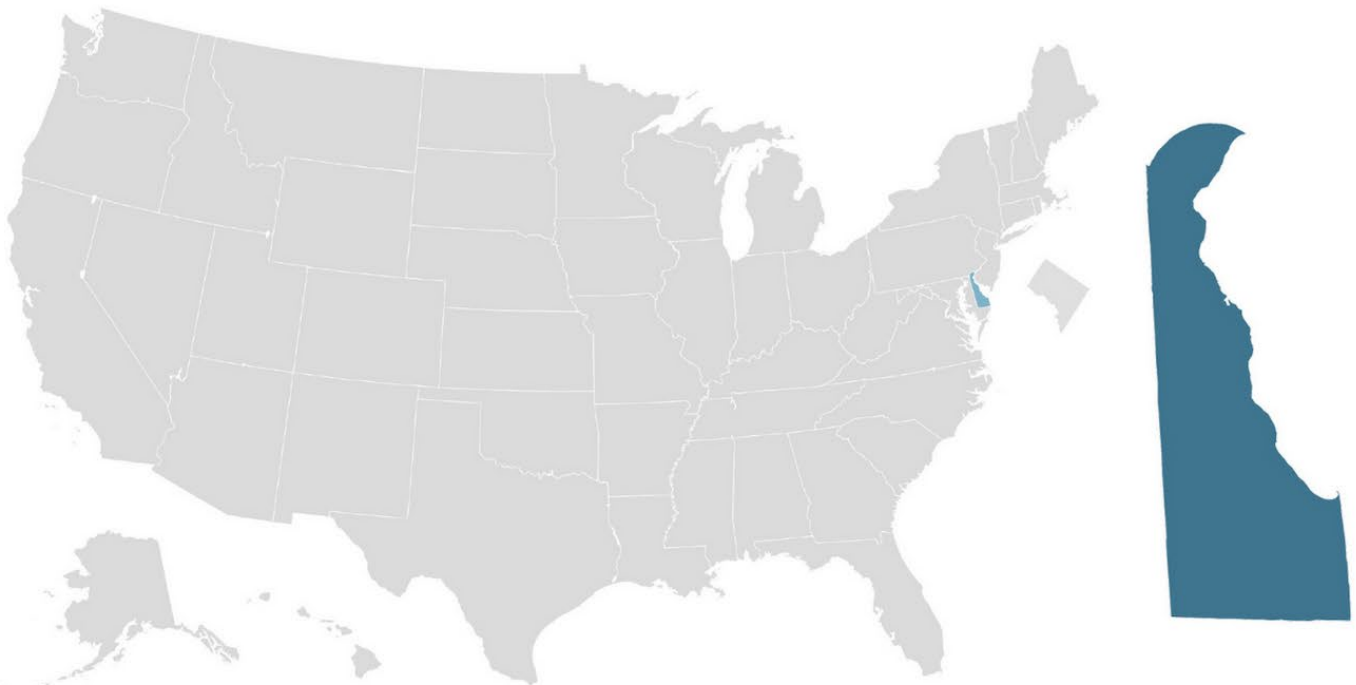




SAMHSA
Substance Abuse and Mental Health
Services Administration

Delaware

2022 STATE REPORTS – UNDERAGE DRINKING PREVENTION AND ENFORCEMENT



ICCPUD

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

This *State Report* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), 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), chaired by Miriam Delphin-Rittmon, Ph.D., 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 and 2021. Regional and state profile data were drawn from the most recently available federal survey data as of 2020. State legal data reflect the status of the law as of January 1, 2021. State survey data, collected in 2021, 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 2017 through 2020 National Surveys on Drug Use and Health (NSDUH), SAMHSA’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2021). 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 (updated May 2022) served as the resource for data about alcohol-attributable deaths from 2015–2019 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 2020 data used to present statistics about fatalities among 15- to 20-year-old drivers. State legal policy data were obtained from the following sources: 1) the National Institute on Alcohol Abuse and Alcoholism’s Alcohol Policy Information System (APIS) website (<https://alcoholpolicy.niaaa.nih.gov/>); 2) legal research planned and managed by the ICCPUD.

