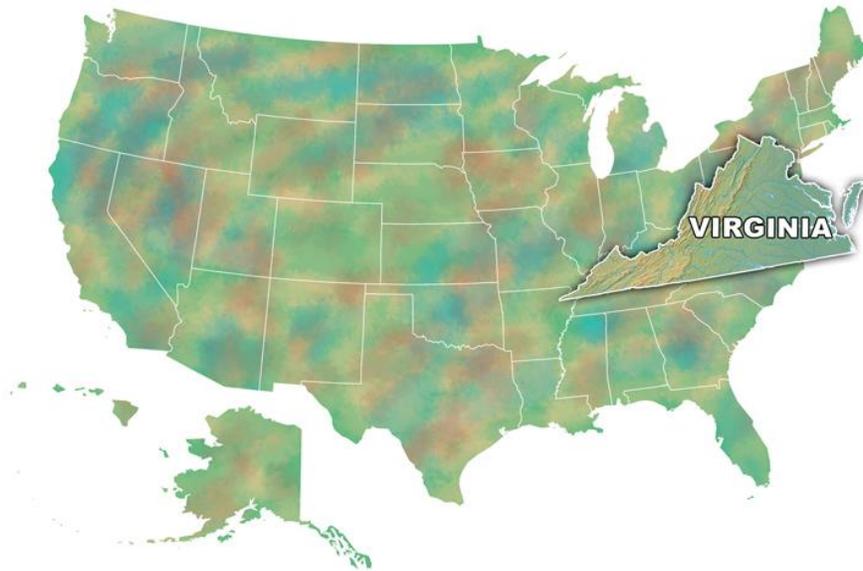


State Report

Virginia

This document is excerpted from:

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



Virginia

State Profile and Underage Drinking Facts*

State Population: 8,260,405
 Population Ages 12–20: 957,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	24.5	234,000
Past-Month Binge Alcohol Use	16.8	161,000
Ages 12–14		
Past-Month Alcohol Use	3.9	11,000
Past-Month Binge Alcohol Use	0.7	2,000
Ages 15–17		
Past-Month Alcohol Use	18.8	62,000
Past-Month Binge Alcohol Use	11.7	38,000
Ages 18–20		
Past-Month Alcohol Use	***	***
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	24	9

* 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 21 who is not family or household member unless the driver is accompanied by a parent or person acting in loco parentis; then, no more than three passengers younger than age 21 who

are not family or household members unless driving to or from a school-sponsored activity or accompanied by a licensed driver who is at least 21 years old

- 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

- Youthful in appearance and shall not appear older than their true age

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, if licensee can demonstrate that its employees have received Responsible Beverage Service training in 12 months preceding violation, licensee can 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 (ABC) Bureau of Law Enforcement has continued to enforce the laws of the Commonwealth through several initiatives such as our Alcohol Compliance Program. In FY2013, 3,084 overall checks were conducted, resulting in a compliance rate of 85.4 percent. A total of 1,440 random checks were conducted, resulting in an alcohol compliance rate of 85.7 percent. More than 9,832 criminal investigations were conducted, resulting in 2,201 arrests, 1,224 written warnings, and 739 administrative violations against ABC licensed establishments.	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	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	VA Dept. of Alcoholic Beverage Control, Compliance Division
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	560
Number pertains to the 12 months ending	6/30/2013
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	17,687
Number of licensees checked for compliance by state agencies (including random checks)	3,084
Number of licensees that failed state compliance checks	450
Numbers pertain to the 12 months ending	6/30/2013
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	1,440
Number of licensees that failed random state compliance checks	206
<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 Numbers pertain to the 12 months ending	Not applicable 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	343
Total amount in fines across all licensees	\$704,150
Smallest fine imposed	\$750
Largest fine imposed	\$7,500
Numbers pertain to the 12 months ending	4/30/2014
<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	110
Total days of suspensions across all licensees	2,610
Shortest period of suspension imposed (in days)	3
Longest period of suspension imposed (in days)	60
Numbers pertain to the 12 months ending	4/30/2014
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of license revocations imposed ⁶	1
Numbers pertain to the 12 months ending	4/30/2014
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	412
Number of parents served	No data
Number of caregivers served	95
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 ; https://www.facebook.com/YadappGuy	
<p>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</p> <ul style="list-style-type: none"> • Broaden participant knowledge of substance abuse prevention at the state, local, and regional level • 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 prevention activity for their school or community <p>The 29th Annual YADAPP conference was held at Longwood University July 15–19, 2013. Ninety-three youth teams representing schools and communities across Virginia participated in the conference. The</p>	

conference format consists of a variety of educational and instructional activities for both youth and adult participants. Youth participant activities were focused on developing structured problem-solving, action planning (Strategies To Act Now [STAN] plan), communication, teamwork, and relationships. Activities at the weeklong conference included:

- Motivational general sessions
- Educational free-round workshops
- Experiential learning and teambuilding
- STAN planning participant structure

The summer leadership conference used six different levels of participation and was centered on the experience of youth participants and adult sponsors. The levels, which represented steps toward increasingly responsible leadership opportunities, enriched the conference experience. The conference was a collaborative effort between all participant levels, which consisted of 372 youth participants, 95 adult sponsors, 40 youth leaders, 24 junior staff, 5 conference interns, and 12 resource officers.

