

State Report

Delaware

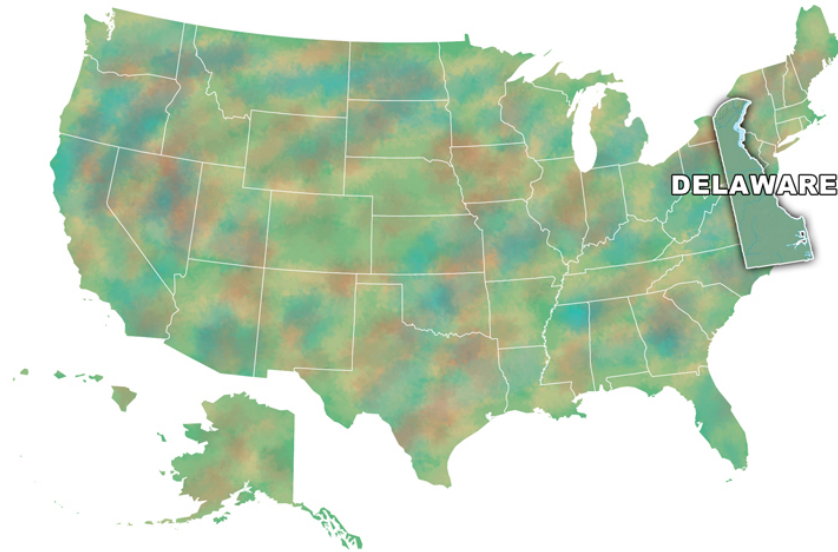
This state report is excerpted from:

The 2013 Report to Congress on the Prevention and Reduction of Underage Drinking

submitted to Congress by The U.S. Department of Health and Human Services.

To obtain more information and a copy of the full Report to Congress go to:

<https://www.stopalcoholabuse.gov>



Delaware

State Profile and Underage Drinking Facts*

State Population: 907,135
 Population Ages 12–20: 106,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	31.1	33,000
Past-Month Binge Alcohol Use	21.2	22,000
Ages 12–14		
Past-Month Alcohol Use	5.2	2,000
Past-Month Binge Alcohol Use	1.7	1,000
Ages 15–17		
Past-Month Alcohol Use	25.3	9,000
Past-Month Binge Alcohol Use	13.9	5,000
Ages 18–20		
Past-Month Alcohol Use	59.0	22,000
Past-Month Binge Alcohol Use	45.0	17,000
Alcohol-Attributable Deaths (under 21)		13
Years of Potential Life Lost (under 21)		759
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	23.0	4

* See Appendix C for data sources.

Laws Addressing Minors in Possession of Alcohol

Underage Possession of Alcohol

Possession is prohibited with the following exception(s):

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

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

Underage Consumption of Alcohol

Consumption is prohibited with the following exception(s):

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

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

Internal Possession by Minors

Internal possession is not explicitly prohibited.

Note: Delaware makes it an offense for “[w]hoever, being under the age of 21 years, has alcoholic liquor in his or her possession at any time, or consumes or is found to have consumed alcoholic liquor” (Del. Code Ann. tit. 4, § 904). Laws that prohibit minors from having alcohol in their bodies, but do so without reference to a blood, breath, or urine test, are not considered as prohibiting Internal Possession, for purposes of this report.

Underage Purchase of Alcohol

Purchase is NOT prohibited and there is no specific allowance for youth purchase for law enforcement purposes.

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

False Identification for Obtaining Alcohol

Provision(s) Targeting Minors

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

Provisions Targeting Retailers

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

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

Laws Targeting Underage Drinking and Driving

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

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

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

Use/lose penalties apply to minors under age 21.

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

- Underage possession
- Underage consumption

Authority To Impose Driver’s License Sanction

- Mandatory

Length of Suspension/Revocation

- 30 days

Graduated Driver’s License

Learner Stage

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

Intermediate Stage

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

License Stage

- Minimum age to lift restrictions: 17

Laws Targeting Alcohol Suppliers

Furnishing Alcohol to Minors

Furnishing is prohibited with the following exception(s):

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

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

Compliance Check Protocols

Age of Decoy

- Minimum: 16
- Maximum: 20

Appearance Requirements

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

ID Possession

- Required

Verbal Exaggeration of Age

- Prohibited

Decoy Training

- Recommended

Penalty Guidelines for Sales to Minors

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

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

Responsible Beverage Service

Mandatory Beverage Service Training for Licensees, Managers, Servers

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

Minimum Ages for Off-Premises Sellers

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

Minimum Ages for On-Premises Sellers

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

Distance Limitations for New Alcohol Outlets Near Universities and Schools

Colleges and Universities

No distance limitation

Primary and Secondary Schools

No distance limitation

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

Retailer Interstate Shipments of Alcohol

Retailer interstate shipments are prohibited for all types of beverages.