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DELAWARE



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



Delaware

State Population: 986,809

Population Ages 12–20: 102,000

Past-Month Alcohol Use	
Ages 12–20	
Past-Month Alcohol Use – Number (Percentage)	17,000 (16.7%)
Past-Month Binge Alcohol Use – Number (Percentage)	8,000 (8.0%)
Ages 12–14	
Past-Month Alcohol Use – Number (Percentage)	1,000 (2.3%)
Past-Month Binge Alcohol Use – Number (Percentage)	0 (0.7%)
Ages 15–17	
Past-Month Alcohol Use – Number (Percentage)	5,000 (14.5%)
Past-Month Binge Alcohol Use – Number (Percentage)	2,000 (6.0%)
Ages 18–20	
Past-Month Alcohol Use – Number (Percentage)	11,000 (34.4%)
Past-Month Binge Alcohol Use – Number (Percentage)	6,000 (17.8%)
Adults Ages 21+	
Past-Month Alcohol Use – (Percentage)	422,000 (58.5%)
Past-Month Binge Alcohol Use – (Percentage)	175,000 (24.3%)
Average Age of Initiation	
Average Age of Initiation	15.8
Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21 ¹	
Alcohol-Attributable Deaths (under 21)	13
Years of Potential Life Lost (under 21)	768
Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Concentration (BAC) > 0.01% ²	
Number of Fatalities Involving 15- to 20-Year-Old Driver With BAC > 0.01%	5
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	28%

¹ The Alcohol-Related Disease Impact Application was updated May 2022 to reflect new methodology for calculating the average annual alcohol-attributable deaths, and it reflects national and state annual averages from 2015–2019.

² 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.

Division of Substance Abuse and Mental Health Overview¹

The Division of Substance Abuse and Mental Health (DSAMH) is one of the eleven divisions within Delaware’s Department of Health and Social Services (DHSS). DSAMH is the Single State Authority for both substance abuse and mental health services for the State of Delaware. The mission of DSAMH is to promote health and recovery by ensuring that Delawareans have access to quality prevention and treatment for mental health, substance use, and gambling conditions. DSAMH serves the adult (age 18 and older) population in need of publicly funded behavioral health services.

DSAMH is organized into four operating units. These are the Delaware Psychiatric Center (DPC), the Promise program (Promoting Optimal Mental Health for Individuals Through Supports and Empowerment) two Community Mental Health Centers with six sites with one office in each county, two Bridge Clinics, and a variety of community-based Substance Abuse Treatment Programs. The services include community mental health treatment, counseling and support services; supported housing services that promote independent living and community integration; mobile crisis intervention services; inpatient psychiatric evaluation, diagnosis and treatment; substance abuse treatment and prevention services; assessment and case management services for clients sentenced by the Drug Court; and problem gambling services.

DSAMH collaborates with the Department of Services for Children, Youth, and their Families’ Division of Prevention and Behavioral Health Services (DSCYF/DPBHS) in the planning and implementation of substance abuse and mental health services, especially in areas of service transition and prevention for youth reaching adulthood and development of decision- support systems. DSAMH administers behavioral health services for the adult system (individuals 18 years of age or older), while DPBHS administers the behavioral health services for the youth system (individuals up to age 18). The two Divisions have developed a Memorandum of Understanding (MOU) to formalize the respective roles and responsibilities of each of the Divisions. The MOU is intended to guide the implementation, data collection, and reporting strategies for both entities in alignment with the statutory regulations of the Substance Abuse Prevention and Treatment Block Grant.

Although the administration and implementation of programs are housed within two departments, there is an ongoing effort to ensure that the services are reflective of a seamless, single system of implementation with the differential factor of age (children, youth, and adults). The administrative structure of the provision of services is in alignment with State legislative mandates.

The Division of Prevention and Behavioral Health Services (DPBHS) is one of four divisions within the Delaware Department of Services for Children, Youth and Their Families. There are three service divisions, and one management support division as follows:

- Division of Prevention and Behavioral Health Services
- Division of Family Services
- Division of Youth Rehabilitative Services
- Division of Management Support Service

¹ Extracted from FY 2022/2023 – (Delaware) State Behavioral Health Assessment and Plan, SABG, CSAP, Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.

