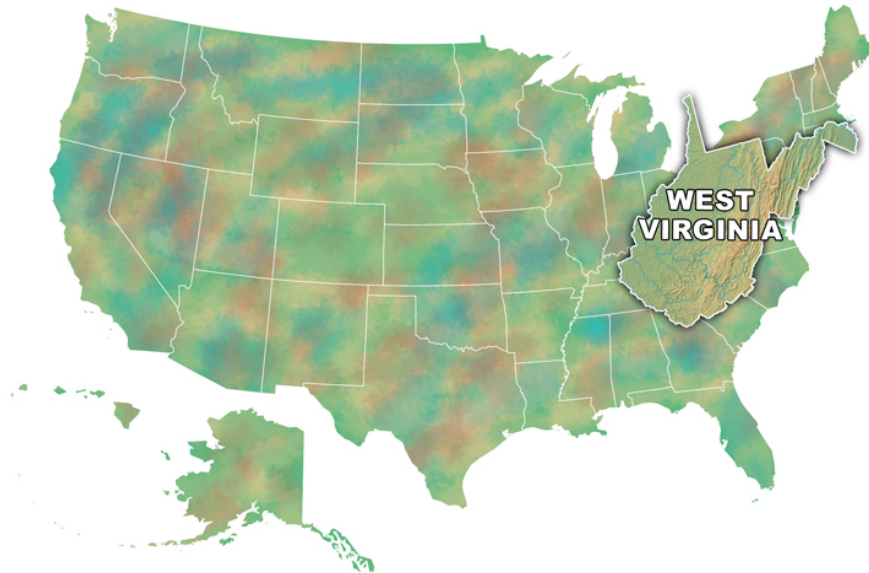


**State Report**

**West Virginia**

This document is excerpted from:

**The June 2015 Report to Congress on the Prevention and Reduction of Underage Drinking**



# West Virginia

## State Profile and Underage Drinking Facts\*

**State Population: 1,855,413**  
**Population Ages 12–20: 212,000**

	Percentage	Number
<b>Ages 12–20</b>		
Past-Month Alcohol Use	29.0	62,000
Past-Month Binge Alcohol Use	21.4	45,000
<b>Ages 12–14</b>		
Past-Month Alcohol Use	7.0	4,000
Past-Month Binge Alcohol Use	3.8	2,000
<b>Ages 15–17</b>		
Past-Month Alcohol Use	22.0	15,000
Past-Month Binge Alcohol Use	14.1	10,000
<b>Ages 18–20</b>		
Past-Month Alcohol Use	***	***
Past-Month Binge Alcohol Use	***	***
<b>Alcohol-Attributable Deaths (under 21)</b>		25
<b>Years of Potential Life Lost (under 21)</b>		1,506
	<b>Percentage of All Traffic Fatalities</b>	<b>Number</b>
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC &gt; 0.01</b>	14.0	5

\* See Appendix C for data sources.

## Laws Addressing Minors in Possession of Alcohol

### **Underage Possession of Alcohol**

Possession is prohibited—no explicit exceptions noted in the law.

### **Underage Consumption of Alcohol**

Consumption is prohibited—no explicit exceptions noted in the law.

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited, but youth may purchase for law enforcement purposes.

### **False Identification for Obtaining Alcohol**

#### ***Provision(s) targeting minors***

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

#### ***Provision(s) targeting retailers***

- State provides incentives to retailers who use electronic scanners that read birthdate and other information digitally encoded on valid identification cards.
- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older.
- General affirmative defense—the retailer came to a good faith or reasonable decision that the purchaser was 21 years or older; inspection of an identification card not required.

