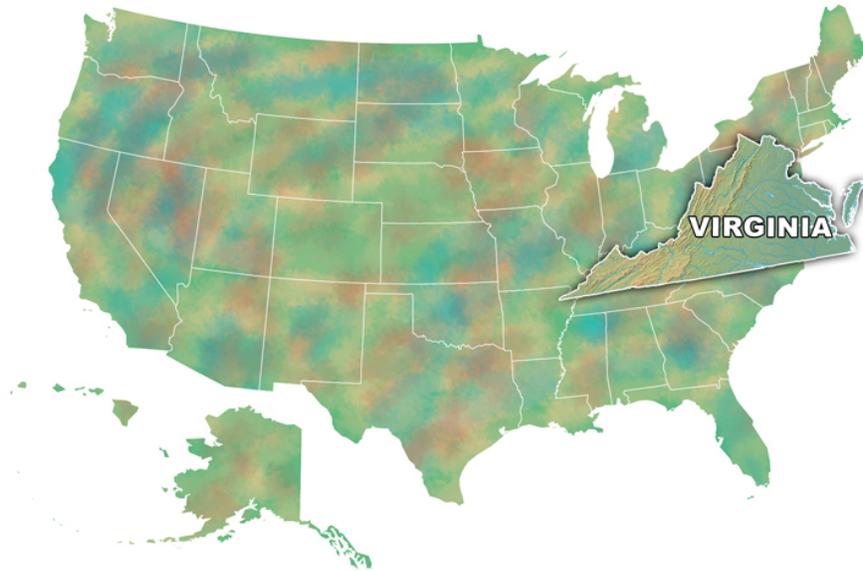


State Report

Virginia

This document is excerpted from:

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



Virginia

State Profile and Underage Drinking Facts*

State Population: 8,185,867
Population Ages 12–20: 975,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	27.3	267,000
Past-Month Binge Alcohol Use	18.9	185,000
Ages 12–14		
Past-Month Alcohol Use	4.4	12,000
Past-Month Binge Alcohol Use	1.6	4,000
Ages 15–17		
Past-Month Alcohol Use	19.2	63,000
Past-Month Binge Alcohol Use	11.8	39,000
Ages 18–20		
Past-Month Alcohol Use	52.1	191,000
Past-Month Binge Alcohol Use	***	***
Alcohol-Attributable Deaths (under 21)		100
Years of Potential Life Lost (under 21)		6,085
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	20.0	22

* 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 persons 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. 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 twenty-one years old or older.” 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 as defined in this report, it has a statutory provision that makes it unlawful for a minor to “exhibit evidence of physical indicia of consumption of alcohol.” Laws that punish minors for displaying “indicators of consumption” or for “exhibiting the effects” of having consumed alcohol, but do so without reference to a blood, breath, or urine test, are not considered as prohibiting Internal Possession for purposes of this report.

Underage Purchase of Alcohol

Purchase is 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 retailers

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older.
- Specific affirmative defense—the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid.

Laws Targeting Underage Drinking and Driving

BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)

- BAC limit: 0.02
- BAC level at or above the limit is per se (conclusive) evidence of a violation
- Applies to drivers under age 21

Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)

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
- Underage consumption

Authority to impose driver’s license sanction

- Mandatory

Length of suspension/revocation

- Minimum: 180 days
- Maximum: 365 days

Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)

Use/lose penalties apply 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

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, of which 15 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 passenger younger than age 18 who is not family or household member; then, no more than three passengers younger than age 18 who are not family or household members
 - No primary enforcement of the passenger-restriction rule

License stage

- Minimum age to lift restrictions: 18

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

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 years old 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 years old 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 and 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—no penalty specified
 - Destroying the label on a keg: Maximum fine/jail—no penalty specified
- 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

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 Pricing Policies

Alcohol Tax

Beer (5 percent alcohol)

- Specific excise tax: \$0.28 per gallon

Note: Virginia imposes a tax of \$0.2565 per gallon on each barrel of beer, defined as any container or vessel having a capacity of more than 43 ounces.