The Department of Services for Children, Youth and their Families primary responsibility is to provide and manage a range of services for children who have experienced abandonment, abuse, adjudication, mental illness, neglect, or substance abuse. Its services include prevention, early intervention, assessment, treatment, permanency, and after care.

The Prevention Services for children and youth through age 18 are managed under the Division of Prevention and Behavioral Health Services. The legislative mandate which created the former Office of Prevention in 1983 is clear and concise: The Office of Prevention shall have the responsibility for providing training, public education, and consultation services aimed at preventing child abuse, dependency, neglect, juvenile delinquency, mental disorders and drug and alcohol abuse among children and youth.

The Prevention Unit meets this mandate by providing an array of prevention and early intervention services funded through several federal grants, block grants, Title IV Part B and state funds that promote safe and healthy children, nurture families and communities, support social and academic success, and improve early identification of needs.

Prevention Services

DSAMH and DPBHS develop and implement prevention services through the State's four planning regions: New Castle, Kent and Sussex Counties and the City of Wilmington. The current array of service delivery is a combination of children, youth and adult services which are responsive to age, gender, race/ethnicity, and cultural competence. Communities within the State with high Spanish speaking populations, services and printed materials are linguistically appropriate. Although numerous attempts have been made, there is no substantive relationship with the State's two Native Tribes: Lenape and Nanticoke.

Delaware's current prevention service system focuses on primary prevention (individuals not in need of treatment). DSAMH and DPBHS have adapted the Strategic Prevention Framework (SPF) within Delaware's substance abuse prevention infrastructure which has attributed to the State's more efficient implementation of primary prevention activities. Services are provided within the parameters of the Institute of Medicine classifications: universal (direct or indirect), selective, and indicated interventions and through prevention strategies: information dissemination, education, alternatives, problem identification and referral, community-based processes and environmental.

The current prevention system is implemented statewide, heavily community-based level with extensive collaborations inclusive of other State and local government entities (i.e., Division of Public Health; Drug, Alcohol, Tobacco Enforcement; Department of Highway Safety; Department of Education; and respective city and municipal offices).

Youth Prevention Services

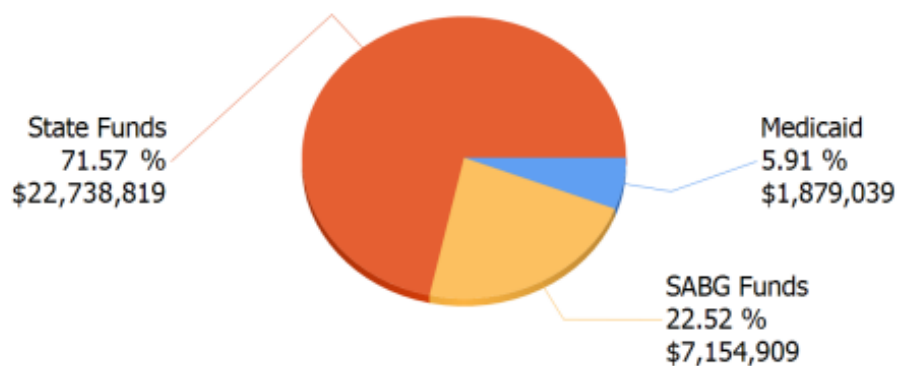
The SABG primary prevention services managed by DPBHS are provided through contracts with community coalitions, community-based agencies, universities, and private vendors. DPBHS allocates SABG prevention funding to community-based agencies to implement a comprehensive primary prevention program that includes activities and services provided in a variety of settings. In addition to the SABG, DPBHS also provides prevention and early intervention services through other state and federal funding.

