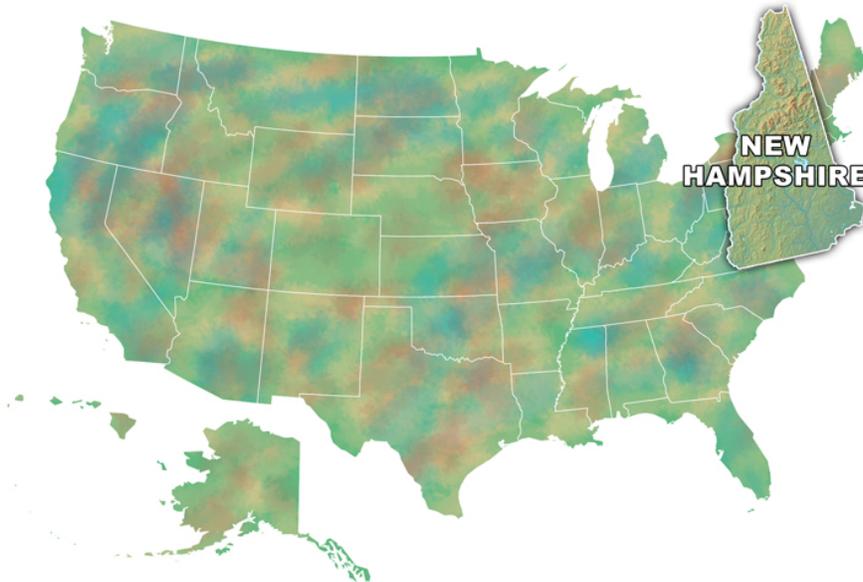


State Report

New Hampshire

This document is excerpted from:

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



New Hampshire State Profile and Underage Drinking Facts*

State Population: 1,320,718
Population Ages 12–20: 171,000

| | Percentage | Number |
|--|---|---------------|
| Ages 12–20 | | |
| Past-Month Alcohol Use | 36.2 | 62,000 |
| Past-Month Binge Alcohol Use | 25.1 | 43,000 |
| Ages 12–14 | | |
| Past-Month Alcohol Use | 5.2 | 3,000 |
| Past-Month Binge Alcohol Use | 2.0 | 1,000 |
| Ages 15–17 | | |
| Past-Month Alcohol Use | 25.7 | 14,000 |
| Past-Month Binge Alcohol Use | 17.0 | 9,000 |
| Ages 18–20 | | |
| Past-Month Alcohol Use | 66.8 | 46,000 |
| Past-Month Binge Alcohol Use | 48.1 | 33,000 |
| Alcohol-Attributable Deaths (under 21) | | 9 |
| Years of Potential Life Lost (under 21) | | 543 |
| | Percentage of All Traffic Fatalities | Number |
| Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01 | 9.0 | 1 |

* 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 not explicitly prohibited.

Internal Possession by Minors

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

Underage Purchase of Alcohol

Purchase is prohibited and there is no allowance for youth purchase for law enforcement purposes.

False Identification for Obtaining Alcohol

Provision(s) targeting minors

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

Provision(s) targeting suppliers

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

Provision(s) targeting retailers

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

Note: In New Hampshire, the prohibition against the use of a false ID for purchasing alcoholic beverages applies to persons less than 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 purchase
- Underage possession

Authority to impose driver’s license sanction

- Discretionary

Length of suspension/revocation

- Minimum: 90 days
- Maximum: 365 days

Note: Although New Hampshire does not authorize a use/lose penalty for all underage consumption, a law imposes a discretionary license sanction on minors who are “intoxicated by consumption of an alcoholic beverage” and provides that an alcohol concentration “of .02 or more shall be prima facie evidence of intoxication.”

Graduated Driver’s License

Learner stage

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

Intermediate stage

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

License stage

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

Laws Targeting Alcohol Suppliers

Furnishing of Alcohol to Minors

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

Compliance Check Protocols

Age of decoy

- Minimum: 17
- Maximum: 20

Appearance requirements

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

ID possession

- Required

Verbal exaggeration of age

- Prohibited

Decoy training

- Mandated

Penalty Guidelines for Sales to Minors

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

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

Responsible Beverage Service

Mandatory beverage service training for managers

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

Responsible Beverage Service

Voluntary beverage service training

- Applies to both on-sale and off-sale establishments
- Applies to both new and existing outlets
- Defense in dram shop liability lawsuits
- Mitigation of fines or other administrative penalties for sales to minors

Minimum Ages for Off-Premises Sellers

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

Condition(s) that must be met in order for an underage person to sell alcoholic beverages

- Manager/supervisor is present.

