

State Report

West Virginia

This document is excerpted from:

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



West Virginia

State Profile and Underage Drinking Facts*

State Population: 1,854,304
 Population Ages 12–20: 212,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	27.0	57,000
Past-Month Binge Alcohol Use	20.2	43,000
Ages 12–14		
Past-Month Alcohol Use	5.8	4,000
Past-Month Binge Alcohol Use	4	3,000
Ages 15–17		
Past-Month Alcohol Use	22.2	14,000
Past-Month Binge Alcohol Use	14.8	9,000
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	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	19	4

* 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: For the first 6 months, no nonfamily passengers younger than 20 years old are permitted. For the second 6 months, no more than one nonfamily passenger younger than 20 years old is permitted.
 - 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

- Not specified

Penalty Guidelines for Sales to Minors

- Time period/conditions: Not specified
- First offense: Can impose one or combination of following sanctions: Revoke license, suspend license, place licensee on probationary status for no more than 12 months, or impose monetary penalty not to exceed \$1,000 for each violation

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: Prohibited
- 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	Yes
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	Yes
Underage Alcohol-Related Fatality Investigations	Yes
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	No
Number of minors found in possession by state law enforcement agencies	Not applicable
Number pertains to the 12 months ending	Not applicable
Data include arrests/citations issued by local law enforcement agencies	Not applicable
State conducts underage compliance checks/decoy operations ² 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 ³	4,761
Number of licensees checked for compliance by state agencies (including random checks)	2,442
Number of licensees that failed state compliance checks	698
Numbers pertain to the 12 months ending	12/31/2013
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	2,442
Number of licensees that failed random state compliance checks	698
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	12/31/2013
Sanctions	
State collects data on fines imposed on retail establishments that furnish minors	Yes
Number of fines imposed by the state ⁴	144
Total amount in fines across all licensees	\$120,025
Smallest fine imposed	\$100
Largest fine imposed	\$4,500
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	27
Total days of suspensions across all licensees	145
Shortest period of suspension imposed (in days)	2
Longest period of suspension imposed (in days)	45
Numbers pertain to the 12 months ending	12/31/2013
<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	12/31/2013
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

West Virginia Students Against Destructive Decisions (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	Yes
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information: http://www.wvsadd.org	
Program Description: SADD’s mission is 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:	Not applicable
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 and the state’s Bureau for Behavioral Health and Health Facilities through grants received from the Substance Abuse and Mental Health Services Administration (SAMHSA).	

Merchant Education	
Program serves specific or general population	General population
Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	No data
<p>Program Description: 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 West Virginia licenses and stickers that that can 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, one of our state-level staff members is certified as a responsible beverage service trainer (TIPS) and provides that training to merchants and colleges and universities that request it.</p>	
Compliance Checks	
Program serves specific or general population	General population
Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	No data
<p>Program Description: Our state and local law enforcement agencies, in collaboration with the state's 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 West Virginia Governor's Highway Safety Program through grants received from NHTSA.</p>	
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	
State collaborates with federally recognized tribal governments in the prevention of underage drinking	No recognized tribal governments
Description of collaboration: Not applicable	
State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing	No
Description of program: Not applicable	
State has adopted or developed best practice standards for underage drinking prevention programs	Yes
Agencies/organizations that established best practices standards:	
Federal agency(ies): SAMHSA, Office of Juvenile Justice and Delinquency Prevention, National Institute on Drug Abuse, NHTSA	Yes
Agency(ies) within your state: Single State Authority, Governor's Highway Safety Program, Justice and Community Services	Yes

Nongovernmental agency(ies): Pacific Institute for Research and Evaluation, Center for Health and Safety Culture-Montana State University	Yes
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 statewide 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 the 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	
<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: Vickie Jones, Commissioner, 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	
<i>Agencies/organizations represented on the committee:</i>	
Bureau for Behavioral Health and Health Facilities WV Supreme Court of Appeals West Virginia University (WVU) 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 WV Coalition to End Homelessness Department of Veterans Assistance WV Medical Professionals Health Program WV Behavioral Health Providers Association WV Board of Osteopathy WV State Department of Education Partnership of African-American Churches WV Coalition Against Domestic Violence A complete listing containing contact information can be found at: http://wvsubstancefree.org/docs/GACSA_Contact_List_web.pdf	
<i>A website or other public source exists to describe committee activities</i>	Yes
URL or other means of access: http://www.wvsubstancefree.org	

Underage Drinking Reports	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by: WV Governor's Advisory Council on Substance Abuse Plan can be accessed via: http://wvsubstancefree.org/resources.php	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	Yes
Prepared by: WV Statewide Epidemiological Outcomes Workgroup Plan can be accessed via: http://www.dhhr.wv.gov/bhmf/Sections/programs/ProgramsPartnerships/AlcoholismandDrugAbuse/Research/Pages/DataResearch.aspx	

Additional Clarification

The link provided for the report contains links to both a statewide epidemiological report and individual county profiles for each of West Virginia's 55 counties.

State Expenditures for the Prevention of Underage Drinking

<i>Compliance checks in retail outlets:</i>	
Estimate of state funds expended	\$141,700
Estimate based on the 12 months ending	12/31/2013
<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	\$0
Estimate based on the 12 months ending	12/31/2013
<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2013
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2013
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2013
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2013
<i>Other programs:</i>	
Programs or strategies included: None	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data

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

Description of funding streams and how they are used:

Not applicable

Additional Clarification

Underage enforcement is funded by grants from the West Virginia Governor's Highway Safety Program with federal funding from NHTSA. Prevention activities are funded through federal grant programs from SAMHSA.