



Delaware

State Profile and Underage Drinking Facts

State Population: 897,934
Population Ages 12–20: 107,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	30.4	32,000
Past-Month Binge Alcohol Use	21.4	23,000
Ages 12–14		
Past-Month Alcohol Use	5.7	2,000
Past-Month Binge Alcohol Use	2.2	1,000
Ages 15–17		
Past-Month Alcohol Use	24.2	9,000
Past-Month Binge Alcohol Use	13.2	5,000
Ages 18–20		
Past-Month Alcohol Use	56.8	21,000
Past-Month Binge Alcohol Use	45.4	17,000
Alcohol-Attributable Deaths (under 21)		Number 12
Years of Potential Life Lost (under 21)		745

	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	28.0	7

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: Delaware’s exception includes “members of the same family” and allows possession if in “private home of any of said members” (Del. Code Ann. tit. 4, § 904). For purposes of this report, the phrase “members of the same family” is interpreted as including a spouse.

Underage Consumption of Alcohol

Consumption is prohibited with the following exception(s):

- Private residence AND EITHER
- Parent/guardian OR
- Spouse

Note: Delaware’s exception includes “members of the same family” and allows consumption if in “private home of any of said members” (Del. Code Ann. tit. 4, § 904). For purposes of this report, the phrase “members of the same family” is interpreted as including a spouse.

Internal Possession by Minors

Internal possession is not explicitly prohibited.

Note: Delaware makes it an offense for “[w]hoever, being under the age of 21 years, has alcoholic liquor in his or her possession at any time, or consumes or is found to have consumed alcoholic liquor” (Del. Code Ann. tit. 4, § 904). Laws that prohibit minors from having alcohol in their bodies, 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 NOT prohibited and there is no specific allowance for youth purchase for law enforcement purposes.

Note: Delaware does not have a statute that specifically prohibits purchase, but it does prohibit “obtaining” alcohol in connection with making a false statement (see Del. Code Ann. tit. 4, § 904(b)).

False Identification for Obtaining Alcohol

Provision(s) Targeting Minors

- Use of a false ID to obtain alcohol is a criminal offense.
- No driver’s license suspension procedure.

Provisions Targeting Retailers

- Specific affirmative defense—the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid.

Note: Although Del. Admin. Code § 2 2000 2215 states that “persons under 21 years of age have noted on their licenses ‘Under 21,’” research revealed that no Delaware statute or regulation expressly requires distinguishing licenses for persons under 21 years old.

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 possession
- Underage consumption

Authority To Impose Driver’s License Sanction

- Mandatory

Length of Suspension/Revocation

- 30 days

Graduated Driver’s License

Learner Stage

- Minimum entry age: 16
- Minimum S: 6 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

Intermediate Stage

- Minimum age: 16 years, 6 months
- Unsupervised night driving
 - Prohibited after: 10 p.m.
 - Primary enforcement of the night-driving rule
- Passenger restrictions exist: One passenger, except for immediate family members
 - 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):

- Private residence AND EITHER
- Parent/guardian OR
- Spouse

Note: Delaware’s exception includes “members of the same family” and allows furnishing if in the “private home of any of said members” (see Del. Code Ann. tit. 4, § 904). For purposes of this report, the phrase “members of the same family” is interpreted as including a spouse.

Compliance Check Protocols

Age of Decoy

- Minimum: 16
- Maximum: 20

Appearance Requirements

- Males: No facial hair
- Females: No excessive makeup

ID Possession

- Required

Verbal Exaggeration of Age

- Prohibited

Decoy Training

- Recommended

Penalty Guidelines for Sales to Minors

- Time period/conditions: 5 years
- First offense: \$500 fine
- Second offense: \$2,500 fine
- Third offense: 30-day license suspension
- Fourth offense: 60-day license suspension

Note: Mitigating and/or aggravating circumstances may be considered.

Responsible Beverage Service

Mandatory Beverage Service Training for Licensees, Managers, Servers

- Applies to both on-sale and off-sale establishments
- Applies to both new and existing outlets

Minimum Ages for Off-Premises Sellers

- Beer: 21
- Wine: 21
- Spirits: 21

Minimum Ages for On-Premises Sellers

- Beer: 19 for servers and 21 for bartenders
- Wine: 19 for servers and 21 for bartenders
- Spirits: 19 for servers and 21 for bartenders

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

Direct Sales/Shipments of Alcohol by Producers

Direct sales/shipments from producers to consumers are not permitted.

Keg Registration

Registration is not required.

Alcohol Pricing Policies

Home Delivery

- Beer: Prohibited
- Wine: Prohibited
- Spirits: Prohibited

Alcohol Tax

- Beer (5 percent alcohol): Specific excise tax is \$0.16 per gallon.
- Wine (12 percent alcohol): Specific excise tax is \$0.97 per gallon.
- Spirits (40 percent alcohol): Specific excise tax is \$3.75 per gallon (\$2.50 per gallon for alcohol content of 25 percent or less).