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

Minimum Ages for On-Premises Sellers

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

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: New Hampshire law includes a responsible beverage service defense.

Social Host Liability Laws

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

Host Party Laws

Social host law is specifically limited to underage drinking parties.

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

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

Retailer Interstate Shipments of Alcohol

No prohibitions on retailer interstate shipments

Direct Sales/Shipments of Alcohol by Producers

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

Age verification requirements: None

State approval/permit requirements

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

Reporting requirements

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

Shipping label statement requirements

- Contains alcohol
- Recipient must be 21

Keg Registration

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

Home Delivery

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

Alcohol Pricing Policies

Alcohol Tax

Beer (5 percent alcohol)

- Specific excise tax: \$0.30 per gallon

Wine (12 percent alcohol)

- Control state

Spirits (40 percent alcohol)

- Control state

Drink Specials

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

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

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

Wine (12 percent alcohol)

- Control state

Spirits (40 percent alcohol)

- Control state

New Hampshire State Survey Responses

| State Agency Information | |
|---|--|
| <i>Agency with primary responsibility for enforcing underage drinking laws:</i> | |
| New Hampshire State Liquor Commission, Division of Enforcement and Licensing | |
| 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 | No |
| 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 | New Hampshire State Liquor Commission, Div. of Enforcement and Licensing |
| 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 | 141 |
| Number pertains to the 12 months ending | 12/31/2012 |
| Data include arrests/citations issued by local law enforcement agencies | No |
| <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 retail licensees in state ³ | 3,290 |
| Number of licensees checked for compliance by state agencies (including random checks) | 339 |
| Number of licensees that failed state compliance checks | 40 |
| 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> | No |
| Number of licensees subject to random state compliance checks/decoy operations | Not applicable |
| Number of licensees that failed random state compliance checks | Not applicable |
| <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 | 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> | Yes |
| Number of fines imposed by the state ⁴ | 4 |
| Total amount in fines across all licensees | \$1,200 with \$700 suspended |
| Smallest fine imposed | \$500 |

| | |
|---|------------|
| Largest fine imposed | \$1,000 |
| Numbers pertain to the 12 months ending | 12/31/2013 |
| <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 | 6 |
| Total days of suspensions across all licensees | No data |
| Shortest period of suspension imposed (in days) | 3 |
| Longest period of suspension imposed (in days) | No data |
| 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 | No data |
| Numbers pertain to the 12 months ending | No data |
| 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

Regional Prevention Networks

| | |
|---|--------------------|
| 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 | Yes |
| Evaluation report is available | No |
| URL for evaluation report: | Not applicable |
| URL for more program information: | |
| http://www.dhhs.nh.gov/dcbcs/bdas/prevention.htm | |

Program Description: The Bureau of Drug and Alcohol Prevention Services developed and supports a comprehensive statewide prevention system consisting of 10 regional networks (RNs). Each RN services a defined geographical area that allows communities to address local needs related to alcohol and other drugs. RNs utilize the strategic prevention framework model in convening community-level stakeholders to be proactive in creating communities that support healthy lifestyles among their residents. RNs and Coalitions harness the community's power to address change and promote wellness. This well-functioning coalition structure engages residents, law enforcement, members from the medical and faith-based communities, schools, nonprofits, businesses, local government, parents, families, and youth to all work in tandem to address a community's needs. Each of the 10 regions has a comprehensive, data-driven 3-year plan. Plans can be found at <http://www.dhhs.nh.gov/dcbcs/bdas/prevention.htm>.

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 | |
|--|--|
| The Bureau is in the process of measuring the effectiveness of the regional networks and can provide a logic model with short, intermediate, and long-term measurable objectives. These regions are funded in part by the federal Block Grant and through private and local funds. | |

