State Report

West Virginia

This state report is excerpted from:

The 2014 Report to Congress on the Prevention and Reduction of Underage Drinking
West Virginia
State Profile and Underage Drinking Facts*

State Population: 1,855,413
Population Ages 12–20: 212,000

Ages 12–20
Past-Month Alcohol Use 29.0 62,000
Past-Month Binge Alcohol Use 21.4 45,000

Ages 12–14
Past-Month Alcohol Use 7.0 4,000
Past-Month Binge Alcohol Use 3.8 2,000

Ages 15–17
Past-Month Alcohol Use 22.0 15,000
Past-Month Binge Alcohol Use 14.1 10,000

Ages 18–20
Past-Month Alcohol Use *** ***
Past-Month Binge Alcohol Use *** ***
Alcohol-Attributable Deaths (under 21) 25
Years of Potential Life Lost (under 21) 1,506

Percentage of All Traffic Fatalities 14.0 5
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01

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* 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.

Provision(s) 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
- No minimum supervised driving requirement with driver education; 50 hours without, of which 10 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: First 6 months, no nonfamily passengers younger than 20 years old. Second 6 months, no more than one nonfamily passenger younger than 20 years old.
  – 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): 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
No data

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. College and university have authority to override state restrictions if done in writing.
- 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.

Home Delivery
• Beer: No law
• Wine: Permitted—direct shipper’s license required. Two cases per month.
• Spirits: No law

Alcohol Pricing Policies

Alcohol Tax
Beer (5 percent alcohol)
• Specific excise tax: $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
• 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

Agency with primary responsibility for enforcing underage drinking laws:
- West Virginia Alcohol Beverage Control Administration

### Enforcement Strategies

#### State law enforcement agencies use:
- Cops in Shops: No
- Shoulder Tap Operations: Yes
- Party Patrol Operations or Programs: Yes
- Underage Alcohol–Related Fatality Investigations: Yes

#### Local law enforcement agencies use:
- Cops in Shops: Yes
- Shoulder Tap Operations: Yes
- Party Patrol Operations or Programs: No
- Underage Alcohol–Related Fatality Investigations: No

#### State has a program to investigate and enforce direct sales/shipment laws
- No

Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors
- Not applicable

Such laws are also enforced by local law enforcement agencies
- Not applicable

### Enforcement Statistics

#### State collects data on the number of minors found in possession
- Yes
- Number of minors found in possession by state law enforcement agencies: 1,081
- Number pertains to the 12 months ending: 12/31/2012

Data include arrests/citations issued by local law enforcement agencies
- Yes

#### State conducts underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors
- Yes
- Data are collected on these activities: Yes
- Number of retail licensees in state: 5,470
- Number of licensees checked for compliance by state agencies (including random checks): 1,865
- Number of licensees that failed state compliance checks: 453
- 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

#### State conducts random underage compliance checks/decoy operations
- Yes
- Number of licensees subject to random state compliance checks/decoy operations: 1,865
- Number of licensees that failed random state compliance checks: 453

#### Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors
- 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: 12/31/2012

### Sanctions

#### State collects data on fines imposed on retail establishments that furnish minors
- Yes
- Number of fines imposed by the state: 165
- Total amount in fines across all licensees: $101,400
- Smallest fine imposed: $150
- Largest fine imposed: $7,500
- Numbers pertain to the 12 months ending: 12/31/2012

#### State collects data on license suspensions imposed on retail establishments
- Yes
<table>
<thead>
<tr>
<th>specifically for furnishing minors</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Number of suspensions imposed by the state</td>
<td>26</td>
</tr>
<tr>
<td>Total days of suspensions across all licensees</td>
<td>178</td>
</tr>
<tr>
<td>Shortest period of suspension imposed (in days)</td>
<td>2</td>
</tr>
<tr>
<td>Longest period of suspension imposed (in days)</td>
<td>30</td>
</tr>
<tr>
<td>Numbers pertain to the 12 months ending</td>
<td>12/31/2012</td>
</tr>
</tbody>
</table>