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, 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

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i>	
The Virginia Department of Alcoholic Beverage Control's Bureau of Law Enforcement has continued to enforce the laws of the Commonwealth through several initiatives such as our Alcohol Compliance Program. In FY 2012, 3,283 checks conducted resulted in a compliance rate of 87.07 percent. There were over 9,647 criminal investigations conducted resulting in 1,811 arrests, 690 written warnings, and 716 administrative violations against ABC-licensed establishments.	
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	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 Dept. of Alcoholic Beverage Control, Bureau of Law Enforcement
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	No data
Number pertains to the 12 months ending	No data
Data include arrests/citations issued by local law enforcement agencies	Don't know
<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	17,483
Number of licensees checked for compliance by state agencies	3,283
(including random checks)	
Number of licensees that failed state compliance checks	358
Numbers pertain to the 12 months ending	6/30/2012
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>	Yes
Number of licensees subject to random state compliance checks/decoy operations	3,283
Number of licensees that failed random state compliance checks	358
<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	384
Total amount in fines across all licensees	\$795,200
Smallest fine imposed	\$500
Largest fine imposed	\$7,500
Numbers pertain to the 12 months ending	4/30/2013
<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	117
Total days of suspensions across all licensees	3,262
Shortest period of suspension imposed (in days)	5
Longest period of suspension imposed (in days)	60
Numbers pertain to the 12 months ending	4/30/2013
<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	4/30/2013
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	
Youth Alcohol and Drug Abuse Prevention Project (YADAPP)	
Program serves specific or general population	Specific population
Number of youth served	328 high school students
Number of parents served	No data
Number of caregivers served	81 caregivers
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information: http://www.yadapp.com ;	
http://www.facebook.com/YadappGuy	
Program Description: The YADAPP summer leadership conference is a team-based leadership experience for high school students and sponsoring adults. YADAPP is designed to empower teams of high school students with the resources and motivation to develop projects that promote school safety and the prevention of alcohol and drug use among their peers. Since 1984, approximately 440 different high schools and community organizations and more than 10,000 students have participated in this unique “youth-led” experience. All high schools and community organizations in Virginia are encouraged to send a team to YADAPP.	
YADAPP conference objectives are to:	

- Broaden participant knowledge of substance abuse and violence prevention at the state, local, and regional levels
- 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

The 28th Annual YADAPP conference was held at Longwood University July 16-20, 2012. Eighty-two youth teams representing schools and communities across Virginia participated in the conference. The conference format consists of a variety of educational and instructional activities for both youth and adult participants. Youth participant activities are focused towards developing Structured Problem Solving, Action Planning (STAN plan), communication, teamwork, and relationships. Activities at the weeklong conference included:

- Motivational general sessions
- Educational free-round workshops
- Experiential learning and teambuilding
- 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 328 youth participants, 81 adult sponsors, 40 youth leaders, 24 junior staff, 6 conference interns, and 12 resource officers.

College Tour

Program serves specific or general population	Specific population
Number of youth served	413 participants
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	http://www.abc.virginia.gov

Program Description: In 2012, for the 26th incarnation of the College Conference, Virginia ABC introduced the College Tour. In April 2012, with a series of 3 regional forums serving 413 participants, ABC partnered with colleges and universities across the Commonwealth to host events promoting healthy choices (zero alcohol tolerance/responsibility messages), social responsibility, collaboration, and leadership. Each tour stop provided practical safety tips about preventing and reducing underage and high-risk drinking, drug use, and impaired driving. The three forums were “Sober Swag” at Norfolk State University; “College: More than just a party, get smart and learn your ABCs!” at Longwood University (presented in conjunction with BACCHUS); and “Tap into Life” at George Mason University.

Under Age Buyer (UAB) Program

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	Yes
URL for evaluation report:	
	http://www.abc.virginia.gov/enforce/UAB/uab.html
URL for more program information:	http://www.abc.virginia.gov

Program Description: The Virginia Department of Alcoholic Beverage Control (ABC) frequently recruits teenage youth for part-time employment in its UAB program. The program is an ongoing ABC effort to visit alcohol and tobacco retailers throughout the Commonwealth to verify compliance with the state age requirements—18 for tobacco and 21 for alcohol sales. Candidates must be 15 to 17 years

old to qualify for the tobacco program and 17 to 19 years old for the alcohol program. Operatives must be willing to testify in court if necessary, and they are asked to refrain from discussing their ABC activities with others to protect the integrity of the program. Special agents, who are sworn police officers from ABC's Bureau of Law Enforcement, accompany underage operatives during attempts to purchase cigarettes or alcohol at grocery stores, convenience stores, restaurants, and other businesses, including state ABC stores. The operatives are instructed not to alter their appearance or mannerisms or mislead clerks in any way while attempting to make a purchase. Operatives carry their own valid identification. If the store clerk asks for ID, the UAB presents his or her valid identification. Regardless of whether the sale is made, the operative leaves the store immediately after the attempt. ABC promotes zero tolerance for underage alcohol consumption as one of its most important messages. The agency is working to address the problem of underage drinking, and efforts seem to be paying off. Youth access to alcohol in Virginia is diminishing as evidenced by the latest UAB program statistics. Operative participation has greatly contributed to these positive outcomes.