Expenditures for Substance Abuse Prevention and Treatment

All states receive federal funds for substance abuse prevention through SABG funds administered by SAMHSA. Exhibit 1 shows the sources that Delaware used for expenditures on substance abuse prevention and treatment in 2021. As indicated, state funds and SABG funds account for the largest funding sources (71.57 percent and 22.52 percent, respectively).²

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2022-2023, Delaware designated strengthening substance use prevention among school-aged youths as priority number two for use of SABG funds.³

Exhibit 1: Sources of Delaware’s 2021 Expenditures for Substance Abuse Prevention and Treatment



² WebBGAS State Profile, 2021 SABG and Community Mental Health Block Grant (MHBG) Reports – Delaware 2021.

³ FY 2022/2023 – (Delaware) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, Center for Substance Abuse Treatment, 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 Delaware’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:

- underage possession or purchase of alcohol
- underage drinking and driving
- alcohol availability
- sales and delivery to consumers at home
- alcohol pricing
- 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:

- enforcement programs to promote compliance with underage drinking laws and regulations
- programs targeted to youth, parents, and caregivers to deter underage drinking
- state interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns
- state expenditures on the prevention of underage drinking

Underage Possession or Purchase of Alcohol

Delaware-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? 	Yes, in specified locations – see below Yes, in specified locations – see below
Is there an exception based on location?	Yes, in any private residence if parent/guardian/spouse is present or consents
Notes: 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” as including a spouse.	

Delaware-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? 	Yes, in specified locations – see below Yes, in specified locations – see below
Is there an exception based on location?	Yes, in any private residence if parent/guardian/spouse is present or consents
Notes: 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” as including a spouse.	

Delaware-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 N/A
Is there an exception based on location?	N/A
Notes: Although Delaware does not prohibit Internal Possession, it has a statutory provision that 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.” Laws that prohibit minors from having alcohol in their bodies, but which do so without reference to a blood, breath, or urine test, are not considered as prohibiting Internal Possession for the purposes of this report.	

Delaware-Underage Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	No
May youth purchase for law enforcement purposes?	No
Notes: 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).	

Delaware-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?	No
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?	No
Do state statutes or regulations mandate that state driver's licenses for persons under 21 be easily distinguishable from licenses for persons 21 and over?	No
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)? 	Yes
<ul style="list-style-type: none"> Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)? 	No
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
Notes: Although Del. Admin. Code § 2 2000 2215 states that "persons under 21 years of age have noted on their licenses 'Under 21,'" research revealed no Delaware statute or regulation expressly requiring distinguishing licenses for persons under 21 years of age. This requirement is probably the result of an uncodified administrative decision not published in the Code of Delaware Regulations.	

Underage Drinking and Driving

Delaware-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

Delaware-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?	
• Purchase of alcohol	N/A
• Possession of alcohol	N/A
• 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

Delaware-Graduated Driver’s Licenses	
Learner Stage	
What is the minimum age for permit to drive with parents, guardians or other adults (other than instructors)?	16
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?	50 (10 of which must be at night)
Intermediate Stage	
What is the minimum age for driving without adult supervision?	16 years, 6 months
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, no more than one passenger, except for immediate family members when driver is accompanied by a parent, guardian or licensed driver age 25 or over.
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

Delaware-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? 	Yes, in specified locations Yes, in specified locations
Is there an exception based on location?	Yes, in any private residence, if parent/guardian/spouse supplies alcohol
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: 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” as including a spouse.	

Delaware-Responsible Beverage Service (RBS)—Mandatory	
Is there a state law pertaining to Beverage Service Training?	Yes, mandatory
If training is mandatory, who must participate?	Licensee, manager, and server/seller
If training is voluntary, which of the following incentives are offered?	
<ul style="list-style-type: none"> Defense in dram shop liability lawsuits 	N/A
<ul style="list-style-type: none"> Discounts in dram shop liability insurance, license fees, or other 	N/A
<ul style="list-style-type: none"> Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons 	N/A
<ul style="list-style-type: none"> 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)?	Both
Does the RBS law apply to new or existing licensees?	Both

Delaware-Minimum Ages for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)	
What is the minimum age requirement for off-premises retail establishments?	
Beer	21
Wine	21
Spirits	21
Does a manager or supervisor have to be present when an underage person is selling beverages?	N/A

Delaware-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	21
Wine	21
Spirits	21
Does a manager or supervisor have to be present when an underage person is selling beverages?	No