## Laws Targeting Underage Drinking and Driving

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

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

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

No use/lose law

### **Graduated Driver's License**

#### ***Learner stage***

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- No minimum supervised driving requirement with driver education; 50 hours without, of which 10 must be at night

#### ***Intermediate stage***

- Minimum age: 16

- Unsupervised night driving
  - Prohibited after: 10 p.m.
  - Primary enforcement of the night-driving rule
- Passenger restrictions exist: First 6 months, no nonfamily passengers younger than 20 years old. Second 6 months, no more than one nonfamily passenger younger than 20 years old.
  - Primary enforcement of the passenger-restriction rule

***License stage***

- Minimum age to lift restrictions: 17

## **Laws Targeting Alcohol Suppliers**

### **Furnishing of Alcohol to Minors**

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

- Parent/guardian OR
- Spouse

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

### **Compliance Check Protocols**

#### ***Age of decoy***

- Minimum: 18
- Maximum: 20

#### ***Appearance requirements***

- None

#### ***ID possession***

- Required

#### ***Verbal exaggeration of age***

- Prohibited

#### ***Decoy training***

- Mandated

### **Penalty Guidelines for Sales to Minors**

No data

### **Responsible Beverage Service**

No beverage service training requirement

### **Minimum Ages for Off-Premises Sellers**

- Beer: 18
- Wine: 18
- Spirits: 18

### **Minimum Ages for On-Premises Sellers**

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

### ***Condition(s) that must be met in order for an underage person to sell alcoholic beverages***

- Manager/supervisor is present.

### **Distance Limitations for New Alcohol Outlets near Universities and Schools**

#### ***Colleges and universities***

- Limitations on outlet siting:
  - Off-premises outlets: No
  - On-premises outlets: Yes—within 300 feet. College and university have authority to override state restrictions if done in writing.
  - Alcohol products: Beer

#### ***Primary and secondary schools***

- Prohibitions against outlet siting:
  - Off-premises outlets: No
  - On-premises outlets: Yes—within 300 feet
  - Alcohol products: Beer

### **Dram Shop Liability**

- There is no statutory liability.
- The courts recognize common law dram shop liability.

### **Social Host Liability Laws**

There is no statutory liability.

### **Host Party Laws**

No state-imposed liability for hosting underage drinking parties

### **Retailer Interstate Shipments of Alcohol**

Prohibition against retailer interstate shipments:

- Beer: Uncertain
- Wine: Permitted
- Spirits: Prohibited

### **Direct Sales/Shipments of Alcohol by Producers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

#### ***Age verification requirements***

- Common carrier must verify age of recipient.

#### ***State approval/permit requirements***

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

***Reporting requirements***

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

***Shipping label statement requirements***

- Contains alcohol
- Recipient must be 21

**Keg Registration**

Registration is not required.

**Home Delivery**

- Beer: No law
- Wine: Permitted—direct shipper's license required. Two cases per month.
- Spirits: No law

## **Alcohol Pricing Policies**

**Alcohol Tax**

***Beer (5 percent alcohol)***

- Specific excise tax: \$0.18 per gallon

***Wine (12 percent alcohol)***

- Control state

***Spirits (40 percent alcohol)***

- Control state

**Drink Specials**

No law

**Wholesale Pricing**

Pricing restrictions exist.

***Beer (5 percent alcohol)***

- Volume discounts: Banned
- Price posting requirements: Post
- Retailer credit: Not permitted

***Wine (12 percent alcohol)***

- Retailer credit: Not permitted

***Spirits (40 percent alcohol)***

- Control state

## West Virginia State Survey Responses

<b>State Agency Information</b>	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> West Virginia Alcohol Beverage Control Administration	
<b>Enforcement Strategies</b>	
<i>State law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	Yes
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	Yes
Party Patrol Operations or Programs	No
Underage Alcohol–Related Fatality Investigations	No
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	
Primary state agency responsible for enforcing laws addressing direct sales/shippments of alcohol to minors	Not applicable
Such laws are also enforced by local law enforcement agencies	Not applicable
<b>Enforcement Statistics</b>	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession by state law enforcement agencies	Yes
Number pertains to the 12 months ending	1,081
Data include arrests/citations issued by local law enforcement agencies	12/31/2012
<i>State conducts underage compliance checks/decoy operations<sup>2</sup> to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of retail licensees in state <sup>3</sup>	5,470
Number of licensees checked for compliance by state agencies (including random checks)	1,865
Number of licensees that failed state compliance checks	453
Numbers pertain to the 12 months ending	12/31/2012
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Both on- and off-sale establishments
<i>State conducts <b>random</b> underage compliance checks/decoy operations</i>	
Number of licensees subject to <b>random</b> state compliance checks/decoy operations	Yes
Number of licensees that failed <b>random</b> state compliance checks	1,865
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	No
Number of licensees that failed local compliance checks	Not applicable
Numbers pertain to the 12 months ending	Not applicable
<b>Sanctions</b>	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state <sup>4</sup>	Yes
Total amount in fines across all licensees	165
Smallest fine imposed	\$101,400
Largest fine imposed	\$150
Numbers pertain to the 12 months ending	\$7,500
<i>State collects data on license suspensions imposed on retail establishments</i>	
Yes	

