



Virginia

State Profile and Underage Drinking Facts

State Population: 8,001,024
Population Ages 12–20: 955,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	27.8	266,000
Past-Month Binge Alcohol Use	19.0	182,000
Ages 12–14		
Past-Month Alcohol Use	6.0	16,000
Past-Month Binge Alcohol Use	2.9	8,000
Ages 15–17		
Past-Month Alcohol Use	20.2	67,000
Past-Month Binge Alcohol Use	13.6	45,000
Ages 18–20		
Past-Month Alcohol Use	52.2	183,000
Past-Month Binge Alcohol Use	36.8	129,000
		Number
Alcohol-Attributable Deaths (under 21)		112
Years of Potential Life Lost (under 21)		6,682

	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	27.0	32

Laws Addressing Minors in Possession of Alcohol

Underage Possession of Alcohol

Possession is prohibited with the following exception(s):

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

Note: Virginia law provides for two separate family exceptions. First, Virginia permits persons under 21 to possess alcoholic beverages due to such person’s “making a delivery of alcoholic beverages by order of his parent.” For purposes of this report, the phrase “by order of his parent” is interpreted as providing for parental consent (Va. Code Ann. § 4.1-305). Second, Virginia permits underage possession when an alcoholic beverage is provided to an underage guest in a private residence and the underage guest is “accompanied by a parent, guardian, or spouse who is 21 years of age or older” (Va. Code Ann. §§ 4.1-305, 4.1-200). The second exception is limited to specific locations, but the first one is not.

Underage Consumption of Alcohol

Consumption is prohibited with the following exception(s):

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

Internal Possession by Minors

Internal possession is not explicitly prohibited.

Note: Although Virginia does not prohibit internal possession, it has a statutory provision that makes it unlawful for a minor to “exhibit evidence of physical indicia of consumption of alcohol” (Va. Code Ann. § 4.1-305). Laws that punish minors for displaying “indicators of consumption” or for “exhibiting the effects” of having consumed alcohol, but which do so without reference to a blood, breath, or urine test, are not considered as prohibiting internal possession, for purposes of this report.

Underage Purchase of Alcohol

Purchase is prohibited and there is NO ALLOWANCE for youth purchase for law enforcement purposes.

False Identification for Obtaining Alcohol

Provision(s) Targeting Minors

- Use of a false ID to obtain alcohol is a criminal offense.
- Penalty may include driver’s license suspension through a judicial procedure.

Provisions Targeting Retailers

- Licenses for drivers under age 21 are easily distinguishable from those for drivers ages 21 and older.
- Specific affirmative defense—the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid.

Laws Targeting Underage Drinking and Driving

BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)

- BAC limit: 0.02
- BAC level at or above the limit is per se (conclusive) evidence of a violation
- Applies to drivers under age 21

Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)

Provisions Applicable to Minors Under Age 18

Type(s) of Violation Leading to Driver’s License Suspension, Revocation, or Denial

- Underage purchase
- Underage possession
- Underage consumption

Authority To Impose Driver’s License Sanction

- Mandatory

Length of Suspension/Revocation

- 180 days

Provisions Applicable to Minors Ages 18 to 21

Type(s) of Violation Leading to Driver’s License Suspension, Revocation, or Denial

- Underage purchase
- Underage possession
- Underage consumption

Authority To Impose Driver’s License Sanction

- Mandatory

Length of Suspension/Revocation

- Minimum: 180 days
- Maximum: 365 days

Graduated Driver’s License

Learner Stage

- Minimum entry age: 15 years, 6 months
- Minimum learner-stage period: 9 months
- Minimum supervised driving requirement: 45 hours—15 of which must be at night

Intermediate Stage

- Minimum age: 16 years, 3 months
- Unsupervised night driving
 - Prohibited after: 12 a.m.
 - No primary enforcement of the night-driving rule
- Passenger restrictions exist: For first year, no more than one unrelated passenger under 18; then, no more than three unrelated passengers under 18.
 - No primary enforcement of the passenger-restriction rule

