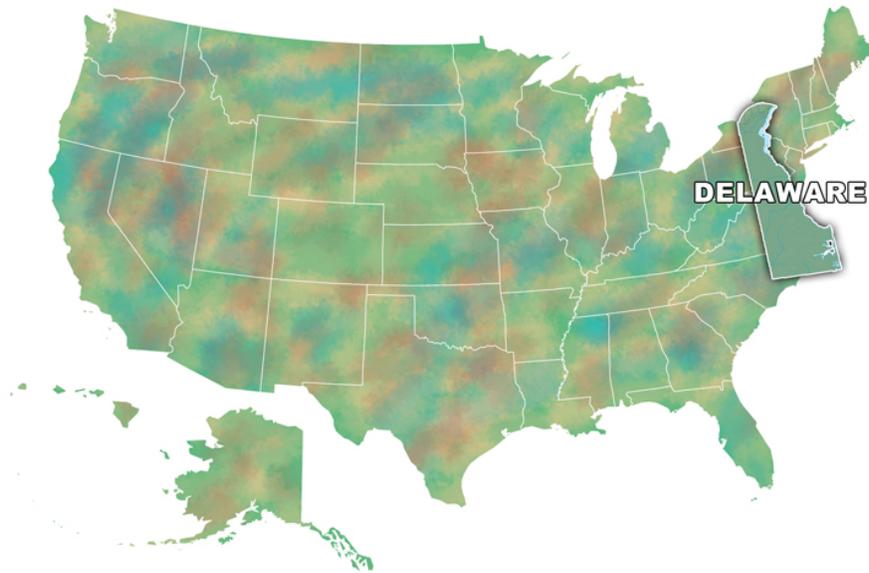


State Report

Delaware

This document is excerpted from:

The June 2015 Report to Congress on the Prevention and Reduction of Underage Drinking



Delaware

State Profile and Underage Drinking Facts*

State Population: 917,092
Population Ages 12–20: 107,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	30.0	32,000
Past-Month Binge Alcohol Use	19.8	21,000
Ages 12–14		
Past-Month Alcohol Use	5.8	2,000
Past-Month Binge Alcohol Use	2.0	1,000
Ages 15–17		
Past-Month Alcohol Use	25.0	9,000
Past-Month Binge Alcohol Use	12.9	5,000
Ages 18–20		
Past-Month Alcohol Use	55.1	21,000
Past-Month Binge Alcohol Use	41.2	16,000
Alcohol-Attributable Deaths (under 21)		14
Years of Potential Life Lost (under 21)		845
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	4.0	1

* 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: Delaware’s exception includes “members of the same family” and allows possession if in “private home of any of said members.” For purposes of this report, the phrase “members of the same family” is interpreted as including a spouse.

Underage Consumption of Alcohol

Consumption is prohibited with the following exception(s):

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

Note: Delaware’s exception includes “members of the same family” and allows consumption if in “private home of any of said members.” For purposes of this report, the phrase “members of the same family” is interpreted as including a spouse.

Internal Possession by Minors

Internal possession is not explicitly prohibited.

Note: Although Delaware does not prohibit Internal Possession as defined in this report, it has a statutory provision that makes it an offense for “[w]hoever, being under the age of 21 years, has alcoholic liquor in his or her possession at any time, or consumes or is found to have consumed alcoholic liquor.” Laws that prohibit minors from having alcohol in their bodies, but that 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: Delaware does not have a statute that specifically prohibits purchase, but it does prohibit “obtaining” alcohol in connection with making a false statement.

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.

Provision(s) targeting retailers

- Specific affirmative defense: The retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid.

Note: Although Del. Admin. Code § 2 2000 2215 states that “persons under 21 years old have noted on their licenses ‘Under 21,’” research revealed no Delaware statute or regulation expressly requiring distinguishing licenses for persons under 21 years old.