State collects data on license revocations imposed on retail establishments specifically for furnishing minors

| Yes |
|-----------------------------------|---|
| Number of license revocations imposed | 1 |
| 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

| West Virginia SADD |
|-----------------------------------|---|
| 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: | |
| URL for more program information: | http://www.wvsadd.org |

Program Description: SADD’s mission: To provide students with the best prevention tools possible to deal with the issues of underage drinking, other drug use, risky and impaired driving, and other destructive decisions. West Virginia SADD is funded by the West Virginia Governor’s Highway Safety Program through grants received from the National Highway Traffic Safety Administration (NHTSA).

| WV Collegiate Initiative to Address High Risk Alcohol Use (WVCIA) |
|-----------------------------------|---|
| 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: | |
| URL for more program information: | http://www.wvcia.org |

Program Description: WVCIA is the state organization that proactively addresses collegiate alcohol, other drug, and associated violence issues through the use of evidence-based strategies in order to promote healthy campus environments through self-regulatory initiatives, information dissemination, public policy influence, cooperation with prevention partners, and technical assistance. Members are representatives of the state’s campuses, agencies, and communities, who 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. WVCIA is funded by the WV Governor’s Highway Safety Program through grants received from NHTSA.
### Merchant Education

<table>
<thead>
<tr>
<th>Program serves specific or general population</th>
<th>General population</th>
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<tbody>
<tr>
<td>Number of youth served</td>
<td>Not applicable</td>
</tr>
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<tr>
<td>Number of caregivers served</td>
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<td>Program has been evaluated</td>
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</tr>
<tr>
<td>Evaluation report is available</td>
<td>Not applicable</td>
</tr>
<tr>
<td>URL for evaluation report:</td>
<td>Not applicable</td>
</tr>
<tr>
<td>URL for more program information:</td>
<td>No data</td>
</tr>
</tbody>
</table>

**Program Description:** West Virginia provides materials to alcohol merchants to educate them about the importance of selling alcohol legally and appropriately so as to avoid underage sales. The materials provided include posters bearing examples of WV licenses and stickers that can be posted to inform the customer that identification is required by the merchant before selling alcohol. Additionally, our local county prevention coalitions conduct consumer and merchant education programs with the goal of reminding the public that purchasing alcohol for a minor is illegal and dangerous. Finally, two of our state-level staff members are certified as responsible beverage service trainers (TIPS) and provide that training to merchants and colleges and universities that request it.

### Compliance Checks

<table>
<thead>
<tr>
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<tr>
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<td>URL for evaluation report:</td>
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<tr>
<td>URL for more program information:</td>
<td>No data</td>
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</table>

**Program Description:** Our state and local law enforcement agencies, in collaboration with the WV Alcohol Beverage Control Administration, conduct compliance checks in both on- and off-premise establishments to ensure that merchants are abiding by state code related to the sale of alcohol to minors. These compliance checks are funded in part by by the WV Governor's Highway Safety Program through grants received from NHTSA.

### 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

While the state of West Virginia operates the programs listed above, the funding for these programs comes from federal sources such as SAMHSA and NHTSA.

### Additional Information Related to Underage Drinking Prevention Programs

<table>
<thead>
<tr>
<th>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</th>
<th>No recognized Tribal governments</th>
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<tbody>
<tr>
<td>Description of collaboration: Not applicable</td>
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<table>
<thead>
<tr>
<th>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</th>
<th>No</th>
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<tbody>
<tr>
<td>Description of program: Not applicable</td>
<td></td>
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<table>
<thead>
<tr>
<th>State has adopted or developed best practice standards for underage drinking prevention programs</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agencies/organizations that established best practices standards:</td>
<td></td>
</tr>
<tr>
<td>Federal agency(ies): SAMHSA, OJJDP, NIDA</td>
<td>Yes</td>
</tr>
<tr>
<td>Agency(ies) within your state: Single State Authority, Governor’s Highway Safety Program, Justice and Community Services</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Nongovernmental agency(ies): PIRE
Other: No

Best practice standards description: West Virginia requires evidence-based programming and data-driven decisionmaking, enabling state and local entities to appropriately address issues on a state-wide basis and on the county level. Examples of best practice standards include use of environmental strategies to reduce youth access to alcohol; peer-to-peer education with groups such as SADD, National Youth Leadership Initiative, Teen Institute, and Pride; and use of evidence-based prevention education curricula such as Too Good for Drugs and Keep a Clear Mind.