Delaware-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)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A
Primary and Secondary Schools	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	N/A
To which alcohol products does requirement apply?	N/A

Delaware-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?	No

Delaware-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

Delaware-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

Delaware-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

Delaware-High-Proof Grain Alcohol Beverages	
Are there restrictions on the sale of high-proof grain alcohol beverages?	No
Are restrictions based on Alcohol by Volume (ABV)?	N/A
Are there exceptions to restrictions?	N/A

Sales and Delivery to Consumers at Home

Delaware-Retailer Interstate Shipments of Alcohol	
Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Prohibited
Wine	Prohibited
Spirits	Prohibited

Delaware-Direct Shipments/Sales	
May alcohol producers ship directly to consumers?	No
What alcohol types may be shipped?	N/A
Must purchaser make mandatory trip to producer before delivery is authorized?	N/A
Age verification requirements	
Must the producer/shipper verify purchaser's age before sale?	N/A
Must the common carrier (deliverer) verify age of recipients?	N/A
State approval/permit requirements	
Must the producer/manufacture obtain state license or permit?	N/A
Must the common carrier (deliverer) be approved by a state agency?	N/A
Recording/reporting requirements	
Must the producer/manufacture record/report purchaser's name?	N/A
Must the common carrier (deliverer) record/report recipient's name?	N/A

Shipping label requirements	
Must the label state "Package contains alcohol"?	N/A
Must the label state "Recipient must be 21 years old"?	N/A

Delaware-Home Delivery	
Is home delivery of alcohol permitted?	
Beer	Prohibited
Wine	Prohibited
Spirits	Prohibited

Delaware- Direct to Consumer	
Is there a policy allowing on-premises retailers to deliver alcohol to a consumer at home?	No
Which on-premises retailers can provide delivery of alcoholic beverages? <ul style="list-style-type: none"> • Restaurant • Bar license • Third party license 	N/A N/A N/A
Which types of alcohol are permitted to be delivered? <ul style="list-style-type: none"> • Beer • Wine • Spirits • Mixed Drinks 	N/A N/A N/A N/A
Requirements and Restrictions	
Are there restrictions in place addressing details of the delivery? <ul style="list-style-type: none"> • Hours limited • Amount of alcohol limited • Food requirement 	N/A N/A N/A
Are there certain requirements that the delivery person must meet? <ul style="list-style-type: none"> • Must be 21 • Must check ID at point of delivery • Must receive payment regardless of delivery completion 	N/A N/A N/A

Alcohol Pricing

Delaware-Alcohol Taxes	
Beer	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	\$0.26
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
<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
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?	No
Specific excise tax per gallon for 12% alcohol wine	\$1.63
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?	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
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?	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 6 – 14% alcohol wine if applicable	
Spirits	
Control system for spirits?	No
Specific excise tax per gallon for 40% alcohol spirits	\$4.50
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?	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
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?	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 15 – 50% alcohol spirits if applicable	\$3.00 per gallon for alcohol content of 25% or less

Delaware-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	Yes
Reduced price for a specified day or time (i.e., happy hours)	No
Unlimited beverages for fixed price	Yes
Increased volume without increase in price	No

Delaware-Wholesaler Pricing Restrictions	
Beer	
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?	Post and hold (5 days minimum)
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes, commissioner shall not control credit transactions to extent they are permitted by federal law.
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?	Post and hold (5 days minimum)
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes, commissioner shall not control credit transactions to extent they are permitted by federal law.
Spirits	
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?	Post and hold (5 days minimum)
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes, commissioner shall not control credit transactions to extent they are permitted by federal law.

Notes: Delaware law states that the Delaware Alcoholic Beverage Control Commissioner shall not control or regulate credit transactions to the extent they are permitted by federal law.

