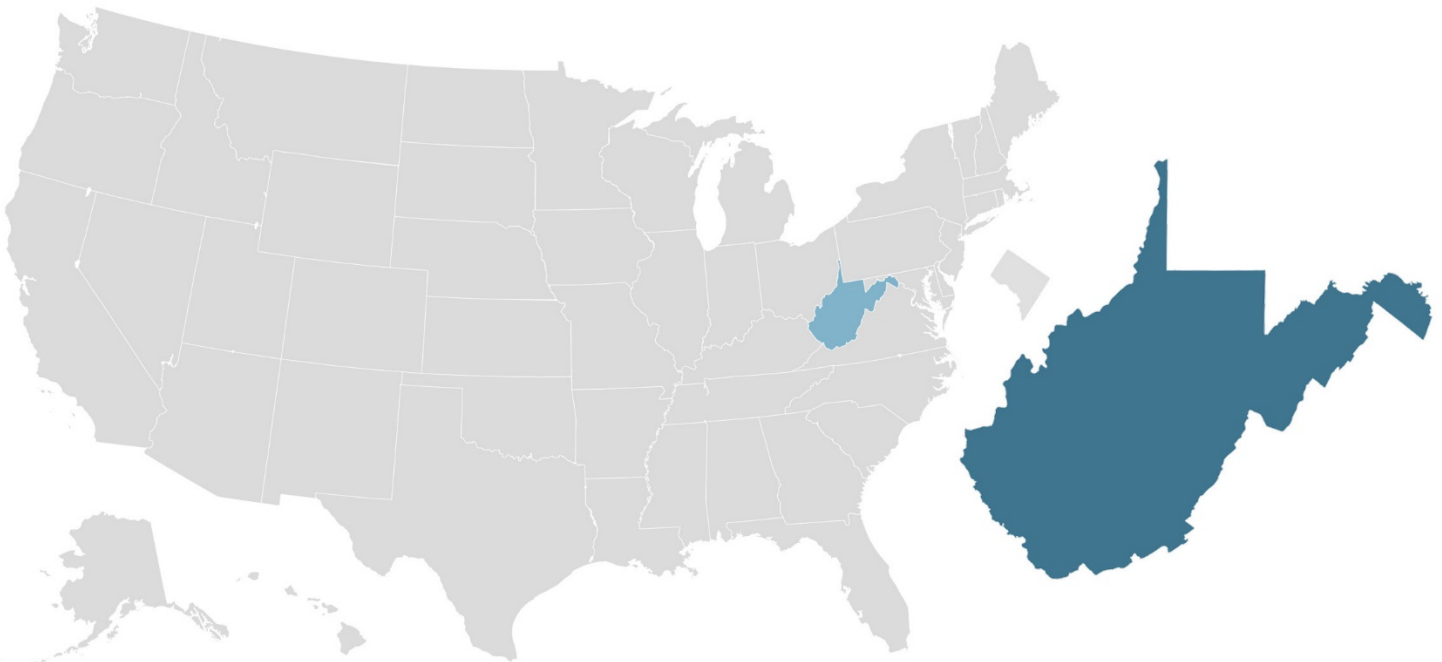




SAMHSA
Substance Abuse and Mental Health
Services Administration

West Virginia

2021 STATE REPORTS – UNDERAGE DRINKING PREVENTION AND ENFORCEMENT



ICCPUD

**THE INTERAGENCY COORDINATING COMMITTEE
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)**

ICCPUD

This *State Report* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report “on each State’s performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.” As directed by the STOP Act, the *State Reports* were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

Time Period Covered by this *State Report*: This *State Report* primarily includes data from calendar year 2020. Regional and state profile data were drawn from the most recently available federal survey data as of 2019. State legal data reflect the status of the law as of January 1, 2020. State survey data, collected in 2020, were drawn from the most recent 12-month period in which the states maintained the data.