| 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> | Yes |
| Agencies/organizations that established best practices standards: | |
| Federal agency(ies): | No |
| Agency(ies) within your state: | No |
| Nongovernmental agency(ies): New Hampshire Center for Excellence | Yes |
| Other: | No |
| Best practice standards description: Process for New Hampshire prevention providers to select evidence-based interventions: | |
| <i>Definition of Intervention:</i> An intervention is an activity conducted to address a contributing factor that influences a problem or risk behavior. Interventions can be in the realm of policy, programs, practices, and procedures. A connecting process is necessary to demonstrate that an intervention is both evidence based and fits local conditions. It is not enough to be just evidence based or just a good fit for the community; both must be documented and demonstrated. | |
| <i>Evidence-Based Determination:</i> | |
| 1. Clearly define the contributing factor (community need to be addressed). | |
| 2. Identify the intervention to be implemented. | |
| 3. Document the strength of the evidence for the intervention by selecting from one of the five SAMHSA-approved federal registries of evidence-based approaches (See links below) or by compiling and summarizing documentation to support the selection of an intervention that addresses the contributing factor. | |
| a. For interventions appearing on SAMHSA-approved federal registries of evidence-based approaches, attach the intervention summary abstract from the SAMHSA-approved registry (such as NREPP, the OJJDP Model Programs Guide, or the CDC Guide to Community-Prevention Services). Note: SAMHSA-approved registries are dynamic and evolving, with approved programs and practices being added regularly as evidence of effectiveness is established and confirmed. | |
| b. For interventions not appearing on SAMHSA-approved federal registries of evidence-based approaches, documentation of being reported (with positive effects) in a peer- reviewed journal. | |
| c. For interventions not appearing on SAMHSA-approved federal registries of evidence-based approaches, or having documentation in a peer-reviewed journal article, document the evaluation research literature that supports the effectiveness of the strategy. Literature that is recent and that provides adequate rigor is recommended. The following guidelines should be followed to ensure the research is sound and the anticipated outcomes will be met: | |
| i. The intervention must be based on a theory of change that is documented in a conceptual logic model.. | |
| ii. The intervention is supported by documentation that it has been effectively implemented in the past and multiple times. | |

iii. The intervention is reviewed and deemed appropriate by a panel of informed prevention experts conducted by the Center for Excellence, Service to Science Expert Panel (<http://www.nhcenterforexcellence.com>).

4. Document the feasibility and fit of this intervention for your community:

- a. All evidence used as supporting research must directly relate to the community problem and its contributing factor(s). That is, selecting an evidenced-based program that increases children's reading ability to address early onset of alcohol use is not compelling, unless the applicant can show a direct and well-documented association between improved reading and delaying the onset of substance use.
- b. Indicate a clear understanding of the theory of change (e.g., with if/then statements) that the intervention follows.
- c. Provide statement(s) addressing the community readiness to address the contributing factor(s).
- d. Provide a description of the capacity to implement selected intervention (feasibility).
- e. Provide a statement addressing fidelity. Will the evidence-based intervention be implemented as it was designed and evaluated? If not, the proposal must include a clear explanation of why an adaptation is necessary to suit local culture (or other community conditions) and how it will be implemented in such a way as to remain true to the core elements of the evidence-based intervention.

5. Identify outcomes to be evaluated, including those factors that the intervention is known to affect, and the systems in place to collect necessary information. Specify how these outcomes will be measured to gauge their impact on contributing factor(s).

Glossary of Terms

- Community readiness—the extent to which a community is adequately prepared to implement a drug abuse prevention program.
- Evidence-based prevention—a set of prevention activities that evaluation research has shown to be effective. Some of these prevention activities help individuals develop the intentions and skills to act in a healthy manner. Others focus on creating an environment that supports healthy behavior. Sometimes, the activities we call “evidence based” other organizations call research or science based.
- Feasibility—The degree to which an intervention is appropriate for the community's population, cultural context, and local circumstances including its resources, capacities, and readiness to take action.
- Fit—The degree to which an intervention targets the community's identified substance abuse problem and the underlying factors that contribute to the problem.
- Intervention—Interventions encompass programs, practices, and policies that affect individuals, groups of individuals, or entire communities.
- Strength of Evidence—Strong evidence means that the positive outcomes assessed are attributable to the intervention rather than to extraneous events, and that the intervention reliably produces the same pattern of positive outcomes in similar populations and contexts.