Enforcement Policies

Delaware-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?	17
What is the maximum age a decoy may be to participate in a compliance check?	20
Are there appearance requirements for the decoy?	Yes Males: No facial hair Females: No excessive makeup No clothing with vulgar or suggestive language; shirts displaying college names or college logos are not permitted; no clothing that displays any branding of an alcohol or tobacco product or licensee; clothing may not be low cut, revealing of cleavage, excessively tight or revealing of undergarments; all male and female shirts must have sleeves and shorts that are worn may not be excessively short or revealing; any pants worn may not sag to the point of revealing of undergarments; may not wear sunglasses or hats of any kind, or put up hoods on jackets or shirts; exposed tattoos or body art shall be covered.
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?	Mandated

Delaware-Penalty Guidelines for Sales to Minors	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	No written guidelines
What is the time period for defining second, third, and subsequent offenses?	N/A
What is the penalty for the first offense?	N/A
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

Notes: There are no formal written guidelines for penalties that are assessed against businesses for sales to minors. In general practice the penalties usually start at \$500.00 fine for the business for a first offense. Penalties for an individual person who sells alcohol to a minor can be found in Delaware Code Title 4 Section 904(a).

Delaware State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i>	
Division of Alcohol and Tobacco Enforcement	
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	No
<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>	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	1,200
Number of licensees checked for compliance by state agencies (including random checks)	Proactive enforcement program suspended due to COVID
Number of licensees that failed state compliance checks	Proactive enforcement program suspended due to COVID
Numbers pertain to the 12 months ending	06/30/2021
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	Proactive enforcement program suspended due to COVID
Number of licensees that failed random state compliance checks	Proactive enforcement program suspended due to COVID
<i>Local agencies conduct underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors</i>	No
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	0
Total amount in fines across all licensees	\$0
Smallest fine imposed	\$0
Largest fine imposed	\$0
Numbers pertain to the 12 months ending	06/30/2021
<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	0
Total days of suspensions across all licensees	0
Shortest period of suspension imposed (in days)	0
Longest period of suspension imposed (in days)	0
Numbers pertain to the 12 months ending	06/30/2021
<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	06/30/2021

Additional Clarification

Our compliance check program that uses underage decoys to test compliance with laws prohibiting underage sales was suspended during this period due to COVID restrictions.

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***Strategic Prevention Framework – Partnerships for Success (SPF-PFS) funded prevention activities and initiatives (federally funded)***

Number of youth served	2,444
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report:	The evaluation report was provided to project leadership and is available upon request: Amy Herb, amy.herb@delaware.gov
URL for more program information:	No data

Program Description: SPF-PFS prevention activities and initiatives were federally funded until September 2020 and took place throughout Delaware. The state of Delaware was awarded the SPF-PFS grant in 2014 for a five-year time period that ended in fall 2019. However, the state asked for and received an additional no-cost extension year, which supported prevention activities across the state, although in a more limited capacity than during the previous years. These activities were aimed at reducing both the nonmedical use of prescription drugs and underage drinking among ages 12–25. Prior to October 2016, SPF-PFS funded 11 different community entities; as of September 2020, eight agencies were currently funded. The summative evaluation report captured data from the eight SPF-PFS funded entities operating in the final, no-cost extension year of the project. These organizations

implemented prevention programming throughout the state, including six different community entities, one college, and one law enforcement agency. The number of underage drinking impacts made through the SPF-PFS-funded activities was approximately 16,239 for the reporting period of October 2019 through September 2020. An additional estimated 70,136 impacts were made through enforcement strategies supported by SPF-PFS funds and reported elsewhere in this survey. It should be noted that the numbers reported may include duplicated numbers, due to multiple population-based strategies implemented across the state.

The federally funded prevention activities were often chosen based on an understanding of the specific community characteristics and what will most likely impact underage drinking and the nonmedical use of prescription drugs among youth and young adults. Only prevention activities that targeted underage alcohol use and/or the prevention of all types of substance abuse by youth and young adults under the age of 21 are reported here. Over the course of the 6 years of funding, a variety of activities fell under the six CSAP prevention strategies (prevention education, alternative activities, problem identification and referral, community-based process activities, environmental strategies, and information dissemination activities) and these tend to be appropriate for each target population. The SPF model is data-driven, which allows for different communities to implement these various activities. For example, Delaware Multicultural and Civic Organization used an evidence-based prevention program, Theatre Troupe, to leverage its strong relationships with the community as part of a program they call the Cultural Health Ambassador Program. There were many different prevention education programs implemented through SPF-PFS initiatives, including Prime for Life and Life Skills Training. These activities provided youth and young adults an alternative to engaging in underage drinking or prescription drug misuse and associated risky behaviors.