Direct Sales/Shipments of Alcohol by Producers

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

Keg Registration

Registration is not required.

Alcohol Pricing Policies

Home Delivery

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

Alcohol Tax

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

Drink Specials

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

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

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

Wine (12 percent alcohol)

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

Spirits (40 percent alcohol)

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

Delaware State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Division of Alcohol Tobacco Enforcement (DATE)	
<i>Methods by which local and state enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> State and local agencies conduct joint operations to address underage drinking and youth access concerns throughout the state. In addition, DATE is the designated agency for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Enforcing Underage Drinking Laws (EUDL) grant and oversees a statewide underage drinking task force comprised of its subgrantees.	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol-Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	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>	
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	No data
Such laws are also enforced by local law enforcement agencies	No
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession by state law enforcement agencies	713
Number pertains to the 12 months ending	12/31/2011
Data include arrests/citations issued by local law enforcement agencies	Yes
<i>State conducts underage compliance checks/decoy operations² to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by state agencies	200
Number of licensees that failed state compliance checks	55
Numbers pertain to the 12 months ending	12/31/2011
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	No
Number of licensees checked for compliance by local agencies	Data not collected
Number of licensees that failed local compliance checks	Data not collected
Numbers pertain to the 12 months ending	Data not collected
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state ³	55
Total amount in fines across all licensees	\$27,500
Numbers pertain to the 12 months ending	12/31/2011
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	
Number of suspensions imposed by the state ⁴	2
Total days of suspensions across all licensees	60
Numbers pertain to the 12 months ending	12/31/2011

<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of license revocations imposed ⁵	0
Numbers pertain to the 12 months ending	12/31/2011
Additional Clarification	
<p>Clarification for the following response: The enforcement division conducts compliance tests, arrests the clerks who sell, and files violations against the liquor licensee with the office of the alcoholic beverage control commissioner. All penalties imposed upon a liquor licensee are heard in an administrative hearing before the alcoholic beverage control commissioner. The enforcement division makes a recommendation of a monetary penalty, suspension, or revocation. The final decision is made by the commissioner. Data for all fines/suspensions/revocations imposed are recorded by that office. Delaware's Office of Highway Safety (OHS) does not conduct any state-funded saturation patrols or checkpoints to reduce underage drinking. OHS conducts saturation patrols and checkpoints to prevent adult impaired driving; these are federally funded, not state funded.</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	
All Stars	
Number of youth served	1,407
Number of parents served	0
Number of caregivers served	No data
Numbers pertain to the 12 months ending	03/31/2011
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable
<p>Program description: All Stars is an innovative, science-based prevention program that promotes prosocial behavior and attitudes. When done as intended, the effects on students can be profound. All Stars is designed for use by professionals who work with children ages 9 to 11 in community settings. All Stars can be delivered after school and in community settings such as churches and recreation centers.</p>	
Too Good for Drugs and Alcohol and Project Toward NO Drug Abuse Ended 06/30/2010	
Number of youth served	0
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	No data
Program has been evaluated	No data
Evaluation report is available	No data
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable
Program description: No data	

Fiscal Year (FY) 2011 Division of Prevention and Behavioral Health Services (DPBHS) funded extended Community Center	
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	No data
Program has been evaluated	No data
Evaluation report is available	No data
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable
<p>Program description: In Fiscal Year 2011, the DPBHS funded extended Community Center hours and a Curfew Center that offered prosocial activities, dinner, at least one weekend evening with later hours, and educational/prevention activities at the former. The latter worked with the Wilmington Police to offer education and resources to youth that were brought to the center for violation of curfew, which prevented youth from being on the streets, at risk for engaging in substance use and delinquent behaviors. These alternative activities and programs had a significant impact on the number of arrests and incidences of violence—and likely substance use. The funding was an unplanned budget windfall, and this upcoming summer, the DPBHS will continue with planned outcome measures in particular around substance abuse and violence.</p>	
Botvin Life Skills program through University of Delaware	
Number of youth served	35
Number of parents served	0
Number of caregivers served	No data
Numbers pertain to the 12 months ending	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable
<p>Program description: The Department of Education (DOE) Building Community Capacity Grant and DPBHS contracted to bring screening and motivational interviewing to Delaware's child/family serving system: representation from schools, courts, juvenile justice, public defenders, Division of Family Services (DFS), DPBHS staff, DOE, and prevention provider agencies.</p>	
Life Skills	
Number of youth served	See note below
Number of parents served	See note below
Number of caregivers served	See note below
Numbers pertain to the 12 months ending	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable
<p>Program description: Botvin Life Skills is a research-validated substance abuse prevention program proven to reduce the risks of alcohol, tobacco, and drug abuse, as well as violence, by targeting the major social and psychological factors that promote the initiation of substance use and other risky behaviors. This comprehensive and exciting program provides adolescents and young teens with the confidence and skills necessary to successfully handle challenging situations. <i>Note:</i> Total individuals served in FY 2011 (number was not broken down by youth, parent, caregiver): 228</p>	
Summer Safe Havens	
Number of youth served	See note below
Number of parents served	See note below
Number of caregivers served	See note below
Numbers pertain to the 12 months ending	No data

Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable
<p>Program description: DPBHS funded Duffy's Hope, Inc., for the Duffy's Hope Summer Basketball League and Summer Safe Haven programs through Duffy's Hope, the Latin American Community Center, West End Neighborhood House, Kingswood Community Center, William Hicks Anderson Community Center, and Neighborhood House. <i>Note:</i> Total individuals served in FY 2011 (number was not broken down by youth, parent, caregiver): 1,157</p>	
Underage Drinking Town Hall Meetings (8)	
Number of youth served	See note below
Number of parents served	See note below
Number of caregivers served	See note below
Numbers pertain to the 12 months ending	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable
<p>Program description: Eight underage drinking town hall meetings were held throughout the state. The town hall meetings reached a universal population of youth, teens, and their families. <i>Note:</i> Total individuals served in FY 2011: 200.</p>	

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

Parents Step Up Campaign
URL for more program information: <http://www.parentsstepup.org>

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

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

Additional Information Related to Underage Drinking Prevention Programs

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

Additional Clarification

The Division of Substance Abuse and Mental Health (DSAMH) services (Single State Agency) has developed the state's prevention website as of this year, and website enhancement continues. See <http://www.dhss.delaware.gov/dhss/dsamh/prevention.html>

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

DSAMH continued to work with the state-recognized Nanticoke Tribe in September 2011 to provide support to build their infrastructure in implementing substance abuse prevention programs. DSAMH, in

collaboration with the Division of Prevention and Behavioral Health Services, reached out to the Native American Center for Excellence (NACE) to receive technical assistance for this initiative. NACE, DPBHS, and DSAMH began working with the Nanticoke Tribe to develop assessment tools to collect data to guide their decisionmaking process for substance abuse prevention activities in in January 2012.

Delaware's Office of Highway Safety (OHS) does not conduct any state-funded saturation patrols or checkpoints to reduce underage drinking specifically. OHS conducts saturation patrols and checkpoints focused on preventing adult impaired driving; however, minors are frequently arrested for underage drinking violations during the course of checkpoint enforcement activities. Additionally, OHS does not include cost information because these enforcement activities are federally funded and not state funded.

State Interagency Collaboration

A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities Yes

Committee contact information:

Name: Dr. Marc Richman
 E-mail: Marc.Richman@state.de.us
 Address: DHSS-Division of Substance Abuse and Mental Health Services, 1901 N. DuPont Highway, Main Admin Bldg, New Castle, DE 19720
 Phone: 302-255-9416

Agencies/organizations represented on the committee:

Department of Health and Social Services (DHSS) Division of Substance Abuse and Mental Health Services
 Division of Alcohol and Tobacco Enforcement
 Office of Highway Safety
 Delaware Department of Education
 Division of Prevention and Behavioral Health Services
 University of Delaware Center for Drug and Alcohol Studies

A website or other public source exists to describe committee activities Yes
 URL or other means of access: dhss.delaware.gov/dhss/dsamh/prevention.html

Underage Drinking Reports

State has prepared a plan for preventing underage drinking in the last 3 years Yes

Prepared by: DSAMH & DPBHS
 Plan can be accessed via: <http://dhss.delaware.gov/dhss/dsamh/prevention.html>

State has prepared a report on preventing underage drinking in the last 3 years No

Prepared by: Not applicable
 Plan can be accessed via: Not applicable

Additional Clarification

None given

State Expenditures for the Prevention of Underage Drinking

Compliance checks/decoy operations 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 No data
 Estimate based on the 12 months ending No data

<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$1,138,678
Estimate based on the 12 months ending	6/30/2011
<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Other programs:</i>	
Programs or strategies included:	Not applicable
Programs or strategies included:	Not applicable
Estimate of state funds expended	Not applicable
Estimate based on the 12 months ending	Not applicable

Funds Dedicated to Underage Drinking	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	No
Fines	No
Fees	No
Other	No data
<i>Description of funding streams and how they are used:</i>	
No data	
Additional Clarification	
None given	