Source of Data: For each state, overall population information was taken from 2010 Census data. Data about the portion of each state’s population comprising 12- to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2016 through 2019 National Surveys on Drug Use and Health (NSDUH), the Substance Abuse and Mental Health Services Administration’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2020). Confidence intervals for these estimates are available from CBHSQ’s Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention’s Alcohol-Related Disease Impact (ARDI) application served as the resource for data about alcohol-attributable deaths from 2011–2015 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis’s Fatality Analysis Reporting System (FARS) provided the 2019 data used to present statistics about fatalities among 15- to 20-year-old drivers.

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West Virginia

State Population: 1,792,147

Population Ages 12–20: 193,000

Past-Month Alcohol Use	
Ages 12–20	
Past-Month Alcohol Use – Number (Percentage)	38,000 (19.8%)
Past-Month Binge Alcohol Use – Number (Percentage)	25,000 (13%)
Ages 12–14	
Past-Month Alcohol Use – Number (Percentage)	2,000 (3.9%)
Past-Month Binge Alcohol Use – Number (Percentage)	1,000 (2.2%)
Ages 15–17	
Past-Month Alcohol Use – Number (Percentage)	10,000 (15.1%)
Past-Month Binge Alcohol Use – Number (Percentage)	6,000 (8.7%)
Ages 18–20	
Past-Month Alcohol Use – Number (Percentage)	26,000 (39%)
Past-Month Binge Alcohol Use – Number (Percentage)	18,000 (27%)
Adults Ages 18 +	
Past-Month Alcohol Use – (Percentage)	(41.3%)
Past-Month Binge Alcohol Use – (Percentage)	(20.1%)
Age of Initiation of Alcohol Use	
Average Age of Initiation	16.3
Alcohol-Related Deaths	
Alcohol-Attributable Deaths (under 21)	18
Years of Potential Life Lost (under 21)	1,100
Fatal Crashes Involving a 15- to 20-Year-Old Driver with Blood Alcohol Concentration (BAC) > 0.01% ¹	
Number of Fatalities Involving 15- to 20-Year-Old Driver with BAC > 0.01%	4
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	(16%)

¹ Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number, however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.

Behavioral Health System Overview²³

The West Virginia Bureau for Behavioral Health (BBH) is the federally designated single state agency (SSA) and state mental health agency (SMHA) for mental health, substance use, and intellectual and developmental disabilities responsible for administering the Substance Abuse Prevention and Treatment and Community Mental Health Block Grant (SABG). With the SABG and a combination of other federal grants and state funding, BBH supports comprehensive behavioral health prevention, promotion, early intervention, treatment, and recovery programs statewide. BBH provides funding for community-based behavioral health services for persons with behavioral health needs, including those who are uninsured or underinsured. BBH operates under the auspices of the West Virginia Department of Health and Human Resources (WVDHHR), which also includes the State Bureaus for Public Health, Children and Families (Child Welfare) and Child Support Enforcement, and Medical Services (Medicaid). BBH provides leadership, oversight, and coordination of policy, planning, development, funding, and monitoring of the public behavioral health system.

Staff within the Programs and Policy section are charged with the development, implementation, and oversight of the statewide community-based behavioral health system of care and must ensure that individuals with mental health, substance use, or developmental disorders have meaningful treatment and support services to maximize their abilities to function as productive and stable citizens of West Virginia within the least restrictive environments suitable to their needs. Funding is provided to comprehensive community behavioral health centers and other providers to provide for a statewide continuum of care and supports for individuals in need of prevention, intervention, treatment, and recovery as well as related supports and services.

The Programs and Policy section underwent a reorganization in 2016 to reflect and support the integrated nature of behavioral health programs after BBH's 2015 Integrated Block Grant application. The new structure includes the main programmatic divisions of the Bureau:

- Office of Adult Services;
- Office of Children, Youth, and Family Services; and
- Office of Policy, Planning, Research, and Compliance.