Additional Clarification
No data

State Interagency Collaboration

A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities: Yes

Committee contact information:
Name: Vickie Jones, Commissioner of Bureau for Behavioral Health and Health Facilities
E-mail: victoria.l.jones@wv.gov
Address: 350 Capitol Street, Room 350, Charleston, WV 25301
Phone: 304-356-4771

Agencies/organizations represented on the committee:
- Bureau for Behavioral Health and Health Facilities
- WV Supreme Court of Appeals
- WV Department of Community Medicine
- WV Chiefs of Police Association
- Department of Military Affairs and Public Safety
- WV State Police Bureau of Criminal Investigation Drug Diversion Unit
- Bureau for Public Health
- WV Board of Pharmacy
- WVU School of Medicine Department of Behavioral Medicine and Psychiatry
- Workforce WV


A website or other public source exists to describe committee activities: Yes
URL or other means of access: [http://www.wvsubstancefree.org](http://www.wvsubstancefree.org)

Underage Drinking Reports

State has prepared a plan for preventing underage drinking in the last 3 years: Yes
Prepared by: WV Governor’s Advisory Council on Substance Abuse

State has prepared a report on preventing underage drinking in the last 3 years: Yes
Prepared by: WV Statewide Epidemiological Outcomes Workgroup and the Governor’s Advisory Council on Substance Abuse

Additional Clarification
The bit.ly address is a link to West Virginia’s Regional and County Data Profiles, and the WV Substance Free link will direct you to progress reports from December 2012.

State Expenditures for the Prevention of Underage Drinking

<table>
<thead>
<tr>
<th>Compliance checks in retail outlets:</th>
<th>Estimate of state funds expended</th>
<th>$0</th>
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</thead>
<tbody>
<tr>
<td>Estimate based on the 12 months ending</td>
<td>12/31/2012</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Checkpoints and saturation patrols:</th>
<th>Estimate of state funds expended</th>
<th>$1,000,000</th>
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</thead>
<tbody>
<tr>
<td>Community-based programs to prevent underage drinking:</td>
<td></td>
<td></td>
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<tr>
<td>-------------------------------------------------------</td>
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<td></td>
</tr>
<tr>
<td>Estimate of state funds expended</td>
<td>$0</td>
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<table>
<thead>
<tr>
<th>K-12 school-based programs to prevent underage drinking:</th>
<th></th>
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<tr>
<td>Estimate of state funds expended</td>
<td>$0</td>
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<table>
<thead>
<tr>
<th>Programs targeted to institutes of higher learning:</th>
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<tr>
<td>Estimate of state funds expended</td>
<td>$0</td>
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<td>Estimate based on the 12 months ending</td>
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<table>
<thead>
<tr>
<th>Programs that target youth in the juvenile justice system:</th>
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<tr>
<td>Estimate of state funds expended</td>
<td>$0</td>
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<td>Estimate based on the 12 months ending</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Programs that target youth in the child welfare system:</th>
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<tr>
<td>Estimate of state funds expended</td>
<td>$0</td>
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<table>
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<tr>
<th>Other programs:</th>
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<tbody>
<tr>
<td>Programs or strategies included: None</td>
<td></td>
</tr>
<tr>
<td>Estimate of state funds expended</td>
<td>$0</td>
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<td>Estimate based on the 12 months ending</td>
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**Funds Dedicated to Underage Drinking**

State derives funds dedicated to underage drinking from the following revenue streams:

- **Taxes**: No
- **Fines**: No
- **Fees**: No
- **Other**: No data

**Description of funding streams and how they are used:**

Not applicable

**Additional Clarification**

Underage enforcement is funded by grants from the WV Governor's Highway Safety Program with federal funding from NHTSA.