License Stage

- Minimum age to lift restrictions: 18

Laws Targeting Alcohol Suppliers

Furnishing Alcohol to Minors

Furnishing is prohibited with the following exception(s):

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

Compliance Check Protocols

Age of Decoy

- Minimum: 17
- Maximum: 19

Appearance Requirements

- Age-appropriate appearance, clothing, and physical characteristics
- Male: No facial hair
- Female: No excessive makeup or revealing clothing

ID Possession

- Required

Verbal Exaggeration of Age

- Prohibited

Decoy Training

- Mandated

Penalty Guidelines for Sales to Minors

- Time period/conditions: 3 years
- First offense: \$2,000 fine or 25-day license suspension

Note: For first offense in 3-year period, licensee can agree to have responsible employee receive responsible beverage service training and accept a reduced penalty of \$1,000 fine or 5-day license suspension.

Responsible Beverage Service

Voluntary Beverage Service Training

- The law does not specify on- or off-sale establishments.
- Applies only to existing outlets

Incentive for Training

- Mitigation of fines or other administrative penalties for sales to minors

Minimum Ages for Off-Premises Sellers

- Beer: Not specified
- Wine: Not specified
- Spirits: Not specified

Minimum Ages for On-Premises Sellers

- Beer: 18 for servers and 21 for bartenders
- Wine: 18 for servers and 21 for bartenders
- Spirits: 18 for servers and 21 for bartenders

Note: Although bartenders are generally required to be at least 21 years old in Virginia, a person who is at least 18 may sell or serve beer for on-premises consumption at a counter in an establishment that sells beer only. A person who is at least 18 may also sell or serve wine for on-premises consumption in an establishment that sells wine only.

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 permitted for beer, wine with the following restrictions:

Age Verification Requirements

- Common carrier must verify age of recipient.

State Approval/Permit Requirements

- Producer/shipper must obtain State permit.
- State must approve common carrier.

Reporting Requirements

- Producer must record/report purchaser's name.
- Common carrier must record/report purchaser's name.

Shipping Label Statement Requirements

- Contains alcohol

- Recipient must be 21

Keg Registration

- Keg definition: 4 gallons or more
- Prohibited:
 - Possessing an unregistered, unlabeled keg—maximum fine/jail:
 - Destroying the label on a keg—maximum fine/jail:
- Purchaser information collected:
 - Purchaser’s name and address
 - Verified by a government-issued ID
 - Address where keg will be consumed
- Warning information to purchaser: Active—purchaser action required (e.g., signature)
- Deposit: Not required
- Provisions specifically address disposable kegs.

Alcohol Pricing Policies

Home Delivery

- Beer: Permitted—delivery permit required. Four-case limit without written prior notification to the State including the name and address to the intended recipient.
- Wine: Permitted—delivery permit required. Four-case limit without written prior notification to the State including the name and address to the intended recipient.
- Spirits: No law

Alcohol Tax

Beer (5 percent alcohol)

- Specific excise tax: \$0.28 per gallon

Reported tax rate is calculated for the rate imposed on 12-ounce containers. Barrels taxed at \$0.2565 per gallon.

Wine (12 percent alcohol)

- Control State

Spirits (40 percent alcohol)

- Control State

Drink Specials

- Free beverages: Prohibited
- Multiple servings at one time: Not prohibited
- Multiple servings for same price as single serving: Prohibited
- Reduced price at specified day or time: Not prohibited—not permitted after 9 p.m.
- Unlimited beverages: Prohibited
- Increased volume: Prohibited

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

- Retailer credit: Not permitted

Wine (12 percent alcohol)

- Control State

Spirits (40 percent alcohol)