The Office's priorities include development and expansion of peer and family supports, the West Virginia Leadership Academy, recovery education, housing and homeless outreach to people with mental health issues and co-occurring substance use disorders (SUDs), coordination and delivery of services for returning veterans and their families, integrated primary care and mental health services, and operational support for the West Virginia Mental Health Planning Council. As the single state agency (SSA), along with the other program offices, the Office of Adult Services oversees prevention, treatment, recovery, educational research, and planning for SUD-related services. The Office's SUD priorities include reducing prescription drug misuse, reducing the number of substance-exposed pregnancies, supporting pregnant and postpartum women and their families, reducing the number of substance-related deaths, increasing the number of substance treatment services to meet the need of communities, and increasing the

²³ Extracted from fiscal year (FY) 2020/2021 – (West Virginia) State Behavioral Health Assessment and Plan, SABG, CSAP, Division of State Programs, CSAT, Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.

number of recovering individuals living and working in safe and supportive environments. The Office provides leadership, facilitation, technical assistance, and funding to support children and adults who have intellectual/developmental disabilities, prioritizing self-advocate/family/provider awareness of and access to community services and supports, and developing services and supports for individuals with complex support needs.

The Office of Children, Youth and Families administers programs to promote the behavioral health of children and youth in West Virginia communities through primary prevention and individualized services for mental health, substance use, and intellectual and developmental disabilities. The Office provides leadership, technical assistance, and funding to support children and youth with serious emotional disturbances, young adults transitioning to adulthood with serious mental illness or early serious mental illness/First-Episode Psychosis, children and youth with intellectual or developmental disabilities, and their families. Key initiatives to build capacity include enhancing the West Virginia System of Care (WVSOC) through increased core services, such as Children’s Mental Health Wraparound, Mobile Crisis Response and Stabilization, and Expanded School Mental Health. Other initiatives to support children, youths, and families with behavioral health needs include the Family Advocacy, Support, and Training (FAST) Program; Regional Youth Service Centers that include community-based mental health and substance use services, now with Family Coordinators to support the families of youths served and help create a peer network for families in the state; suicide prevention and early intervention; and substance use prevention and intervention across the lifespan, including representation of the state in the National Prevention Network (NPN).

West Virginia’s publicly funded community-based behavioral health system is anchored by thirteen (13) Comprehensive Behavioral Health Centers (CBHCs), operating full service and/or satellite offices in each of the counties located in the center’s catchment area. Public behavioral health services provided by a CBHC are for all populations and all ages who are at risk for, or have a diagnosis of, mental illness, substance abuse, intellectual/developmental disability, or a co-occurring/co-existing disorder. CBHCs are charged with ensuring the following “essential services” are available and accessible in each county: screening, assessment, crisis response, outpatient services (with referral for intensive outpatient services as may be assessed/needed), information and referral capacity, and medication management.

Prevention Services

BBH allocates SABG prevention set-aside funding to six regional Prevention Lead Organizations that provide regional leadership and technical support to local prevention coalitions in the 55 counties of West Virginia. Prevention grantees use the Strategic Prevention Framework to identify needs and match evidence-based programs and practices using the following prevention strategies: information dissemination, prevention education, community mobilization, environmental strategies, alternatives for youth, and problem identification and referral.

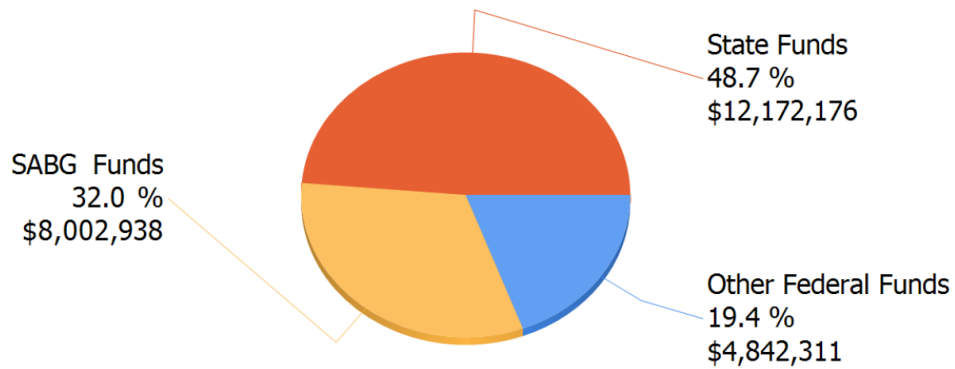
Expenditures for Substance Abuse Prevention and Treatment