Some of the alternative activities included activities available at community center drop-ins, basketball programs, and theater programs. Community-based process activities often involve building and sustaining community-based coalitions, providing training and technical support to community groups, and building interagency collaboration. Information dissemination activities provide individuals with program information pertaining to each community group, knowledge and awareness around the issues of substance abuse prevention, and resources in the community. This is accomplished with brochures, pamphlets, and radio announcements. Brochures and pamphlets are often provided to community members at tabling events, community health and school fairs, and at other prevention education or alternative activities. Problem identification and referral activities primarily work to identify individuals that are starting to engage in risky behaviors and refer them to necessary services; however, individuals also can be referred to housing services, immigration services, mental health services, and afterschool programs. Finally, environmental strategies seek to change or establish written and unwritten standards, codes, and attitudes in the hopes of reducing underage drinking and the nonmedical use of prescription drugs. A major SPF-PFS initiative used funds to implement environmental strategies that aimed to increase compliance and enforcement around proper alcohol sales in collaboration with Delaware Alcohol and Tobacco Enforcement (DATE), a law enforcement agency.

For the reporting period of October 2019 through September 2020, the numbers below represent the number of participants involved or the number of impacts, as is especially the case for information dissemination and environmental strategies. It should be noted that these numbers do not represent unduplicated numbers across programs or across funded entities, as this is not tracked across SPF-PFS activities. Interventions that exclusively targeted prescription drug misuse are not included in these numbers.

Prevention Education: 941

Alternative Activities: 1,503

Community Based Process: 0

Information Dissemination: 13,795

Problem ID and Referral: 0

Environmental: 0 impacts from community-based organizations, but an additional estimated 70,136 impacts funded by SPF-PFS are captured under law enforcement strategies documented elsewhere in this survey.

Substance Abuse Block Grant – Prevention Set-Aside

Number of youth served	11,989
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report:	The evaluation report for the DSCYF-DPBH programs was provided to project leadership and is available upon request: Amy Herb, amy.herb@delaware.gov
URL for more program information:	No data

Program Description: The Substance Abuse Prevention and Treatment Block Grant (SABG) is a federally funded program managed by the Division of Substance Abuse and Mental Health (DSAMH) in Delaware. While the majority of SABG funds are channeled to substance abuse treatment programs, under federal guidelines, 20 percent of funding must be designated to primary prevention programs. In Delaware, DSAMH contracts with two community organizations to provide primary prevention services to adults. During the time period of October 2019 to September 2020, the Department of Services to Children, Youth and Their Families (DSCYF), managed contracts that were provided to 4 community organizations that provide primary prevention services to youth and children.

The major goals of the SABG project are to 1) prevent the onset and reduce the progression of substance use and abuse for youth and their families through the reduction of risk factors and increasing identified protective factors; 2) provide primary prevention activities to prevent substance use and abuse through comprehensive implementation of evidence-based strategies, including education, information dissemination, environmental approaches, community-based strategies, and alternative activities; and 3) build prevention capacity and infrastructure at the community level. The current iteration of the SABG began in October 2016.

The prevention activities that are funded by the SABG fall under the six CSAP prevention strategies described previously. Twenty percent of the programs implemented under this program are evidence-based programs. These interventions are designed to reflect the needs of the populations targeted by the community organizations, which range from urban to rural environments, in locations across the state. For example, the Latin American Community Center implemented programs known to be responsive to an array of ethnic groups with a special focus on the Latino community. The Cooperative Extension at the University of Delaware leveraged their networks and resources to provide Life Skills Training in multiple schools across the state, and deliver train the trainer sessions with teachers, nurses, and community organizations in partnership with the Delaware Department of Education, the Department of Public Health, and other state stakeholders.