<i>specifically for furnishing minors</i>	
Number of suspensions imposed by the state <sup>5</sup>	26
Total days of suspensions across all licensees	178
Shortest period of suspension imposed (in days)	2
Longest period of suspension imposed (in days)	30
Numbers pertain to the 12 months ending	12/31/2012
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of license revocations imposed <sup>6</sup>	1
Numbers pertain to the 12 months ending	12/31/2012
<b>Additional Clarification</b>	
No data	

<sup>1</sup> Or having consumed or purchased per state statutes.

<sup>2</sup> Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.

<sup>3</sup> Excluding special licenses such as temporary, seasonal, and common carrier licenses.

<sup>4</sup> Does not include fines imposed by local agencies.

<sup>5</sup> Does not include suspensions imposed by local agencies.

<sup>6</sup> Does not include revocations imposed by local agencies.

<b>Underage Drinking Prevention Programs Operated or Funded by the State</b>	
<b>West Virginia SADD</b>	
Program serves specific or general population	General population
Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	<a href="http://www.wvsadd.org">http://www.wvsadd.org</a>
<b>Program Description:</b> SADD’s mission: To provide students with the best prevention tools possible to deal with the issues of underage drinking, other drug use, risky and impaired driving, and other destructive decisions. West Virginia SADD is funded by the West Virginia Governor’s Highway Safety Program through grants received from the National Highway Traffic Safety Administration (NHTSA).	
<b>WV Collegiate Initiative to Address High Risk Alcohol Use (WVCIA)</b>	
Program serves specific or general population	General population
Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	<a href="http://www.wvcia.org">http://www.wvcia.org</a>
<b>Program Description:</b> WVCIA is the state organization that proactively addresses collegiate alcohol, other drug, and associated violence issues through the use of evidence-based strategies in order to promote healthy campus environments through self-regulatory initiatives, information dissemination, public policy influence, cooperation with prevention partners, and technical assistance. Members are representatives of the state’s campuses, agencies, and communities, who encourage and enhance local, state, regional, and national initiatives through a commitment to shared standards for policy development, educational strategies, enforcement, evaluation, and community collaboration. WVCIA is funded by the WV Governor’s Highway Safety Program through grants received from NHTSA.	



<b>Merchant Education</b>	
Program serves specific or general population	General population
Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	No data
<b>Program Description:</b> West Virginia provides materials to alcohol merchants to educate them about the importance of selling alcohol legally and appropriately so as to avoid underage sales. The materials provided include posters bearing examples of WV licenses and stickers that can be posted to inform the customer that identification is required by the merchant before selling alcohol. Additionally, our local county prevention coalitions conduct consumer and merchant education programs with the goal of reminding the public that purchasing alcohol for a minor is illegal and dangerous. Finally, two of our state-level staff members are certified as responsible beverage service trainers (TIPS) and provide that training to merchants and colleges and universities that request it.	
<b>Compliance Checks</b>	
Program serves specific or general population	General population
Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	No data
<b>Program Description:</b> Our state and local law enforcement agencies, in collaboration with the WV Alcohol Beverage Control Administration, conduct compliance checks in both on- and off-premise establishments to ensure that merchants are abiding by state code related to the sale of alcohol to minors. These compliance checks are funded in part by the WV Governor’s Highway Safety Program through grants received from NHTSA.	
<b>Additional Underage Drinking Prevention Programs Operated or Funded by the State</b>	
No data	
URL for more program information: No data	
Program description: No data	
<b>Additional Clarification</b>	
While the state of West Virginia operates the programs listed above, the funding for these programs comes from federal sources such as SAMHSA and NHTSA.	
<b>Additional Information Related to Underage Drinking Prevention Programs</b>	
<i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i>	No recognized Tribal governments
Description of collaboration: Not applicable	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
Description of program: Not applicable	
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
Agencies/organizations that established best practices standards:	
Federal agency(ies): SAMHSA, OJJDP, NIDA	Yes
Agency(ies) within your state: Single State Authority, Governor’s Highway Safety Program, Justice and Community Services	Yes