All states receive federal funds for substance abuse prevention through SABG funds administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). Exhibit 1 shows the sources that West Virginia used for expenditures on substance abuse

prevention and treatment in 2020. As indicated, state funds and SABG funds account for the largest sources (48.7 percent and 32.0 percent, respectively).²⁴

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2020–2021, West Virginia designated improving access to substance use disorder services for adolescents, college students, and others as the number four priority for use of SABG funds.²⁵

Exhibit 1: Sources of West Virginia’s 2020 Expenditures for Substance Abuse Prevention and Treatment



²⁴ WebBGAS State Profile, 2020 SABG and Community Mental Health Block Grant (MHBG) Reports – West Virginia 2020.

²⁵ FY 2020/2021 – (West Virginia) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, CSAT, Division of State and Community Assistance: Table 1: Priority Areas and Annual Performance Indicators.

State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details West Virginia's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.

The following sections address these measures:

State Laws and Policies: These underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into six categories:

1. Underage possession or purchase of alcohol.
2. Underage drinking and driving.
3. Alcohol availability.
4. Sales and delivery to consumers at home.
5. Alcohol pricing.
6. Enforcement policies.

STOP Act State Survey Data: The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:

1. Enforcement programs to promote compliance with underage drinking laws and regulations.
2. Programs targeted to youth, parents, and caregivers to deter underage drinking.
3. State interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns.
4. State expenditures on the prevention of underage drinking.

Underage Possession or Purchase of Alcohol

Underage Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
<ul style="list-style-type: none"> • Is possession allowed if parent or guardian is present or consents? • Is possession allowed if spouse is present or consents? 	No
Is there an exception based on location?	No

Underage Consumption	
Is underage consumption of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
<ul style="list-style-type: none"> • Is consumption allowed if parent or guardian is present or consents? • Is consumption allowed if spouse is present or consents? 	No
Is there an exception based on location?	No

Underage Internal Possession	
Is underage internal possession of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
<ul style="list-style-type: none"> • Is internal possession allowed if parent or guardian is present or consents? • Is internal possession allowed if spouse is present or consents? 	N/A
Is there an exception based on location?	N/A

Underage Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	Yes
May youth purchase for law enforcement purposes?	Yes

Underage False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor's driver's license suspension?	Yes, through an administrative process
Provisions Targeting Suppliers	
Is the lending or transferring or selling of a false ID prohibited?	No

Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	No
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	Yes
Are state driver's licenses for persons under 21 easily distinguishable from licenses for persons 21 and over?	Yes
May the retailer seize apparently false IDs without fear of prosecution even if the ID is ultimately deemed valid?	No
Does an affirmative defense exist for the retailer?	Yes
<ul style="list-style-type: none"> Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)? 	No
<ul style="list-style-type: none"> Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)? 	Yes
Does the retailer have the right to sue the minor for use of a false ID?	No
May the retailer detain a minor who used a false ID?	No

Underage Drinking and Driving

Youth Blood Alcohol Concentration Limits (Underage Operators of Noncommercial Motor Vehicles)	
What is the maximum blood alcohol concentration (BAC) limit for an underage driver of a motor vehicle?	0.02
Does a BAC level in excess of limit automatically establish a violation (per se violation)?	Yes
What is the minimum age to which the limit applies?	0
What is the maximum age to which the limit applies?	21

Loss of Driving Privileges for Alcohol Violations by Minors ("Use/Lose" Laws)	
Is there a "use/lose" law that suspends or revokes a minor's driving privileges for alcohol violations?	No
What types of violation lead to license suspension or revocation?	
<ul style="list-style-type: none"> Purchase of alcohol 	N/A
<ul style="list-style-type: none"> Possession of alcohol 	N/A
<ul style="list-style-type: none"> Consumption of alcohol 	N/A
The law applies to people under what age?	N/A

Is suspension or revocation mandatory or discretionary?	N/A
What is the length of suspension/revocation?	
Minimum number of days	N/A
Maximum number of days	N/A