Drink Specials

- Free beverages: Prohibited
- Multiple servings at one time: Not prohibited
- Multiple servings for same price as single serving: Prohibited
- Reduced price at specified day or time: Not prohibited
- Unlimited beverages: Prohibited
- Increased volume: Not prohibited

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

- Price posting requirements: Post and hold—5 days minimum
- Retailer credit: Restricted—commissioner shall not control credit transactions to extent they are permitted by Federal law.

Wine (12 percent alcohol)

- Price posting requirements: Post and hold—5 days minimum
- Retailer credit: Restricted—commissioner shall not control credit transactions to extent they are permitted by Federal law.

Spirits (40 percent alcohol)

- Price posting requirements: Post and hold—5 days minimum
- Retailer credit: Restricted—commissioner shall not control credit transactions to extent they are permitted by Federal law.

Delaware Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i>	
Department of Safety and Homeland Security Division of Alcohol and Tobacco Enforcement (DATE)	
<i>Methods by which local and State enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i>	
DATE has three programs: Cops in Shops, Cooperating Underage Witness Program, and Fake ID Sweeps. DATE and Delaware's police departments collaboratively implement all three programs.	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	Yes
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>	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	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession ¹ by State law enforcement agencies	45
Number pertains to the 12 months ending	04/30/2010
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>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by State agencies	44
Number of licensees that failed State compliance checks	5
Numbers pertain to the 12 months ending	04/30/2010
<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	No
Number of licensees checked for compliance by local agencies	Data not collected
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	30
Total amount in fines across all licensees	\$20,000
Numbers pertain to the 12 months ending	12/31/2010
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	
Number of suspensions imposed by the State ⁴	3
Total days of suspensions across all licensees	90
Numbers pertain to the 12 months ending	12/31/2010
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	
Number of license revocations imposed ⁵	1

Numbers pertain to the 12 months ending	12/31/2010
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 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	
All Stars	
Number of youth served	1,248
Number of parents served	119
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:	Not available
URL for more program information	No data
<p>Program description: All Stars is an innovative, science-based prevention program that promotes prosocial behavior and attitudes. When done as intended, the effects on students can be profound. All Stars is designed for use by professionals who work with children ages 9 to 11 in community settings. All Stars can be delivered after school and in community settings such as churches and recreation centers.</p>	
Too Good for Drugs	
Number of youth served	147
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	No
URL for evaluation report:	Not applicable
URL for more program information:	No data
<p>Program description: Too Good for Drugs is a school-based prevention program proven to reduce the intention to use alcohol, tobacco, and illegal drugs in middle and high school students. The program is for kindergarten through 12th grades (5- through 18-year-olds) and has a separate, developmentally appropriate curriculum for each grade level. The program is designed to address:</p> <ul style="list-style-type: none"> • Personal and interpersonal skills relating to alcohol, drugs, tobacco, and illegal drugs. • Appropriate attitudes toward alcohol, tobacco, and illegal drug use. • Knowledge of the negative consequences of alcohol, tobacco, and illegal drug use. • Benefits of a drug-free lifestyle. • Positive peer norms. <p>The number of youth served were 147 at-risk youth in the City of Wilmington.</p>	
Project Towards No Drug Abuse	
Number of youth served	128
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	No

URL for evaluation report	Not applicable
URL for more program information	No data
<p>Program description: Project Towards No Drug Abuse is a highly interactive school-based program designed to help high school youth, ages 14-19, resist substance use. The program teaches participants increased coping and self-control skills that allow them to:</p> <ul style="list-style-type: none"> • Grasp the cognitive misperceptions that may lead to substance use. • Express a desire not to abuse substances. • Understand the sequence of substance abuse and the consequences of using substances. • Correct myths concerning substance use. • Demonstrate effective communication, coping, and self control skills. • State a commitment to discuss substance abuse with others. <p>The Media Matters program, which is part of this project, is a hands-on media workshop in which youth translate content and attitudes about consequences of violence and substance abuse with the freedom of form and expression necessary for youth to take ownership of their creative projects and to take pride in discovering the power of their authentic voices. Examples include public service announcements, video diaries, and interviews.</p>	

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

Parents Step Up Campaign

URL for more program information: <http://parentsstepup.org>

Program description: Using various communication media, the Step Up campaign:

- Helps adults recognize and change behaviors that facilitate underage drinking.
- Provides ideas for effective house rules to help adults protect kids from underage drinking.
- Encourages parents to block teens from access to alcohol.
- Highlights the consequences of underage drinking to discourage alcohol use.