There are many other examples of responsive programming. A number of evidenced-based programs are implemented by these community organizations (Botvin Life Skills Training, Ripple Effects, and All Stars). In addition, the SABG funds alternative activities that keep youth and families engaged in prosocial activities, such as camps, afterschool clubs, and cooking classes. Information dissemination activities include health fairs, open house events, and community-wide events. Four out of eight organizations funded by the SABG also are involved with coalition work.

SABG programs that are managed by DSCYF are evaluated by the Center for Drug and Health Studies at the University of Delaware. An overall process and outcome evaluation report also will be completed at the end of the grant funding. Between October 1, 2019 and September 30, 2020, 191,382 impacts were made under six CSAP strategies for the eight funded community organizations. These interventions target primary prevention of the use

of multiple substances—not just underage drinking. Please note that these numbers do not represent unduplicated numbers across programs or across funded entities, as this is not tracked across SABG activities. In addition, numbers are likely to be lower than actual impacts because of technical difficulties related to the use of the required data reporting software by three of these organizations which experienced organizational capacity and staffing issues over the past year.

Prevention Education: 2,190

Alternative Activities: 4,539

Community Based Process: 419

Environmental Strategies: 3,594

Information Dissemination: 180,638

Problem ID and Referral: 2

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

State collaborates with federally recognized tribal governments in the prevention of underage drinking No

Description of collaboration: Not applicable

State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing No

Description of program: Not applicable

State collaborates with/participates in media campaigns to prevent underage drinking Don't know/no answer

Federal campaigns: Not applicable

Regional and local media campaigns: Not applicable

Local school district efforts: Not applicable

Other: Not applicable

State collaborates with/participates in SAMHSA's national media campaign, "Talk. They Hear You." Not applicable

State officially endorses TTHY efforts Not applicable

State commits state resources for TTHY Not applicable

State forwards TTHY materials to local areas Not applicable

Other: Not applicable Not applicable

State procures funding for TTHY Not applicable

Pro bono Not applicable

Donated air time Not applicable

Earned media Not applicable

Other: Not applicable

State has adopted or developed best practice standards for underage drinking prevention programs Yes

Agencies/organizations that established best practices standards:

Federal agency(ies): Substance Abuse and Mental Health Services Administration (SAMHSA) Yes

Agency(ies) within your state: Division of Substance Abuse and Mental Health, Division of Alcohol and Tobacco Enforcement and the Office of Highway Safety Yes

Nongovernmental agency(ies): University of Delaware Center for Drug and Health Studies Yes

Other: No

Best practice standards description: SABG implemented evidence-based programs, practices, and policies. Additionally, the data-driven SPF model is implemented. The SABG also adheres to the six CSAP strategies.

DATE follows established best practices in the enforcement of underage drinking laws as identified by the U.S. Office of Juvenile and Justice Delinquency Prevention.

Additional Clarification

No data

State Interagency Collaboration

A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities Don't know/No answer

Committee contact information:

Not applicable

Agencies/organizations represented on the committee:

Not applicable

A website or other public source exists to describe committee activities Not applicable

URL or other means of access: Not applicable

Underage Drinking Reports

State has prepared a plan for preventing underage drinking in the last 3 years Not sure

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 Not sure

Prepared by: Not applicable

Report can be accessed via: Not applicable

Additional Clarification

No data

State Expenditures for the Prevention of Underage Drinking

Compliance checks in retail outlets:

Estimate of state funds expended Data not available

Estimate based on the 12 months ending Data not available

Checkpoints and saturation patrols:

Estimate of state funds expended Data not available

Estimate based on the 12 months ending Data not available

Community-based programs to prevent underage drinking:

Estimate of state funds expended Data not available

Estimate based on the 12 months ending Data not available

K–12 school-based programs to prevent underage drinking:

Estimate of state funds expended Data not available

Estimate based on the 12 months ending Data not available

Programs targeted to institutes of higher learning:

Estimate of state funds expended Data not available

Estimate based on the 12 months ending Data not available

Programs that target youth in the juvenile justice system:

Estimate of state funds expended Data not available

Estimate based on the 12 months ending Data not available

Programs that target youth in the child welfare system:

Estimate of state funds expended Data not available

Estimate based on the 12 months ending Data not available

Other programs:

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



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

ICCPUD