



West Virginia

State Profile and Underage Drinking Facts

State Population: 1,852,994
Population Ages 12–20: 204,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	24.5	50,000
Past-Month Binge Alcohol Use	16.5	34,000
Ages 12–14		
Past-Month Alcohol Use	7.7	5,000
Past-Month Binge Alcohol Use	4.0	3,000
Ages 15–17		
Past-Month Alcohol Use	21.0	14,000
Past-Month Binge Alcohol Use	13.9	9,000
Ages 18–20		
Past-Month Alcohol Use	43.3	31,000
Past-Month Binge Alcohol Use	30.6	22,000
		Number
Alcohol-Attributable Deaths (under 21)		32
Years of Potential Life Lost (under 21)		1,912

	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	32.0	18

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.

Provisions 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
- There is no minimum supervised driving requirement—with driver education; 50 hours without, 10 of which 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 first 6 months, no unrelated passengers less than 20 years old. For second 6 months, not more than one passenger under 20
 - Primary enforcement of the passenger-restriction rule

License Stage

- Minimum age to lift restrictions: 17

Laws Targeting Alcohol Suppliers

Furnishing Alcohol to Minors

Furnishing is prohibited with the following exception(s): EITHER

- Parent/guardian OR
- Spouse

Note: West Virginia’s exception allows relatives by blood or marriage to furnish alcohol to minors.

Compliance Check Protocols

Age of Decoy

- Minimum: 18
- Maximum: 20

Appearance Requirements

- None

ID Possession

- Required

Verbal Exaggeration of Age

- Prohibited

Decoy Training

- Mandated

Penalty Guidelines for Sales to Minors

Time period/conditions: No guidelines provided

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.

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

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.

Alcohol Pricing Policies

Home Delivery

- Beer: No law
- Wine: Permitted—direct shipper’s license required; two cases per month
- Spirits: No law

Alcohol Tax

- Beer (5 percent alcohol): Specific excise tax is \$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 and hold—30 days minimum
- Retailer credit: Not permitted

Wine (12 percent alcohol)

- Retailer credit: Not permitted

Spirits (40 percent alcohol)

- Control State

West Virginia Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> West Virginia Beverage Control Administration (WV ABCA)	
<i>Methods by which local and State enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> Under the current code, ABCA writes a letter requesting that the WV State Police assist in the inspection of on-premises establishments. Local law enforcement agencies assist in crowd control on the exterior of the establishments. At off-premises retailers, local law enforcement agencies can conduct compliance checks and coordinate with ABCA for licensee penalties.	
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	Yes
Shoulder Tap Operations	Yes
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>	
Primary State agency responsible for enforcing laws	Yes
addressing direct sales/shipments of alcohol to minors	West Virginia Alcohol Beverage Control Administration (http://abca.wv.gov)
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>	
Number of minors found in possession by State law enforcement agencies	Yes
Number pertains to the 12 months ending	195
Data include arrests/citations issued by local law enforcement agencies	12/31/2010
<i>State conducts underage compliance checks/decoy operations² to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by State agencies	1,449
Number of licensees that failed State compliance checks	328
Numbers pertain to the 12 months ending	12/31/2010
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	No
Number of licensees that failed local compliance checks	Data not collected
Numbers pertain to the 12 months ending	Data not collected
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the State ³	Yes
Total amount in fines across all licensees	382
Numbers pertain to the 12 months ending	\$87,900
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	
Number of suspensions imposed by the State ⁴	Yes
Total days of suspensions across all licensees	17
Numbers pertain to the 12 months ending	No data
	12/31/2010

<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of license revocations imposed ⁵	1
Numbers pertain to the 12 months ending	12/31/2010

Additional Clarification

As of January 1, 2011, all agencies (State or local) that conduct compliance operations using Enforcing Underage Drinking Laws (EUDL) funds from the WV Division of Justice and Community Services or National Highway Traffic Safety Administration (NHTSA) funds from the WV Governor’s Highway Safety Program (GHSP) will report their data through the WV Commission on Drunk Driving Prevention’s Web-based reporting system. This database is funded by the WV Governor’s Highway Safety Program.