Substance Abuse Awareness Vital for Virginia Youth (SAVVY)	
Program serves specific or general population	Specific population
Number of youth served	75 students
Number of parents served	170 parents
Number of caregivers served	200 caregivers
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report:	No data
URL for more program information: http://gosap.virginia.gov/savvy.html ; http://www.facebook.com/savvyva	

Program Description: SAVVY is a new collaborative effort among state agencies and community partners to promote successful substance abuse prevention efforts. The initiative is designed to inform parents, educators, students, and youth advocates about the dangers of substance abuse. SAVVY sponsors expos throughout Virginia to provide up-to-date prevention information to everyone concerned about Virginia's youth. SAVVY is a joint effort from the Secretaries of Education, Health and Human Resources, and Public Safety. A second component of the initiative is the SAVVY Schools and Communities Recognition Program, which seeks to acknowledge school divisions and community partners for their efforts to prevent substance abuse. Through this program, the power of community-based substance abuse prevention efforts that are informed by science, driven by local partnerships, and tuned to the specific needs of a community is recognized.

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

No data

Additional Information Related to Underage Drinking Prevention Programs

<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
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): Community Preventive Services Task Force, Center for Disease Control	Yes

Agency(ies) within your state: Governor’s Office of Substance Abuse Prevention (GOSAP) and collaborative agencies, VA ABC	Yes
Nongovernmental agency(ies):	No
Other:	No
Best practice standards description: The Community Preventive Services Task Force “Guide to Community Preventive Services - The Community Guide” assists state decisionmakers in selecting effective interventions that make the best use of scarce resources. GOSAP’s booklet, “Our Common Language,” is used by 13 state agencies that conduct prevention services. The booklet discusses language, theory, and common requirements for prevention grants and programs.	
Additional Clarification	
No data	

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 Davis	
E-mail: stephanie.davis@abc.virginia.gov	
Address: 2901 Hermitage Road, Richmond, VA 23220	
Phone: 804-213-4594	
<i>Agencies/organizations represented on the committee:</i>	
Virginia Department of Alcohol Beverage Control	
Virginia Department of Behavioral Health and Developmental Services	
Virginia Department of Criminal Justice Services	
Virginia Department of Education	
Virginia Department of Health	
Virginia Department of Juvenile Justice	
Virginia Department of Motor Vehicles	
Virginia Department of State Police	
Virginia National Guard	
Virginia Foundation for Healthy Youth	
Virginia Department of Fire Programs	
<i>A website or other public source exists to describe committee activities</i>	Yes
URL or other means of access: http://www.gosap.virginia.gov	

Underage Drinking Reports	
<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	
Virginia Department of Alcoholic Beverage Control administers Community Coalition and Operation Undergrad grants.	
Plan can be accessed via: http://www.cscs.soe.vcu.edu/spfsig.html ; http://www.abc.virginia.gov	
<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, Virginia Department of Health, Virginia Department of Education	
Plan can be accessed via: http://www.abc.virginia.gov/Education/underagedrinking/underage.html ; http://www.vdh.virginia.gov/ofhs/youthsurvey	
Additional Clarification	
GOSAP, VA ABC, and the VA Department of Motor vehicles have published the “Parent’s Guide for Preventing Underage Drinking,” a newspaper insert. The Virginia Department of Health, with support from the VA Department of Education, gathered information about the health risk behaviors of youth in the Virginia Youth Survey.	

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	No data
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	No data
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$215,000
Estimate based on the 12 months ending	6/30/2012
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	6/30/2012
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$16,000
Estimate based on the 12 months ending	6/30/2012
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	6/30/2012
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	6/30/2012
<i>Other programs:</i>	
Programs or strategies included: Educational materials development and distribution	
Estimate of state funds expended	\$10,000
Estimate based on the 12 months ending	6/30/2012

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	
Through funding provided by the OJJDP Enforcing Underage Drinking Laws (EUDL) program, the Virginia Department of Alcoholic Beverage Control's Bureau of Law Enforcement was able to continue its mission to enforce the laws of the commonwealth pertaining to alcoholic beverages and youth access to tobacco products.	