- Control State

Virginia State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Virginia Department of Alcoholic Beverage Control (ABC)	
<i>Methods by which local and State enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> Through the Virginia Department of Alcoholic Beverage Control’s Bureau of Law Enforcement, we have continued to enforce the laws of the Commonwealth through our Alcohol Compliance Checks programs; we conduct approximately 4,000 yearly and reached a compliance rate of 90 percent in fiscal year (FY) 2009. We have also conducted a number of targeted enforcement initiatives throughout our Regional Offices that have resulted in approximately 2,500 arrests for alcohol, drug, and other criminal offenses in FY 2009. Of that number, 845 people were arrested for underage possession of alcoholic beverages. Through our Community Coalition, Operation Undergrad, and rural/local law enforcement grants, we have provided funding to local, rural, and campus police departments throughout the Commonwealth. These projects are funded through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Enforcing Underage Drinking Laws (EUDL) program. Agencies have used funds to conduct alcohol compliance checks, fake ID Investigations, and saturated enforcement investigations.	
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	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	The Virginia Department of Alcoholic Beverage Control, Tax Management Division is responsible for monitoring and reviewing all of the tax and shipping documents in reference to the Direct Shipper and Common Carriers licensees. If there are any discrepancies, late reports being submitted, overshipments that exceed what is allowed in accordance with the Virginia ABC Act, or information concerning underage use, a Senior Special Agent within the Bureau of Law Enforcement will conduct an investigation.
Such laws are also enforced by local law enforcement agencies	No
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i> Yes	
Number of minors found in possession by State law enforcement agencies	845
Number pertains to the 12 months ending	09/30/2010
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> Yes	
Data are collected on these activities	Yes
Number of licensees checked for compliance by State agencies	4,145
Number of licensees that failed State compliance checks	408
Numbers pertain to the 12 months ending	09/30/2010
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i> Yes	
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>	Yes
Number of fines imposed by the State ³	434
Total amount in fines across all licensees	\$955,450
Numbers pertain to the 12 months ending	09/30/2010
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of suspensions imposed by the State ⁴	177
Total days of suspensions across all licensees	4,116
Numbers pertain to the 12 months ending	09/30/2010
<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	09/30/2010
Additional Clarification	
<p>A. During the early 2000s, the Virginia Department of ABC conducted a number of Cops In Shops programs throughout the State that were very successful in deterring underage purchases of alcoholic beverages, purchases by intoxicated persons, and the use of false IDs to purchase alcoholic beverages. But during that time, we also realized that our sale to underage compliance rate was in roughly the 80th percentile. At that time, our primary focus shifted to increase our compliance rate each year until there was significant improvement. By 2009, our compliance rate had begun to level off at approximately 90 percent, and the retail licensees are doing a good job reducing the sale of alcoholic beverages to underage persons. Therefore, going into 2011 we are redefining our focus and again working with retail licensees through programs such as Cops In Shops.</p> <p>B. Virginia ABC has spent approximately \$83,747.84 in grant money to provide funds to the Enforcement Division for conducting alcohol compliance checks throughout the Commonwealth. These funds were obtained through EUDL. Additionally, State funds were dedicated to daily enforcement operations that included observations of licensed premises, alcohol and tobacco compliance checks, targeted enforcement initiatives, inspections of licensed premises, and other administrative duties (including Case Management System (CMS) reports, administrative written warnings, and hearings requests).</p> <p>C. Virginia ABC's Hearings and Adjudications Division has collected fines in approximately 434 cases totaling approximately \$955,450 from licensees during the time period ending 09/30/2010. It was reported that about half of the cases taken through the administrative hearing process were directly related to the sale of alcoholic beverages to underage persons, resulting in approximately \$500,000 in State funds being used to handle all of the administrative functions associated with these cases. During the same time period, there was only one license revocation based solely on the sale of an alcoholic beverage to an underage person. But let it be noted that there were several other revocations that included the charge of the sale of an alcoholic beverage to an underage person along with other administrative violations. The Virginia ABC's Hearings and Adjudications Division has created a scale of penalties based on first, second, and third offenses relating to the sale of an alcoholic beverage to an underage person. First: 25-day suspension or \$2,000 fine; Second, 30-day suspension or \$3,000 fine and 10-day suspension; Third, 60-day suspension or \$5,000 fine and 30-day suspension. Based on the data collected ending September 30, 2010, the average fine for sale of an alcoholic beverage to a minor was \$2,200 and the average days of suspension was 23.</p>	

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	
None	
Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Numbers pertain to the 12 months ending	Not applicable
Program has been evaluated	Not applicable
Evaluation report is available	Not applicable
URL for evaluation report	Not applicable
URL for more program information	Not applicable
Program description: Not applicable.	