Additional Information Related to Underage Drinking Prevention Programs

<i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i>	No
Program description	Not applicable
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
Program description	Not applicable
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	No
Best practice standards description:	Not applicable

Additional Clarification

The Division of Substance Abuse and Mental Health (DSAMH) services (Single State Agency) has recently developed our Prevention Web site as of this year and we continue to enhance our site. <http://www.dhss.delaware.gov/dhss/dsamh/prevention.html>

DSAMH's subrecipient, Division of Prevention and Behavioral Health Services, provides services to youths age 17 and younger. Their Web site is at: http://kids.delaware.gov/fs/fs_prevent.shtml

State Interagency Collaboration

<i>A State-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes
Committee contact information:	

Name: Dr. Marc Richman Email: Marc.Richman@state.de.us Address: DHSS-Division of Substance Abuse and Mental Health Services, 1901 N. DuPont Hwy, Main Admin Bldg, New Castle, DE 19720 Phone: 302-255-9416	
Agencies/organizations represented on the committee: Department of Health and Social Services (DHSS) Division of Substance Abuse and Mental Health Services Division of Alcohol and Tobacco Enforcement Office of Highway Safety Delaware Department of Education Division of Prevention and Behavioral Health Services University of Delaware Center for Drug and Alcohol Studies	
A Web site or other public source exists to describe committee activities URL or other means of access: http://dhss.delaware.gov/dhss/dsamh/prevention.html	Yes

Underage Drinking Reports	
State has prepared a plan on preventing underage drinking in the last 3 years	No
Prepared by	Not applicable
Plan can be accessed via	Not applicable
State has prepared a report on preventing underage drinking in the last 3 years	No
Prepared by	Not applicable
Report can be accessed via	Not applicable

Additional Clarification

The DHSS Division of Substance Abuse and Mental Health Services convenes a State-level interagency governmental body/committee that coordinates and addresses across-the-lifespan prevention activities targeting State priorities: alcohol, marijuana, prescription opiates, and heroin. Delaware continues to enhance its efforts by making this committee an inclusive body.

On January 25, 2011, Delaware’s Substance Abuse Prevention Strategic Plan was approved; it addresses the misuse and abuse of alcohol across the lifespan. On October 28, 2010, the Strategic Prevention Framework (SPF) State Incentive Grant (SIG) Cohort IV strategic plan was approved; one of its two priorities is to reduce past-month alcohol misuse and abuse by Delaware residents ages 12 to 25. Indicators of change may include, but are not limited to: a decrease in underage and binge drinking (consumption) and a decrease in alcohol-related traffic crashes, death, and/or injuries (consequences).

The Office of Highway Safety (OHS) implemented the Underage Drinking Task Force in the past through the support/requirement of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Grant. In the near future, it is projected that through reappointment of responsibilities, Delaware’s Division of Alcohol and Tobacco Enforcement will become responsible for continuing the efforts of the Underage Drinking Task Force. DATE will begin receiving Federal Fiscal Year 2011 funds through OJJDP so that OHS can focus on drinking and driving. Delaware does not have a stand-alone underage drinking report. However, data on underage drinking are included in the State and substance epidemiological profiles, which are released annually. These reports are prepared by the University of Delaware Center for Drug and Alcohol Studies and can be found at <http://www.udel.edu/delawaredata>.

State Expenditures for the Prevention of Underage Drinking	
Compliance checks/decoy operations in retail outlets:	
Estimate of State funds expended	\$20,000
Estimate based on the 12 months ending	04/30/2010
Checkpoints and saturation patrols:	
Estimate of State funds expended	\$300,000
Estimate based on the 12 months ending	09/30/2010

<i>Community-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	\$500,000
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	\$1,138,678
Estimate based on the 12 months ending	06/30/2010
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Programs that target youth in the child welfare system:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Other programs:</i>	
<p>Programs or strategies included: The “Under 21. Think. Don’t Drink.” campaign is a two-pronged approach to increase awareness of the issue of underage drinking in Delaware. The awareness campaign rolled out in two phases. The first was launched in April when Delaware Governor Jack Markell recorded a radio spot for OHS aimed at parents. The goal was to make parents more aware of the dangers and legal consequences of underage drinking. An ad coming from the State’s First Parent was predicted to be effective. The second portion of the campaign was the development and implementation of a video public service announcement (PSA) contest. OHS contacted every school and college in the State to ask for video submissions on why it was important that individuals under age 21 think and not drink. Submissions (30 for the first year) were loaded onto the Web site and the public voted for their favorites. Votes figured into the official voting by OHS staff members and members of a public relations firm. A red-carpet-style awards banquet was held and awards for first through third place were distributed. Winning submissions will be used as TV and movie theatre PSAs in 2011. Additionally, transit advertising at the college level was implemented. The contest Web site can be found at http://www.ohs.delaware.gov/UnderageDrinking.</p>	
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	No
Fines	No
Fees	No
Other	No data
<i>Description of funding streams and how they are used:</i> No data	
Additional Clarification	
No data	