Graduated Driver's Licenses	
Learner Stage	
What is the minimum age for permit to drive with parents, guardians, or other adults (other than instructors)?	15
What is the minimum number of months driver must hold learner permit before advancing to intermediate stage?	6
What is the minimum number of hours of driving with parents, guardians, or adults before advancing to intermediate stage?	0 with driver education; 50 hours without (10 of which must be at night)
Intermediate Stage	
What is the minimum age for driving without adult supervision?	16
For night driving, when does adult supervision requirement begin?	10:00 PM
Can law enforcement stop a driver for night driving violation as a primary offense?	Yes
Are there restrictions on passengers?	Yes; for first 6 months, no nonfamily passengers younger than 20 years old. For second 6 months, no more than 1 nonfamily passenger younger than 20 years old
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	Yes
License Stage	
What is the minimum age for full license privileges and lifting of restrictions?	17

Alcohol Availability

Furnishing Alcohol to Minors	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
<ul style="list-style-type: none"> Is furnishing allowed if the parent or guardian supplies the alcohol? Is furnishing allowed if the spouse supplies the alcohol? 	<p>Yes</p> <p>Yes</p>
Is there an exception based on location?	No
Affirmative Defense for Sellers and Licensees	

Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No
Notes: West Virginia's exception allows relatives by blood or marriage to furnish alcohol to minors.	

Responsible Beverage Service (RBS)	
Is there a state law pertaining to Beverage Service Training?	No
If training is mandatory, who must participate?	N/A
If training is voluntary, which of the following incentives are offered?	
• Defense in dram shop liability lawsuits	N/A
• Discounts in dram shop liability insurance, license fees, or other	N/A
• Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons	N/A
• Protection against license revocation for sales to minors or sales to intoxicated persons	N/A
Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	N/A
Does the RBS law apply to new or existing licensees?	N/A

Minimum Age for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)	
What is the minimum age requirement for off-premises retail establishments?	
Beer	18
Wine	18
Spirits	18
Does a manager or supervisor have to be present when an underage person is selling beverages?	No

Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)	
What is the minimum age requirement for servers in on-premises establishments?	
Beer	18
Wine	18
Spirits	18
What is the minimum age requirement for bartenders in on-premises establishments?	
Beer	18
Wine	18
Spirits	18

Does a manager or supervisor have to be present when an underage person is selling beverages?	Yes
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Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools	
Colleges and Universities	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	Yes, within 300 feet. College and university has authority to override state restrictions if done in writing.
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, within 300 feet. College and university has authority to override state restrictions if done in writing.
To which alcohol products does requirement apply?	Beer
Primary and Secondary Schools	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	Yes, within 300 feet
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, within 300 feet
To which alcohol products does requirement apply?	Beer
Notes: This prohibition does not apply to grocery stores or "to a place occupied by a beer licensee so long as it is continuously so occupied."	

Dram Shop Liability	
Does a statute create dram shop liability?	No
Does the statute limit damages that may be recovered?	N/A
Does the statute limit who may be sued?	N/A
Does the statute limit elements or standards of proof?	N/A
Does common law dram shop liability exist?	Yes

Social Host Liability	
Does a statute create social host liability?	No
Does the statute limit damages that may be recovered?	N/A
Does the statute limit who may be sued?	N/A
Does the statute limit elements or standards of proof?	N/A
Does common law social host liability exist?	No

Prohibitions Against Hosting Underage Drinking Parties	
Does a statute prohibit hosting underage drinking parties?	No

Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	N/A
What action by underage guest triggers a violation?	N/A
Property type covered by the law?	N/A
What level of knowledge by the host is required?	N/A
Does host's preventive action protect him/her from being held liable?	N/A
Are there any exceptions for underage guests?	N/A

Keg Registration

How is a keg defined (in gallons)?	No law
Prohibitions	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	No law
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	No law
What purchaser information is collected?	
Must the retailer collect the name and address?	No law
Must the retailer collect the ID number, name and address on license or other government information?	No law
Must the retailer collect the address at which keg will be consumed?	No law
Must warning information be given to purchaser?	No law
Is a deposit required?	No law
Does law cover disposable kegs?	No law