This document is based in large part on guidance provided by the Center for Substance Abuse Prevention (Identifying and Selecting Evidence-Based Interventions Revised Guidance Document for the Strategic Prevention Framework State Incentive Grant Program. HHS Pub. No. (SMA)09-4205. Rockville, MD: Center for Substance Abuse Prevention, Substance Abuse and Mental Health Services Administration, 2009). <http://store.samhsa.gov/shin/content/SMA09-4205/SMA09-4205.pdf>

Additional Clarification

To ensure evidence-based programs, practices, and interventions are of sound evidence, the New Hampshire Center for Excellence conducts and utilizes a “Service to Science” approach by convening a panel of experts (state and national) to review program components and research that supports them, and provides guidance and technical assistance to prevention providers to improve prevention outcomes.

| 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: Tym Rourke E-mail: tr@nhcf.org Address: 37 Pleasant Street, Concord, NH 03301 Phone: 603-225-6641 | |
| <i>Agencies/organizations represented on the committee:</i> Attorney General NH Adjutant General NH Administrative Judge of the District Courts Chairperson of the NH Liquor Commission NH Commission of the Department of Health and Human Services NH Commissioner of the Department of Education NH Commissioner of the Department of Corrections NH Commissioner of the Department of Safety NH Director of the Office of Alcohol and Drug Policy Public member: alcohol and other drug prevention professional Public member: alcohol and other drug prevention professional Public member: alcohol and other drug treatment professional Public member: nonprofessional NH House of Representatives NH Senate | |
| <i>A website or other public source exists to describe committee activities</i> | Yes |
| URL or other means of access: http://www.dhhs.nh.gov/dcbcs/bdas/commission.htm | |

| Underage Drinking Reports | |
|---|-----|
| <i>State has prepared a plan for preventing underage drinking in the last 3 years</i> | Yes |
| Prepared by: Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention and Treatment Plan can be accessed via: http://www.dhhs.nh.gov/dcbcs/bdas/documents/collectiveaction.pdf | |
| <i>State has prepared a report on preventing underage drinking in the last 3 years</i> | Yes |
| Prepared by: New Hampshire Center for Excellence Plan can be accessed via: http://www.unh.edu/cfex/data/substance-alcohol.html | |
| Additional Clarification | |
| The Prevention Task Force of the New Hampshire Governor's Commission on Alcohol and Drug Abuse released the Model School Policy Report to provide guidance to New Hampshire schools on developing model policies to address alcohol and other drug use (http://www.dhhs.nh.gov/dcbcs/bdas/documents/modelschoolpolicy.pdf). | |

| State Expenditures for the Prevention of Underage Drinking | |
|---|--------------------|
| <i>Compliance checks in retail outlets:</i> | |
| Estimate of state funds expended | \$0 |
| Estimate based on the 12 months ending | 12/31/2012 |
| <i>Checkpoints and saturation patrols:</i> | |
| Estimate of state funds expended | Data not available |
| Estimate based on the 12 months ending | 12/31/2013 |
| <i>Community-based programs to prevent underage drinking:</i> | |
| Estimate of state funds expended | \$0 |
| Estimate based on the 12 months ending | 5/30/2013 |

| | |
|---|-----------|
| <i>K-12 school-based programs to prevent underage drinking:</i> | |
| Estimate of state funds expended | \$0 |
| Estimate based on the 12 months ending | 5/30/2013 |
| <i>Programs targeted to institutes of higher learning:</i> | |
| Estimate of state funds expended | \$0 |
| Estimate based on the 12 months ending | 5/30/2013 |
| <i>Programs that target youth in the juvenile justice system:</i> | |
| Estimate of state funds expended | \$0 |
| Estimate based on the 12 months ending | 5/30/2013 |
| <i>Programs that target youth in the child welfare system:</i> | |
| Estimate of state funds expended | \$0 |
| Estimate based on the 12 months ending | 5/30/2013 |
| <i>Other programs:</i> | |
| Programs or strategies included: | |
| Estimate of state funds expended | \$0 |
| Estimate based on the 12 months ending | 5/30/2013 |

| Funds Dedicated to Underage Drinking | |
|---|---------|
| <i>State derives funds dedicated to underage drinking from the following revenue streams:</i> | |
| Taxes | No data |
| Fines | No data |
| Fees | No data |
| Other: | No data |
| <i>Description of funding streams and how they are used:</i> | |
| No data | |
| Additional Clarification | |
| <p>The NHSLC Division of Enforcement relies on federal funding through the Enforcing Underage Drinking Laws Grant. An estimated 90+ percent of our enforcement, education, and deterrence activity was funded through this federal source. The EUDL grant is no longer available, which will have a substantial impact on our priorities. We have experienced a high compliance rate over the last several years and believe this rate will decrease due to the lack of funding to support these critical programs.</p> <p>NH in the past provided state funds for AOD prevention, but in 2011 due to budget reductions those funds were cut.</p> | |