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 possession
- Underage consumption

Authority to impose driver’s license sanction

- Mandatory

Length of suspension/revocation

- 30 days

Graduated Driver’s License

Learner stage

- Minimum entry age: 16
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 50 hours, of which 10 must be at night

Intermediate stage

- Minimum age: 16 years, 6 months
- Unsupervised night driving
 - Prohibited after: 10 p.m
 - Primary enforcement of the night-driving rule
- Passenger restrictions exist: No more than one passenger, except for immediate family members when driver is accompanied by a parent, guardian, or licensed driver age 25 or over
 - Primary enforcement of the passenger-restriction rule

License stage

- Minimum age to lift restrictions: 17

Laws Targeting Alcohol Suppliers

Furnishing of Alcohol to Minors

Furnishing is prohibited with the following exception(s):

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

Note: Delaware’s exception includes “members of the same family” and allows furnishing if in the “private home of any of said members.” For purposes of this report, the phrase “members of the same family” is interpreted as including a spouse.

Compliance Check Protocols

Age of decoy

- Minimum: 17
- Maximum: 20

Appearance requirements

- Male: No facial hair
- Female: No excessive makeup

ID possession

- Required

Verbal exaggeration of age

- Prohibited

Decoy training

- Recommended

Penalty Guidelines for Sales to Minors

- Time period/conditions: 5 years
- First offense: \$500 fine
- Second offense: \$2,500 fine
- Third offense: 30-day license suspension
- Fourth offense: 60-day license suspension

Note: Mitigating and/or aggravating circumstances may be considered.

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: 21
- Wine: 21
- Spirits: 21

Minimum Ages for On-Premises Sellers

- Beer: 19 for servers and 21 for bartenders
- Wine: 19 for servers and 21 for bartenders
- Spirits: 19 for servers and 21 for 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

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

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 not permitted.

Keg Registration

Registration is not required.

Home Delivery

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

Alcohol Pricing Policies

Alcohol Tax

Beer (5 percent alcohol)

- Specific excise tax: \$0.16 per gallon

Wine (12 percent alcohol)

- Specific excise tax: \$0.97 per gallon

Spirits (40 percent alcohol)

- Specific excise tax: \$3.75 per gallon

Additional taxes

- \$2.50 per gallon for alcohol content of 25 percent or less

Drink Specials

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

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

- Price posting requirements: Post and hold—5 days minimum
- Retailer credit: Restricted—commissioner shall not control credit transactions to extent they are permitted by federal law

Wine (12 percent alcohol)

- Price posting requirements: Post and hold—5 days minimum
- Retailer credit: Restricted—commissioner shall not control credit transactions to extent they are permitted by federal law

Spirits (40 percent alcohol)

- Price posting requirements: Post and hold—5 days minimum
- Retailer credit: Restricted—commissioner shall not control credit transactions to extent they are permitted by federal law

Delaware State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i>	
Division of Alcohol & Tobacco Enforcement	
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>	
Primary state agency responsible for enforcing laws addressing direct sales/shippments of alcohol to minors	Yes Div. of Alcohol & Tobacco Enforcement
Such laws are also enforced by local law enforcement agencies	Yes
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession by state law enforcement agencies	Yes 156
Number pertains to the 12 months ending	12/31/2012
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 retail licensees in state ³	1,200
Number of licensees checked for compliance by state agencies (including random checks)	180
Number of licensees that failed state compliance checks	36
Numbers pertain to the 12 months ending	12/31/2012
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Both on- and off-sale establishments
<i>State conducts random underage compliance checks/decoy operations</i>	
Number of licensees subject to random state compliance checks/decoy operations	Yes 180
Number of licensees that failed random state compliance checks	36
<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	Not applicable
Number of licensees that failed local compliance checks	Not applicable
Numbers pertain to the 12 months ending	Not applicable
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state ⁴	Yes 36
Total amount in fines across all licensees	Approx. \$23,000
Smallest fine imposed	\$500
Largest fine imposed	\$2,500
Numbers pertain to the 12 months ending	12/31/2012

<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of suspensions imposed by the state ⁵	0
Total days of suspensions across all licensees	Not applicable
Shortest period of suspension imposed (in days)	Not applicable
Longest period of suspension imposed (in days)	Not applicable
Numbers pertain to the 12 months ending	12/31/2012
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of license revocations imposed ⁶	0
Numbers pertain to the 12 months ending	12/31/2012
Additional Clarification	
No data	

¹ Or having consumed or purchased per state statutes.