High-Proof Grain Alcohol Beverages

Are there restrictions on the sale of high-proof grain alcohol beverages?	No; however, this state is a control state, and control states may impose additional restrictions on the sale of products that are not reflected in statute or regulation.
Are restrictions based on Alcohol by Volume (ABV)?	N/A
Are there exceptions to restrictions?	N/A

Sales and Delivery to Consumers at Home

Retailer Interstate Shipments of Alcohol

Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Prohibited
Wine	Permitted
Spirits	Prohibited

Direct Shipments/Sales	
May alcohol producers ship directly to consumers?	Yes
What alcohol types may be shipped?	Wine
Must purchaser make mandatory trip to producer before delivery is authorized?	No
Age verification requirements	
Must the producer/shipper verify purchaser's age before sale?	No
Must the common carrier (deliverer) verify age of recipients?	Yes
State approval/permit requirements	
Must the producer/manufacture obtain state license or permit?	Yes
Must the common carrier (deliverer) be approved by a state agency?	Yes
Recording/reporting requirements	
Must the producer/manufacture record/report purchaser's name?	Yes
Must the common carrier (deliverer) record/report recipient's name?	Yes
Shipping label requirements	
Must the label state "Package contains alcohol"?	Yes
Must the label state "Recipient must be 21 years old"?	Yes

Home Delivery	
Is home delivery of alcohol permitted?	
Beer	No Law
Wine	Permitted (Direct Shipper's license required. Limit of two cases per month)
Spirits	No Law

Alcohol Pricing

Alcohol Taxes	
Beer	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	\$0.18
Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant

<ul style="list-style-type: none"> Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> General sales tax rate 	Not relevant
<ul style="list-style-type: none"> Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	
Wine	
Control system for wine?	Yes
Specific excise tax per gallon for 12% alcohol wine	
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	
<ul style="list-style-type: none"> General sales tax rate 	
<ul style="list-style-type: none"> Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	
<ul style="list-style-type: none"> General sales tax rate 	
<ul style="list-style-type: none"> Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	
Additional taxes for 6 – 14% alcohol wine if applicable	
Spirits	
Control system for spirits?	Yes
Specific excise tax per gallon for 40% alcohol spirits	

Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	
<ul style="list-style-type: none"> • General sales tax rate 	
<ul style="list-style-type: none"> • Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	
Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	
<ul style="list-style-type: none"> • General sales tax rate 	
<ul style="list-style-type: none"> • Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	
Additional taxes for 15 – 50% alcohol spirits if applicable	

Low-Price, High-Volume Drink Specials	
Are on-premises retailers prohibited from offering the following types of drink specials?	
Free beverages	No
Multiple servings at one time	No
Multiple servings for same price as single serving	No
Reduced price for a specified day or time (i.e., happy hours)	No
Unlimited beverages for fixed price	No
Increased volume without increase in price	No

Wholesaler Pricing Restrictions	
Beer	
Are volume discounts to retailers allowed?	Banned
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	Post and hold (90 days)
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No

Wine	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
Spirits	
Are volume discounts to retailers allowed?	N/A
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	N/A
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	N/A
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	N/A

Enforcement Policies

Compliance Check Protocols	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	Yes
What is the minimum age a decoy may be to participate in a compliance check?	18
What is the maximum age a decoy may be to participate in a compliance check?	20
Are there appearance requirements for the decoy?	No
Does decoy carry ID during compliance check?	Required
May decoy verbally exaggerate his or her actual age?	Prohibited
Is decoy training mandated, recommended, prohibited, or not specified?	Not specified

Penalty Guidelines for Sales to Minors	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	Yes
What is the time period for defining second, third and subsequent offenses?	N/A
What is the penalty for the 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, impose monetary penalty not to exceed \$1,000 for each violation

What is the penalty for the second offense?	N/A
What is the penalty for the third offense?	N/A
What is the penalty for the fourth offense?	N/A