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 Does not include fines imposed by local agencies

⁴ Does not include suspensions imposed by local agencies

⁵ Does not include revocations imposed by local agencies

**Underage Drinking Prevention Programs Operated or Funded by the State:
Programs SPECIFIC TO Underage Drinking**

RU 21 Underage Drinking Prevention Project

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	06/30/2010
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report	Not applicable
URL for more program information	http://www.ru21wv.org

Program description: The WV Prevention Resource Center (PRC) serves as a central point of communication and administers the statewide EUDL Marketing and Education Project. The Underage Drinking Prevention Specialist facilitates cross-system efforts with EUDL, Bureau for Behavioral Health and Health Facilities (BBHFF), GHSP, ABCA, Students Against Destructive Decisions (SADD), WV Collegiate Initiative to Address High-Risk Alcohol Use (WVCIA), and county prevention partnerships and other stakeholders through the Underage Drinking Prevention workgroup. The workgroup was established in January 2005 to coordinate with other systems specifically to target preventing and reducing the onset of underage drinking. (This workgroup was established in 2005 by the personnel who attended the Surgeon General’s National Meeting of the States and includes members of the Underage Drinking Task Force of the Juvenile Justice Sub-Committee. It oversees the Statewide EUDL Marketing and Education Project.) This is accomplished by working together to build the capacity of individuals and organizations to prevent and reduce childhood and underage drinking by increasing understanding and perception of harm, strengthening community-based processes and youth-oriented practices, promoting continued underage drinking prevention efforts, and promoting underage drinking prevention messages.

WV Collegiate Initiative to Address High-Risk Alcohol Use

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	06/30/2010
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for report:	Not applicable
URL for more program information	http://www.wvcia.org

<p>Program description: WV CIA is the West Virginia organization that proactively addresses collegiate alcohol, drug, and associated violence issues through the use of evidence-based strategies 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. This initiative is currently funded by a grant from the WV GHSP through its NHTSA Alcohol funds.</p>	
<p>Dreamsavers</p>	
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	06/30/2010
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report	http://www.ihs.org/externaldata/srdata/docs/sr4306.pdf
URL for more program information	No data
<p>Program description: Coordinated law enforcement effort to restrict alcohol availability to underage persons in both bars and retail carryouts.</p>	
<p>ABCA Statewide Enforcement Program</p>	
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	06/30/2010
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for report:	Not applicable
URL for more program information	http://www.abca.wv.gov
<p>Program description: Funded by WV GHSP through NHTSA funds and the WV Division on Justice and Community Services through EUDL funds.</p> <p>Driving under the influence (DUI) simulator: With funds from WV GHSP and State Farm philanthropies, ABCA has purchased and is operating a DUI Simulator that is being exhibited at high schools, colleges, and public events for the purpose of educating teen drivers on the dangers of drinking and driving.</p>	

<p>Underage Drinking Prevention Programs Operated or Funded by the State: Programs RELATED TO Underage Drinking</p>	
<p>WV Students Against Destructive Decisions (SADD)</p>	
<p>URL for more program information: http:// www.wvsadd.org</p>	
<p>Program description: SADD is a peer-to-peer education, prevention, and activism organization dedicated to preventing destructive decisions—particularly underage drinking, drug use, risky and impaired driving, teen violence, and teen suicide.</p>	

<p>Additional Information Related to Underage Drinking Prevention Programs</p>	
<p>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</p>	No recognized Tribes
<p>Program description</p>	Not applicable
<p>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</p>	No
<p>Program description</p>	Not applicable

<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
Best practice standards description: All programs receiving Federal funds (EUDL, Substance Abuse Prevention and Treatment Block Grant, Strategic Prevention Framework-State Incentive Grant, NHTSA, etc.) must select model programs or evidence-based practices for their underage drinking prevention programs.	
Additional Clarification	
No data	