Nongovernmental agency(ies): PIRE	Yes
Other:	No
Best practice standards description: West Virginia requires evidence-based programming and data-driven decisionmaking, enabling state and local entities to appropriately address issues on a state-wide basis and on the county level. Examples of best practice standards include use of environmental strategies to reduce youth access to alcohol; peer-to-peer education with groups such as SADD, National Youth Leadership Initiative, Teen Institute, and Pride; and use of evidence-based prevention education curricula such as Too Good for Drugs and Keep a Clear Mind.	
<b>Additional Clarification</b>	
No data	

<b>State Interagency Collaboration</b>	
<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: Vickie Jones, Commissioner of Bureau for Behavioral Health and Health Facilities	
E-mail: victoria.l.jones@wv.gov	
Address: 350 Capitol Street, Room 350, Charleston, WV 25301	
Phone: 304-356-4771	
<i>Agencies/organizations represented on the committee:</i>	
Bureau for Behavioral Health and Health Facilities	
WV Supreme Court of Appeals	
WVU Department of Community Medicine	
WV Chiefs of Police Association	
Department of Military Affairs and Public Safety	
WV State Police Bureau of Criminal Investigation Drug Diversion Unit	
Bureau for Public Health	
WV Board of Pharmacy	
WVU School of Medicine Department of Behavioral Medicine and Psychiatry	
Workforce WV	
Complete list available at <a href="http://www.wvsubstancefree.org/docs/GACSA-Contact-List-web.pdf">http://www.wvsubstancefree.org/docs/GACSA-Contact-List-web.pdf</a>	
<i>A website or other public source exists to describe committee activities</i>	Yes
URL or other means of access: <a href="http://www.wvsubstancefree.org">http://www.wvsubstancefree.org</a>	

<b>Underage Drinking Reports</b>	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by: WV Governor’s Advisory Council on Substance Abuse	
Plan can be accessed via: <a href="http://www.wvsubstancefree.org/docs/StrategicActionPlan-Info.pdf">http://www.wvsubstancefree.org/docs/StrategicActionPlan-Info.pdf</a>	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	Yes
Prepared by: WV Statewide Epidemiological Outcomes Workgroup and the Governor’s Advisory Council on Substance Abuse	
Plan can be accessed via: <a href="http://bit.ly/RNbgwE">http://bit.ly/RNbgwE</a> and <a href="http://www.wvsubstancefree.org/docs/GACSA-Report-December-2012-FINAL.pdf">http://www.wvsubstancefree.org/docs/GACSA-Report-December-2012-FINAL.pdf</a>	
<b>Additional Clarification</b>	
The bit.ly address is a link to West Virginia’s Regional and County Data Profiles, and the WV Substance Free link will direct you to progress reports from December 2012.	

<b>State Expenditures for the Prevention of Underage Drinking</b>	
<i>Compliance checks in retail outlets:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2012
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	\$1,000,000

Estimate based on the 12 months ending	12/31/2012
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2012
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2012
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2012
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2012
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2012
<i>Other programs:</i>	
Programs or strategies included: None	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2012

**Funds Dedicated to Underage Drinking**

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

Taxes	No
Fines	No
Fees	No
Other:	No data

*Description of funding streams and how they are used:*

Not applicable

**Additional Clarification**

Underage enforcement is funded by grants from the WV Governor’s Highway Safety Program with federal funding from NHTSA.