College Tour

Program serves specific or general population	Specific population
Number of youth served	No data
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:	No data

Program Description: Since 1986, the Virginia ABC has sponsored a college conference on alcohol education and prevention for college students and the higher education community. The College Tour model is an expansion of the college conference, with a goal of reaching more students across the state. College Tour partners with Virginia’s colleges and universities to host a series of five 1-day regional conferences that focus on preventing and reducing underage and high-risk drinking and preventing alcohol-related injuries and fatalities by promoting healthy choices, social responsibility, collaboration, and leadership. Each 1-day conference unites student leaders and college staff with the common goal of making a difference on their campuses. The workshops equip participants with best practice strategies to prevent and reduce underage and high-risk drinking on their campuses and the opportunity to network and share resources with others. Five College Tour stops will occur in 2014. (No stops occurred during this reporting period, but survey, research, and planning continued.)

Underage 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:	
https://www.abc.virginia.gov/enforcement/uab-program/uab-results	
URL for more program information:	No data

Program Description: The Virginia ABC frequently recruits teenage youth for part-time employment in its UAB program. The UAB program is an ongoing effort by ABC 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 15–17 years old to qualify for the tobacco program and 17–19 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 (ID). 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.

Substance Abuse Awareness Vital for Virginia Youth (SAVVY)

Program serves specific or general population	Specific population
Number of youth served	15
Number of parents served	20
Number of caregivers served	155
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	
http://www.vosap.virginia.gov/recognition.html ;	
https://www.facebook.com/VirginiaABCEducationandPrevention	

Program Description: SAVVY, launched in 2012, is a 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 sponsored expos throughout Virginia to provide up-to-date prevention information to everyone concerned about Virginia’s youth. The fourth, and final, SAVVY Expo occurred at the Southwest Virginia Higher Education Center in Abingdon, VA.

Miss Virginia School Tour

Program serves specific or general population	Specific population
Number of youth served	3,400
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

Program Description: ABC partnered with Miss Virginia to deliver an alcohol, tobacco, and drug prevention message to approximately 3,400 students throughout Virginia. Miss Virginia incorporated talking points provided by ABC and shared the “Dominion the Dog” activity booklet with elementary school students. Miss Virginia presented a message entitled, Healthy Lifestyles for Virginia’s Youth. The content of this message included, but was not limited to, the following topics:

- Get Moving Today for a Healthier Tomorrow — Miss Virginia’s personal platform encouraging youth to be physically active, eat nutritious foods, make healthy choices, and respect others and themselves
- Saying NO to alcohol, tobacco, illegal substances, inhalants, and the improper usage of prescription and nonprescription drugs
- Ill effects of bullying (physical, verbal, emotional), including cyber-bullying
- Effective leadership skills and the importance of community service
- Obeying and following rules
- Healthy friendships and relationships

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
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 data
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: No data	
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: Jennifer Farinholt	
E-mail: jennifer.farinholt@abc.virginia.gov	
Address: 2901 Hermitage Road, Richmond, VA 23220	
Phone: No data	
<i>Agencies/organizations represented on the committee:</i>	
ABC	
Department of Education	
Virginia Foundation for Healthy Youth	
Department of Health	
Department of Social Services	
Division of Motor Vehicles	
Department of Criminal Justice Services	
Department of Behavioral Health and Developmental Disabilities	
Department of Fire Programs	
Virginia Commonwealth University School Community Collaborative	
<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/about.html	

Underage Drinking Reports	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	No
Prepared by: Not applicable	
Plan can be accessed via: Not applicable	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	Not sure
Prepared by: Not applicable	
Plan can be accessed via: Not applicable	
Additional Clarification	
No data	

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	\$250,000
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	\$4,000
Estimate based on the 12 months ending	6/30/2014
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$10,000
Estimate based on the 12 months ending	6/30/2013
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Other programs:</i>	
Programs or strategies included: development and distribution of educational materials; 78,451 educational brochures were dispersed during this period. Also produced and distributed “DO NOT SELL” and “STICKER SHOCK” stickers to prevent underage sales and social providing.	
Estimate of state funds expended	\$10,000
Estimate based on the 12 months ending	6/30/2013
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 state funds were dedicated to the enforcement of underage drinking. These initiatives were funded through the Office of Juvenile Justice and Delinquency Prevention Enforcing Underage Drinking Laws grant.	