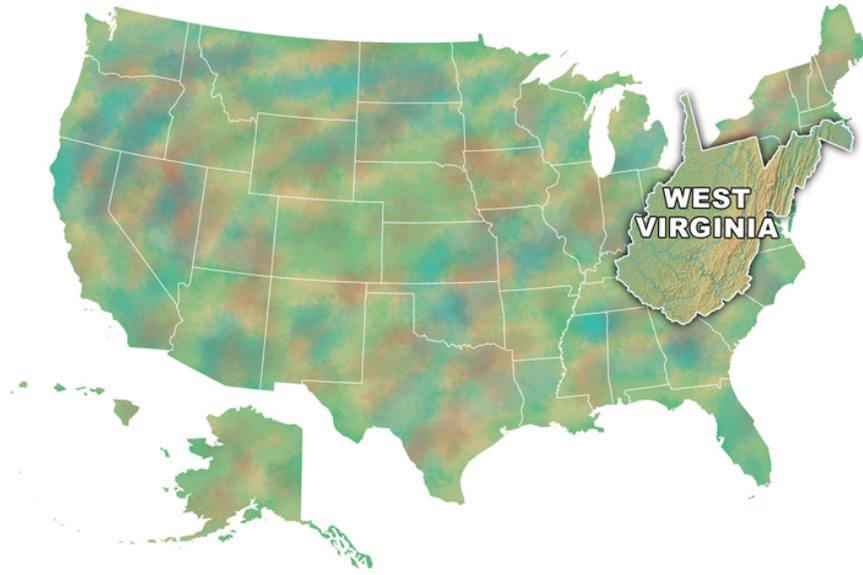
This state report is excerpted from:

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>



West Virginia

State Profile and Underage Drinking Facts*

State Population: 1,855,364
Population Ages 12–20: 205,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	25.7	53,000
Past-Month Binge Alcohol Use	18.7	38,000
Ages 12–14		
Past-Month Alcohol Use	7.6	5,000
Past-Month Binge Alcohol Use	4.1	3,000
Ages 15–17		
Past-Month Alcohol Use	21.3	14,000
Past-Month Binge Alcohol Use	13.6	000
Ages 18–20		
Past-Month Alcohol Use	45.7	34,000
Past-Month Binge Alcohol Use	36.3	27,000
Alcohol-Attributable Deaths (under 21)		32
Years of Potential Life Lost (under 21)		1,923
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	12.0	6

* 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.

Underage Purchase of Alcohol

Purchase is prohibited, but youth may 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 an administrative procedure.

Provisions Targeting Retailers

- State provides incentives to retailers who use electronic scanners that read birthdate and other information digitally encoded on valid identification cards.
- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older.
- General affirmative defense—the retailer came to a good faith or reasonable decision that the purchaser was 21 years or older; inspection of an identification card not required.

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: 6 months
- There is no minimum supervised driving requirement—with driver education; 50 hours without, 10 of which must be at night

Intermediate Stage

- Minimum age: 16
- Unsupervised night driving
 - Prohibited after: 10 p.m.
 - Primary enforcement of the night-driving rule
- Passenger restrictions exist: For first 6 months, no unrelated passengers less than 20 years old. For second 6 months, not more than one passenger under 20
 - Primary enforcement of the passenger-restriction rule

License Stage

- Minimum age to lift restrictions: 17

Laws Targeting Alcohol Suppliers

Furnishing Alcohol to Minors

Furnishing is prohibited with the following exception(s): EITHER

- Parent/guardian OR
- Spouse

Note: West Virginia's exception allows relatives by blood or marriage to furnish alcohol to minors.

Compliance Check Protocols

Age of Decoy

- Minimum: 18
- Maximum: 20

Appearance Requirements

- None

ID Possession

- Required

Verbal Exaggeration of Age

- Prohibited

Decoy Training

- Mandated

Penalty Guidelines for Sales to Minors

Time period/conditions: No guidelines provided

Responsible Beverage Service

No beverage service training requirement

Minimum Ages for Off-Premises Sellers

- Beer: 18
- Wine: 18
- Spirits: 18

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

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

- Manager/supervisor is present.