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

³ Excluding special licenses such as temporary, seasonal, and common carrier licenses.

⁴ Does not include fines imposed by local agencies.

⁵ Does not include suspensions imposed by local agencies.

⁶ Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State	
Lunch and Learn	
Program serves specific or general population	General population
Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	No data
<p>Program Description: A Lunch and Learn takes place when an organization sets up an exhibitor table within reach of the cafeteria of a school for students to explore and experience during their lunch period. During Delaware Prevention Coalition’s Lunch and Learn sessions, students come at their free will to learn about factual information concerning alcohol and other substances. Lunch and Learns are beneficial to the schools because they do not take away from classroom time or extracurricular activities in order to get the positive message across that alcohol use and abuse can be costly. Lunch and Learns are interactive: These open table sessions enable students to participate in games such as drunken goggles simulations, where students can practice coordination and reflex timing while imitating being under the influence. Our drunken goggles provide a real-life perception of what an individual’s vision would be like while over the legal intoxication limit. Students learn through these exercises the different parts of the brain alcohol affects and how this can lead to unwanted situations. Lunch and Learns are informative: Students also learn more about what is considered a drink. On our display we show the students the differences and similarities between a shot glass filled with spirits, a cooler, a glass of wine, and a mug of beer. Organizational information as well as brochures concerning the effects of alcohol on the body, the mind, the family, and more are distributed during this event. Binge drinking, laws, and risky behaviors are just a few topics that head the spirited discussion during Lunch and Learns. Lunch and Learns are impactful: The essence of the Lunch and Learn sessions is to allow students to seek information without embarrassment and the opportunity to change minds that may be convinced that what they’ve experienced and/or learned from their friends may not be safe or factual. Facilitators of Lunch and Learns get the privilege to inspire and witness the change of mind when the students expand their minds to the idea that the behavior that thought was harmless is quite the opposite. This in turn can help DPC reach our goal of delaying the first onset of use and abuse of alcohol for adolescents.</p>	

Safe Haven/Extended Hours	
Program serves specific or general population	Specific population
Number of youth served	4,408
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	No data
<p>Program Description: In FY 2012, the Division of Prevention and Behavioral Health Services (DPBHS) funded extended community center hours and a curfew center that offered pro-social activities, dinner, at least one weekend evening with later hours, and educational/prevention activities at the former. The latter worked with the Wilmington Police to offer education and resources to youth who were brought to the center for violation of curfew, to prevent youth from being on the streets and at risk for engaging in substance use and delinquent behaviors. These alternative activities and programs had a significant impact on the number of arrests and incidences of violence—and likely substance use. These were possible through unplanned budget windfall monies, and this upcoming summer, the DPBHS will continue with planned outcome measures, in particular around substance abuse and violence.</p>	
Botvin Life Skills	
Program serves specific or general population	Specific population
Number of youth served	512
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No data
Evaluation report is available	No data
URL for evaluation report:	No data
URL for more program information:	No data
<p>Program Description: Botvin Life Skills is a research-validated substance abuse prevention program proven to reduce the risks of alcohol, tobacco, and drug abuse, as well as violence, by targeting the major social and psychological factors that promote the initiation of substance use and other risky behaviors. This comprehensive and exciting program provides adolescents and young teens with the confidence and skills necessary to successfully handle challenging situations. Note: Total individuals served in FY 2012: 547 (number was not broken down by youth, parent, caregiver).</p>	
Parents Step Up	
Program serves specific or general population	General population
Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	http://parentstepup.org
<p>Program Description: Using various communication media, the Step Up campaign:</p> <ul style="list-style-type: none"> • Helps adults recognize and change behaviors that facilitate underage drinking. • Provides ideas for effective house rules to help adults protect kids from underage drinking. • Encourages parents to block teens from access to alcohol. • Highlights the consequences of underage drinking to discourage alcohol use. 	
Additional Underage Drinking Prevention Programs Operated or Funded by the State	
No data	
URL for more program information: No data	