West Virginia State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i>	
West Virginia Alcohol Beverage Control Administration (WVABCA)	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol-Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<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	WVABCA
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>	No
Number of minors found in possession ¹ 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
<i>State conducts underage compliance checks/decoy operations² to determine whether 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	4,830
Number of licensees checked for compliance by state agencies (including random checks)	3,545
Number of licensees that failed state compliance checks	302
Numbers pertain to the 12 months ending	12/31/2019
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	4,830
Number of licensees that failed random state compliance checks	302
<i>Local agencies conduct underage compliance checks/decoy operations to determine whether 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 to minors</i>	Yes
Number of fines imposed by the state ⁴	483
Total amount in fines across all licensees	\$124,565
Smallest fine imposed	\$15

Largest fine imposed	\$2,000
Numbers pertain to the 12 months ending	12/31/2019
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of suspensions imposed by the state ⁵	5
Total days of suspensions across all licensees	16
Shortest period of suspension imposed (in days)	3
Longest period of suspension imposed (in days)	4
Numbers pertain to the 12 months ending	12/31/2019
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of license revocations imposed ⁶	0
Numbers pertain to the 12 months ending	12/31/2019

Additional Clarification

The WVABCA conducts various types of compliance checks and uses IntelliCheck Age ID App to identify fake and other illegal forms of ID. The WVABCA works with the WV State Police, county sheriff's departments, and local police departments across the state during these operations.

Compliance checks are both random and planned and use underage decoys at times.

Local law enforcement agencies conduct underage compliance checks/decoy operations at Class B carryouts and taverns, not private clubs where liquor is sold for consumption.

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

Students Against Destructive Decisions

Number of youth served	115,000
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	https://www.wvsadd.org/

Program Description: Students Against Destructive Decisions (SADD) provides students with prevention tools to deal with serious issues that revolve around underage drinking, drug use, impaired driving, and difficult decision-making. These youth-led efforts promote positive mental health, leadership development, and good decision-making. West Virginia leads the nation in SADD chapter development with nearly 315 chapters statewide, including school-based, local community-based, and college-based chapters.

West Virginia Partnerships for Success

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: The West Virginia Bureau for Behavioral Health Partnerships for Success Project will build upon the state's existing prevention network and partnerships to prevent and reduce underage drinking, intravenous drug use, and marijuana use by students ages 9-20 statewide who are at higher risk for substance use due to adverse childhood experience and hardships, such as familial substance use, placement in foster or kinship care, poverty, homelessness, or serious emotional disturbances. This project will use the Strategic Prevention Framework (SPF) and data from the West Virginia State Epidemiological Outcome Workgroup (SEOW) to develop evidence-based universal, selective, and indicated prevention strategies to support high-risk students. This project will be supported through an awarded Substance Abuse and Mental Health Services Administration (SAMHSA) grant.

West Virginia Collegiate Initiative to Address High Risk Alcohol Use

Number of youth served

27

Number of parents served

No data

Number of caregivers served

257

Program has been evaluated

Yes

Evaluation report is available

Yes

URL for evaluation report

No data

URL for more program information

<https://wvcia.com/>

Program Description: The West Virginia Collegiate Initiative to Address High Risk Alcohol Use (WVCIA) is the state organization that proactively addresses collegiate misuse of alcohol and other drugs, as well as associated violence issues through the use of evidence-based practices. The initiative helps promote healthy campus environments through information dissemination, public policy influence, work with prevention partners, training, and technical assistance.

Expanded School Mental Health

Number of youth served

141,974 (this number is duplicated)

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

<https://wvesmh.org/>

Program Description: Expanded School Mental Health builds upon the core services typically provided by schools. It is a three-tiered framework that includes the full continuum of prevention, treatment, and recovery services. Regarding prevention, West Virginia has 40 school sites that serve children by providing Universal Prevention Programming and Targeted Group and Individual Early Intervention.

SAMHSA Substance Abuse Prevention and Treatment Block Grant (20% prevention set aside)

Number of youth served

20,006

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: The Prevention portion of the Substance Abuse Prevention and Treatment Block Grant supports the prevention structure and services provided throughout West Virginia. West Virginia is separated into six regions covering all 55 counties. Each region has county coalitions that identify and target the specific needs for prevention services within their communities.