Underage Drinking Prevention Programs Operated or Funded by the State: Programs RELATED TO Underage Drinking	
None	
URL for more program information	Not applicable
Program description: Not applicable.	

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 Tribes
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>	Yes
Best practice standards description: <i>Our Common Language</i> , a booklet, is used by 13 State agencies that conduct prevention services. The booklet discusses language, theory, and common requirements for all prevention grants and 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: Erika C. Fischer	
Email: erika.fischer@governor.virginia.gov	
Address: Office of the Governor, 1111 East Broad St., Richmond, VA 23219	
Phone: 804-380-3060	
<i>Agencies/organizations represented on the committee:</i>	
Governor’s Office for Substance Abuse Prevention (GOSAP)	
VA Department of Alcoholic Beverage Control	
VA Department of Behavioral Health and Developmental Services	
VA Department of Criminal Justice Services	
VA Department of Education	
VA Department of Fire Programs	
VA Department of Health	
VA Department of Juvenile Justice	

VA Department of Motor Vehicles VA Department of Social Services VA Department of State Police VA National Guard VA Foundation for Healthy Youth	
A Web site or other public source exists to describe committee activities URL or other means of access	Yes http://www.gosap.virginia.gov

Underage Drinking Reports	
State has prepared a plan for preventing underage drinking in the last 3 years	Yes
Prepared by	GOSAP and GOSAP member agencies prepared the Strategic Prevention Framework-State Incentive Grant (SPF-SIG) plan
Plan can be accessed via	GOSAP is waiting for approval of the plan
State has prepared a report on preventing underage drinking in the last 3 years	Yes
Prepared by	GOSAP, VA ABC, VA Department of Motor Vehicles, and GOSAP member agencies
Report can be accessed via	http://www.gosap.virginia.gov (publication)
Additional Clarification	
GOSAP has published three guides on underage drinking:	
1. Parent's Guide for Preventing Underage Drinking, Newspaper Insert	
2. Parent's Guide for Preventing Underage Drinking, Booklet	
3. Community Guide for Preventing and Reducing Underage Drinking, Booklet	

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of State funds expended	\$0
Estimate based on the 12 months ending	06/30/2010
<i>Checkpoints and saturation patrols:</i>	
Estimate of State funds expended	\$0
Estimate based on the 12 months ending	06/30/2010
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	\$151,992
Estimate based on the 12 months ending	09/30/2010
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	\$0
Estimate based on the 12 months ending	06/30/2010
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of State funds expended	\$14,900
Estimate based on the 12 months ending	09/30/2010
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of State funds expended	\$0
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	\$0
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	\$0
Estimate based on the 12 months ending	06/30/2010

Funds Dedicated to Underage Drinking	
State derives funds dedicated to underage drinking from the following revenue streams:	
Taxes	No