Program description: No data	
Additional Clarification	
A variety of Community Alternative Grants were provided to various organizations from our faith-based community, from very small afterschool programs to large afterschool programs. The Division provided over \$150,000 throughout the State of Delaware to enhance services for youth, at-risk youth, parents, and interested persons in substance abuse prevention, abuse and neglect, health and wellness, and suicide prevention along with the KIVA-antibullying prevention program, just to name a few.	
Additional Information Related to Underage Drinking Prevention Programs	
<i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i>	No
Description of collaboration: Not applicable	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
Description of program: Not applicable	
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	No
Agencies/organizations that established best practices standards:	
Federal agency(ies):	No data
Agency(ies) within your state:	No data
Nongovernmental agency(ies):	No data
Other:	No data
Best practice standards description: Not applicable	
Additional Clarification	
The Division of Substance Abuse and Mental Health (DSAMH) services (Single State Agency) developed the state's prevention website (http://www.dhss.delaware.gov/dhss/dsamh/prevention.html) this year, and website enhancement continues. DSAMH's subrecipient, the Division of Prevention and Behavioral Health Services, provides services to youth age 17 and younger. Their website is http://kids.delaware.gov/fs/fs_prevent.shtml . DSAMH continues to work with the state-recognized Nanticoke Tribe to provide support to build their infrastructure in implementing substance abuse prevention programs. DSAMH, in collaboration with the Division of Prevention and Behavioral Health Services (DPBHS), reached out to the Native American Center for Excellence (NACE) to receive technical assistance for this initiative. NACE, DPBHS, and DSAMH began working with the Nanticoke Tribe to develop assessment tools to collect data to guide their decisionmaking process for substance abuse prevention activities in January 2012. However, at this time they report that they will contact us for additional assistance. Delaware's Office of Highway Safety (OHS) does not conduct any state-funded saturation patrols or checkpoints to reduce underage drinking specifically. OHS conducts saturation patrols and checkpoints focused on preventing adult impaired driving; however, minors are frequently arrested for underage drinking violations during the course of checkpoint enforcement activities. Additionally, OHS does not include cost information because these enforcement activities are federally funded and not state 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: Dr. Marc Richman	
E-mail: Marc.Richman@state.de.us	
Address: DHSS-Division of Substance Abuse and Mental Health Services, 1901 N. DuPont Highway, Main Administration Building, New Castle, DE 19720	
Phone: 302-255-9416	
<i>Agencies/organizations represented on the committee:</i>	
Department of Health and Social Services (DHSS) Division of Substance Abuse and Mental Health Services	

Division of Alcohol and Tobacco Enforcement Office of Highway Safety Delaware Department of Education Division of Prevention and Behavioral Health Services University of Delaware Center for Drug and Alcohol Studies	
A website or other public source exists to describe committee activities	Yes
URL or other means of access: http://dhss.delaware.gov/dhss/dsamh/prevention.html	

Underage Drinking Reports	
State has prepared a plan for preventing underage drinking in the last 3 years	Yes
Prepared by: Plan prepared by the Department of Substance Abuse and Mental Health and the Division of Prevention and Behavioral Health Services. Plan can be accessed via: http://dhss.delaware.gov/dhss/dsamh/prevention.html	
State has prepared a report on preventing underage drinking in the last 3 years	No
Prepared by: Not applicable Plan can be accessed via: Not applicable	
Additional Clarification	
N/A	

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks 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	\$1,000,585
Estimate based on the 12 months ending	6/30/2013
<i>K-12 school-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>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	No data
Estimate based on the 12 months ending	No data
<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: Data not available	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

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
<i>Description of funding streams and how they are used:</i>	
Not applicable	
Additional Clarification	
No data	