Distance Limitations for New Alcohol Outlets Near Universities and Schools

Colleges and Universities

Limitations on outlet siting:

- Off-premises outlets: No
- On-premises outlets: Yes—within 300 feet unless college or university has notified commissioner, in writing, that it has no objection.
- Alcohol products: Beer

Primary and Secondary Schools

Prohibitions against outlet siting:

- Off-premises outlets: No
- On-premises outlets: Yes—within 300 feet
- Alcohol products: Beer

Dram Shop Liability

- There is no statutory liability
- The courts recognize common law dram shop 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: Uncertain
- Wine: Permitted
- Spirits: Prohibited

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

Shipping Label Statement Requirements

- Contains alcohol
- Recipient must be 21

Keg Registration

Registration is not required.

Alcohol Pricing Policies

Home Delivery

- Beer: No law
- Wine: Permitted—direct shipper's license required; two cases per month
- Spirits: No law

Alcohol Tax

- Beer (5 percent alcohol): Specific excise tax is \$0.18 per gallon.
- Wine (12 percent alcohol): Control state
- Spirits (40 percent alcohol): Control state

Drink Specials

No law

Wholesale Pricing

Pricing restrictions exist

Beer (5 percent alcohol)

- Volume discounts: Banned
- Price posting requirements: Post and hold—30 days minimum
- Retailer credit: Not permitted

Wine (12 percent alcohol)

- Retailer credit: Not permitted

Spirits (40 percent alcohol)

- Control state

West Virginia State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> West Virginia Alcohol Beverage Control Administration (ABCA)	
<i>Methods by which local and state enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> Under current code, the ABCA writes a letter requesting that the West Virginia State Police assist in the inspection of on-premise establishments. Local law enforcement agencies assist in crowd control on the exterior of the establishments. At off-premise retailers, local law enforcement agencies can conduct compliance checks and coordinate with ABCA for licensee penalties.	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	Yes
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	Yes
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	West Virginia ABCA
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>	Yes
Number of minors found in possession by state law enforcement agencies	226
Number pertains to the 12 months ending	12/31/2010
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>	Yes
Data are collected on these activities	Yes
Number of licensees checked for compliance by state agencies	1,345
Number of licensees that failed state compliance checks	236
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>	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
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	Yes
Number of fines imposed by the state ³	94
Total amount in fines across all licensees	\$54,100
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>	Yes
Number of suspensions imposed by the state ⁴	19
Total days of suspensions across all licensees	91
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	
None given	

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	
<i>RU 21 Underage Drinking Prevention Project</i>	
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	06/30/2011
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	http://www.ru21wv.org
<p>Program description: The West Virginia Prevention Resource Center (PRC) serves as a central point of communication and administers the statewide Enforcing Underage Drinking Laws Marketing and Education Project. An Underage Drinking Prevention Specialist facilitates cross-system efforts with EUDL, Bureau for Behavioral Health and Health Facilities (BBHFF), Governor’s Highway Safety Program (GHSP), ABCA, Students Against Destructive Decisions (SADD), West Virginia Collegiate Initiative to Address High-Risk Alcohol Use (WVCIA), and county prevention partnerships and other stakeholders through the Underage Drinking Prevention workgroup. The workgroup was established in 2005 to coordinate with other systems specifically to target preventing and reducing the onset of underage drinking. (This workgroup was established by personnel who attended the Surgeon General’s National Meeting of the States and includes members of the Underage Drinking Task Force of the Juvenile Justice Sub-Committee. It oversees the statewide EUDL Marketing and Education Project.) This is accomplished by working together to build the capacity of individuals and organizations to prevent and reduce childhood and underage drinking by increasing understanding and perception of harm, strengthening community-based processes and youth-oriented practices, promoting continued underage drinking prevention efforts, and promoting underage drinking prevention messages.</p>	

<i>WV Collegiate Initiative to Address High-Risk Alcohol Use (WVCIA)</i>	
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	06/30/2011
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	http://www.wvcia.org
<p>Program description: WVCIA is the state organization that proactively addresses collegiate alcohol, drug, and associated violence issues through evidence-based strategies to promote healthy campus environments through self-regulatory initiatives, information dissemination, public policy influence, cooperation with prevention partners, and technical assistance. Members represent the state’s</p>	