Fines	No
Fees	No
Other	None of the taxes, fines, or fees received is used for any Virginia ABC Underage Prevention Initiative
<i>Description of funding streams and how they are used:</i> No data	
Additional Clarification	
<p>From October 1, 2009, to September 30, 2010, State funds were used to support the Youth Alcohol Drug Abuse Prevention Project (YADAPP). YADAPP provides high school students with the motivation and resources to assume positive peer leadership roles within their schools and communities to develop projects related to the promotion of school safety and the prevention of drug use among their peers. By providing grant funding to this project, Virginia ABC will partner with the Virginia Department of Criminal Justice Services, Virginia Center for School Safety, to help offer and/or enhance underage drinking prevention programs in public schools. The 26th Annual YADAPP conference was held at Longwood University July 19-22, 2010. Seventy-five youth teams, representing schools and communities across Virginia, participated in the conference. The week-long conference provides high school students with the motivation and resources to assume positive peer leadership roles within their schools and communities. The conference format consists of a variety of educational and instructional activities for both youth and adult participants. The vast majority of these activities are youth-led to model youth leadership for participating students and adults. Youth participant activities are focused toward developing structured problem-solving action planning (STAN Plan), communication, teamwork, and relationships. Activities at the weeklong conference include:</p> <ul style="list-style-type: none"> • Motivational general sessions. • Educational free-round workshops. • Experiential learning and teambuilding. <p>Strategies To Act Now (STAN) planning participant structure: The summer leadership conference uses six different levels of participation and is centered on the experience of youth participants and adult sponsors. The remaining levels support and enrich the conference experience. The conference is a collaborative effort between all participant levels and consisted of:</p> <ul style="list-style-type: none"> • Youth Participants (258) • Adult Sponsors (78) • Youth Leaders (38). • Junior Staff (24) • Conference Interns (5) • Resource Officers (12) <p>Conference vision: To empower youth to develop positive peer leadership roles in their schools and communities.</p> <p>Conference mission: To develop youth leadership in order to foster substance abuse and violence prevention efforts at the State, regional, and local levels.</p> <p>Conference objectives:</p> <ul style="list-style-type: none"> • Broaden participant knowledge of substance abuse and violence prevention at the State, local, and regional levels. • Teach leadership skills and attitudes to address common issues among peers. • Allow youth from across Virginia the opportunity to network. • Teach youth to work in teams to create a substance and/or violence prevention activity for their school or community. <p>During this same time period, Virginia ABC also provided funding to seven Virginia Community Coalitions throughout the State totaling approximately \$61,424.81. These were EUDL funds.</p> <p>The \$151,992 were funds allocated for Alcohol Prevention Initiatives as part of a \$250,000 budget line item created approximately 2 years ago to assist the Agency in creating sustainability for our programs just in case Federal grants funds were cut or the funds ended.</p>	

Q A.5 – Colleges and Universities. From October 1, 2009, to September 30, 2010, State funds were used to support the Virginia ABC 24th Annual College Conference, which took place in the city of Virginia Beach, November 13–15, 2009. It was presented in conjunction with the Virginia College Leadership Council. There were 305 participants registered to attend the conference, but due to the unexpected Northeaster that passed through the city, only 162 students, advisors, and professionals were able to attend.

The 24th Annual College Conference goal was to significantly reduce or, if possible, eliminate motor vehicle fatalities and serious injuries among young adult drivers (specifically college students) ages 18 to 24 on all Virginia roads and highways. To address this goal, the 24th Annual College Conference increased its emphasis on implementing a well-coordinated plan and approach to highway safety that combines public awareness, education, and collaborative partnerships. The mission of the 24th Annual College Conference was to change the culture around alcohol and thereby reduce illegal and high-risk (binge) drinking and reduce alcohol-related fatalities and injuries on college campuses by engaging student groups and campus and community leaders in proactive planning processes regarding healthy choices and accountability.

Project objectives were:

- Increase students' awareness of, respect for, and accountability regarding policies, procedures, and consequences associated with alcohol-related driving decisions, such as injury, medical consequences, and other harmful factors.
- Increase personal responsibility for individual and group decisions among members of higher risk affinity groups (such as a fraternity/sorority, athletic team, or freshman residence hall).
- Increase students' knowledge-based skills (with a focus on performance-based factors) and protective factors such as stress management, interpersonal relationships, self-esteem, and attitude.
- Increase communication and consistency among campus and community groups regarding alcohol use, illegal/high-risk drinking, impaired driving, and accountability.
- Increase the connectedness and positive affiliation achieved by students, student affiliation groups, campus leaders, and community leaders regarding resourcefulness for positive and healthful decisions.

With presenters such as Michael Gershe, Dr. Carolyn Cornelison, and Miss Virginia 2009 Caressa Cameron, the conference was a major success. This conference was primarily supported by the Virginia Department of Motor Vehicle's Highway Safety Office Grant Funds, but Virginia ABC was required to match a portion of the funds expended in the amount of \$14,900. During this same time period, Virginia ABC also provided funding to seven Virginia colleges and universities throughout the State totaling approximately \$51,275. These were EUDL funds.