State Interagency Collaboration	
<i>A State-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes
<i>Committee contact information:</i> Name: Stephanie Southall Email: southall1@marshall.edu Address: 100 Angus E Peyton Drive, S Chas, WV 25303 Phone: 304-766-6301 x25	
<i>Agencies/organizations represented on the committee:</i> WV Prevention Resource Center WV Alcohol Beverage Control Administration WV Governor's Highway Safety Program WV Bureau for Behavioral Health and Health Facilities WV Division of Justice and Community Services (EUDL) WV State Police WV National Guard Drug Demand Reduction Unit WV Mothers Against Drunk Driving WV Students Against Destructive Decisions WV Department of Education WV Collegiate Initiative to Address High-Risk Alcohol Use County Prevention Partnerships	
<i>A Web site or other public source exists to describe committee activities</i>	Yes
URL or other means of access	http://www.ru21wv.org ; http://www.prevnet.org/wvpartnership/workgroups.aspx

Underage Drinking Reports	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by: There is not a consolidated plan. However, many agencies have their own strategic plans that are used to apply for grants from the Enforcing Underage Drinking Laws and Governor's Highway Safety Programs. Plan can be accessed via: southall1@marshall.edu	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	No
Prepared by	Not applicable
Plan can be accessed via	Not applicable

Additional Clarification	
The coordinating committee, known as the Underage Drinking Prevention Workgroup, is staffed by the WV PRC and is a subcommittee of the WV Partnership to Promote Community Well-Being. It is funded by the EUDL Grant and a SAMHSA Programs of Regional and National Significance Grant administered by the WV PRC. In addition, the WV GHSP has supported this effort through equipment purchases and travel assistance. In the past, this committee received funding from the SAMHSA SPF-SIG Discretionary Grant Program and the SAMHSA SAPT Block Grant Program. Our State's SPF-SIG funds expired in September 2010. At the same time, our Single State Authority pulled the funding for the Underage Drinking Prevention Specialist position, whose role is to staff the Underage Drinking Prevention Workgroup. Beginning in October 2011, the Underage Drinking Prevention Specialist will likely be funded by the WV GHSP through the NHTSA Alcohol Programs Grant. The Single State Authority (WV BBHF) has been represented on this workgroup. However, their attendance and participation has been minimal.	

For that reason, they did not have access to the information needed to complete the report and therefore asked the Underage Drinking Prevention Specialist to provide the information.

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of State funds expended	\$210,000
Estimate based on the 12 months ending	06/30/2010
<i>Checkpoints and saturation patrols:</i>	
Estimate of State funds expended	\$210,000
Estimate based on the 12 months ending	06/30/2010
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	No data
Estimate based on the 12 months ending	06/30/2010
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	No data
Estimate based on the 12 months ending	06/30/2010
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of State funds expended	No data
Estimate based on the 12 months ending	12/31/2010
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of State funds expended	\$76,500
Estimate based on the 12 months ending	06/30/2010
<i>Programs that target youth in the child welfare system:</i>	
Estimate of State funds expended	No data
Estimate based on the 12 months ending	06/30/2010
<i>Other programs:</i>	
Programs or strategies included	No data
Estimate of State funds expended	No data
Estimate based on the 12 months ending	No data

Funds Dedicated to Underage Drinking	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	Yes
Fines	Yes
Fees	No
Other	No data
<i>Description of funding streams and how they are used:</i> There is a dedicated tax on beverage alcohol that goes to support the WV Commission on Drunk Driving Prevention (CDDP), which uses this money for DUI enforcement throughout the State. The GHSP uses the CDDP monies as the State match for its Federal NHTSA funds so that funds can be directed to grantees match free. Administrative fines collected by WV ABCA are used as buy monies for underage drinking enforcement operations.	
Additional Clarification	
Law enforcement's focus has been on a comprehensive method of enforcement emphasizing cooperation among WV ABCA, State Police, and local law enforcement agencies. The Division of Justice and Community Services administers the OJJDP EUDL program in WV. This program funds several local law enforcement agencies for compliance checks, diversion programs, and education programs.	