<p>campuses, agencies, and communities, and encourage and enhance local, state, regional, and national initiatives through a commitment to shared standards for policy development, educational strategies, enforcement, evaluation, and community collaboration. This initiative is funded by a grant from the WV GHSP through its National Highway Traffic Safety Administration (NHTSA) alcohol funds. The West Virginia Bureau for Behavioral Health and Health Facilities supports this initiative programmatically through the participation of a National Prevention Network appointee, an Alcohol and Drug Information Resource Specialist, and a researcher, who is preparing a white paper on the group’s history, including its accomplishments such as data collection and a focus on evidence-based strategies. In the future, the researcher will write issue briefs on each of several evidence-based practices and policies. These briefs will be used by the group to inform higher education administrators and policymakers about the need for continued and enhanced high-risk alcohol use prevention work on our campuses.</p>	
<p>Dreamsavers</p>	
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	06/30/2011
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report:	http://www.iihs.org/externaldata/srdata/docs/sr4306.pdf
URL for more program information:	Not applicable
<p>Program description: Coordinated law enforcement effort to restrict alcohol availability to underage persons in both bars and retail carryout establishments.</p>	
<p>ABCA Statewide Enforcement Program</p>	
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	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	http://www.abca.wv.gov
<p>Program description: This program is funded by West Virginia GHSP through NHTSA funds and the West Virginia Division on Justice and Community Services through EUDL funds. With funds from WV GHSP and State Farm philanthropies, ABCA has purchased and is operating a DUI simulator that is being exhibited at high schools, colleges, and public events for the purpose of educating teen drivers on the dangers of drinking and driving.</p>	

<p>Underage Drinking Prevention Programs Operated or Funded by the State: Programs RELATED TO Underage Drinking</p>	
<p>West Virginia Students Against Destructive Decisions (SADD)</p>	
<p>URL for more program information: http://www.wvsadd.org</p>	
<p>Program description: SADD is a peer-to-peer education, prevention, and activism organization dedicated to preventing destructive decisions—particularly underage drinking, drug use, risky and impaired driving, teen violence, and teen suicide.</p>	

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

<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
Best practice standards description: All programs receiving federal funds (EUDL, Substance Abuse Prevention and Treatment Block Grant, Strategic Prevention Framework State Incentive Grant [SPF SIG], NHTSA, etc.) must select model programs or evidence-based practices for their underage drinking prevention programs.	
Additional Clarification	
None given	

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: Stephanie Southall E-mail: stephanie.a.southall@wv.gov Address: 350 Capitol Street, Room 350, Charleston, WV 25301 Phone: 304-356-5064	
<i>Agencies/organizations represented on the committee:</i> West Virginia Prevention Resource Center West Virginia Alcohol Beverage Control Administration West Virginia Governor's Highway Safety Program West Virginia Bureau for Behavioral Health and Health Facilities West Virginia Division of Justice and Community Services (EUDL) West Virginia State Police West Virginia National Guard Drug Demand Reduction Unit West Virginia Mothers Against Drunk Driving West Virginia Students Against Destructive Decisions West Virginia Department of Education West Virginia Collegiate Initiative to Address High-Risk Alcohol Use County Prevention Partnerships	
<i>A website or other public source exists to describe committee activities</i>	Yes
URL or other means of access: http://www.ru21wv.org ; http://www.prevnet.org/wvpartnership/workgroups.aspx	

Underage Drinking Reports	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by: There is not a consolidated plan. However, many agencies have their own strategic plans that are used to apply for grants from the EUDL and Governor's Highway Safety Programs. Plan can be accessed via: Stephanie.A.Southall@wv.gov	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	No
Prepared by: Not applicable Plan can be accessed via: Not applicable	
Additional Clarification	
The coordinating committee, known as the Underage Drinking Prevention Workgroup, was staffed by the West Virginia PRC. It was funded by the EUDL grant and a SAMHSA Programs of Regional and National Significance Grant administered by the West Virginia PRC until June 30, 2012. In addition, the West Virginia GHSP has supported this effort through equipment purchases and travel assistance. In the past, this committee received funding from the SAMHSA SPF SIG Discretionary Grant Program and the SAMHSA Substance Abuse Prevention and Treatment (SAPT) Block Grant Program. With the expiration of SPF SIG and the drastic reduction in EUDL funds, the West Virginia Bureau for Behavioral Health and Health Facilities plans to absorb this committee and has applied for funding for this committee through the SPF Partners for Success II grant program.	

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2011
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	\$1,000,000
Estimate based on the 12 months ending	12/31/2011
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2011
<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2011
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2011
<i>Programs that target youth in the juvenile justice system:</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 child welfare system:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2011
<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

Funds Dedicated to Underage Drinking	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	No
Fines	No
Fees	No
Other	No data

Description of funding streams and how they are used:
 No data

Additional Clarification
 None given