Additional Underage Drinking Prevention Programs Operated or Funded by the State

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
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Description of collaboration: Not applicable

<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
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Description of program: Not applicable

<i>State collaborates with/participates in media campaigns to prevent underage drinking</i>	Yes
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Federal campaigns: National Alcohol and Drug FACTS Week	Yes
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Regional and local media campaigns: Regional and county-level prevention utilizes social media to promote awareness for underage drinking awareness and prevention material.	Yes
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Local school district efforts:	No
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Other:	No
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<i>State collaborates with/participates in SAMHSA’s national media campaign, “Talk. They Hear You.” (TTHY)</i>	Yes
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State officially endorses TTHY efforts	Yes
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State commits state resources for TTHY	Yes
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State forwards TTHY materials to local areas	Yes
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Other:	No
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<i>State procures funding for TTHY</i>	Yes
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Pro bono	No
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Donated air time	No
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Earned media	No
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Other: Federal and State funds support the prevention structure and organizations.	Yes
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<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
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Agencies/organizations that established best practices standards:

Federal agency(ies): SAMHSA, National Institute on Drug Abuse (NIDA), National Highway Traffic Safety Administration (NHTSA)	Yes
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Agency(ies) within your state: Single State Authority (SSA), West Virginia Division of Justice and Community Services, Governor’s Highway Safety Program, Alcohol Beverage Control Administration, and Office of Drug Control Policy (ODCP)	Yes
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Nongovernmental agency(ies): Pacific Institute for Research and Evaluation (PIRE), National Alcohol Beverage Control Association (NABCA), National Liquor Law Enforcement Association (NLLEA)	Yes
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Other: Center for Health and Safety Culture-Montana State University	Yes
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Best practice standards description: Bureau for Behavioral Health requires evidence-based practice within contracts/agreements to subgrantees.

Sub grantees are to develop practices around data-driven decisions and use evidence-based practice and programming.

Our state and sub-grantees utilize SAMSHA's SPF model to assess, plan, and guide our work.

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: Tahnee Bryant
 Email: Tahnee.I.Bryant@wv.gov
 Address: 350 Capitol Street Room 350, Charleston, WV 35301
 Phone: (304) 356-4820

Agencies/organizations represented on the committee:

- Bureau for Behavioral Health
- Bureau for Children and Families
- Bureau for Public Health
- Office of Drug Control Policy
- Alcohol Beverage Control Administration
- Students Against Destructive Decisions (SADD)
- Prevention Suicide WV
- West Virginia Collegiate Initiative to Address High Risk Alcohol Use (WVCIA)
- Marshall University
- West Virginia Department of Education
- Bureau of Juvenile Services
- Supreme Court Court Improvement Program (CIP)
- Juvenile Justice
- Behavioral Health Provider Association
- Our Six Prevention Lead Organizations (Youth Service System, Potomac Highlands Guild, West Brook, WV Prevention Solutions, Pretera, and Community Connections)
- Community Access

A website or other public source exists to describe committee activities Yes
 URL or other means of access: <https://helpandhopewv.org/>

Underage Drinking Reports

State has prepared a plan for preventing underage drinking in the last three years Yes
 Prepared by: West Virginia Bureau for Behavioral Health in collaboration with the Partnerships for Success Advisory Workgroup
 Plan can be accessed via: No data

State has prepared a report on preventing underage drinking in the last three years Yes
 Prepared by: West Virginia Bureau for Behavioral Health
 Report can be accessed via: No data

Additional Clarification

No data

State Expenditures for the Prevention of Underage Drinking

Compliance checks in retail outlets:

Estimate of state funds expended Not applicable
 Estimate based on the 12 months ending Not applicable

Checkpoints and saturation patrols:

Estimate of state funds expended Not applicable

Estimate based on the 12 months ending	Not applicable
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs targeted to institutes of higher learning:</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 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:	Data not available
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

Funds Dedicated to Underage Drinking

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

Taxes	No
Fines	No
Fees	No
Other: Not applicable	No

Description of funding streams and how they are used:
Not applicable

Additional Clarification

No data



ICCPUD

**THE INTERAGENCY COORDINATING COMMITTEE
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)**

