



# Kentucky

## State Profile and Underage Drinking Facts

**State Population: 4,339,367**  
**Population Ages 12–20: 519,000**

	<b>Percentage</b>	<b>Number</b>
<b>Ages 12–20</b>		
Past-Month Alcohol Use	25.5	132,000
Past-Month Binge Alcohol Use	17.8	92,000
<b>Ages 12–14</b>		
Past-Month Alcohol Use	5.3	8,000
Past-Month Binge Alcohol Use	1.5	2,000
<b>Ages 15–17</b>		
Past-Month Alcohol Use	20.4	37,000
Past-Month Binge Alcohol Use	15.0	27,000
<b>Ages 18–20</b>		
Past-Month Alcohol Use	48.1	87,000
Past-Month Binge Alcohol Use	34.5	63,000
<b>Alcohol-Attributable Deaths (under 21)</b>		<b>Number</b> 75
<b>Years of Potential Life Lost (under 21)</b>		4,468

	Percentage of All Traffic Fatalities	Number
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC &gt; 0.01</b>	13.0	18

### **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 not explicitly prohibited.

#### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

#### **Underage Purchase of Alcohol**

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

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

##### ***Provision(s) Targeting Minors***

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

##### ***Provisions Targeting Retailers***

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

### **Laws Targeting Underage Drinking and Driving**

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

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

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

No use/lose law

## **Graduated Driver’s License**

### ***Learner Stage***

- Minimum entry age: 16
- Minimum learner-stage period: 6 months
- Minimum supervised driving requirement: 60 hours—10 of which must be at night

### ***Intermediate Stage***

- Minimum age: 16 years, 6 months
- Unsupervised night driving
  - Prohibited after: 12 a.m.
  - Primary enforcement of the night-driving rule
- Passenger restrictions exist: No more than one passenger under 20, unless supervised by instructor
  - No 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):

- Parent/guardian

### **Compliance Check Protocols**

#### ***Age of Decoy***

- Minimum: 18
- Maximum: 20.5

#### ***Appearance Requirements***

- Age-appropriate appearance and character

#### ***ID Possession***

- Prohibited

#### ***Verbal Exaggeration of Age***

- Prohibited

#### ***Decoy Training***

- Mandated

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

- Time period/conditions: 2 years
- First offense: \$1,800 fine and/or 36-day suspension
- Second offense: \$3,600 fine and/or 72-day license suspension

### **Responsible Beverage Service**

No beverage service training requirement

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

- Beer: 18
- Wine: 20
- Spirits: 20

### ***Condition(s) That Must Be Met in order for an Underage Person To Sell Alcoholic Beverages***

- Manager/supervisor is present.

*Note:* Although 20 years old is the minimum age requirement to sell alcoholic beverages at both off-sale and on-sale establishments, 18-year-olds may stock, arrange displays, accept payment for, and sack malt beverages by the package, under supervision of a person 20 years old or older.

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

- Beer: 20 for both servers and bartenders
- Wine: 20 for both servers and bartenders
- Spirits: 20 for both servers and bartenders

### **Dram Shop Liability**

Statutory liability exists.

### **Social Host Liability Laws**

There is no statutory liability.

### **Host Party Laws**

No State-imposed liability for hosting underage drinking parties

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

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

***Age Verification Requirements:*** None

#### ***State Approval/Permit Requirements***

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

***Reporting Requirements:*** None

***Shipping Label Statement Requirements:*** None

*Note:* Kentucky's laws permitted direct wine shipments provided the customer purchased the wine at the producer's place of business. This provision was ruled unconstitutional as violating the U.S. Constitution's interstate commerce clause. The remainder of the statutory scheme was upheld (*Cherry Hill Vineyards, LLC v. Hudgins* (W.D.Ky. 2006) 488 F.Supp.2d 601, affirmed by *Cherry Hill Vineyards, LLC v. Lilly*, 553 F.3d 423, 424+(6th Cir.(Ky.) Dec 24, 2008) (NO. 07-5128)).

### **Keg Registration**

Registration not required

## Alcohol Pricing Policies

### Home Delivery

- Beer: No law
- Wine: Prohibited
- Spirits: Prohibited

### Alcohol Tax

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

- Specific excise tax: \$0.08 per gallon
- Ad valorem excise tax (on-premises sales): 11 percent
- Ad valorem excise tax (off-premises sales): 11 percent
- Ad valorem tax applied at wholesale level

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

- Specific excise tax: \$0.50 per gallon
- Ad valorem excise tax (on-premises sales): 11 percent
- Ad valorem excise tax (off-premises sales): 11 percent
- Ad valorem tax applied at wholesale level

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

- Specific excise tax: \$1.92 per gallon
- Ad valorem excise tax (on-premises sales): 11 percent
- Ad valorem excise tax (off-premises sales): 11 percent
- Ad valorem tax applied at wholesale level

### Drink Specials

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

### Wholesale Pricing

Pricing restrictions exist.

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

- Retailer credit: Not permitted

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

- Retailer credit: Restricted—30 days maximum

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

- Retailer credit: Restricted—30 days maximum

## Kentucky State Survey Responses

<b>State Agency Information</b>	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Kentucky Department of Alcoholic Beverage Control (ABC)	
<i>Methods by which local and State enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> The Enforcement Division of the Kentucky ABC prioritizes combating youth access to alcohol. ABC Investigators are vested with full police powers to enforce all State laws. Investigators are strategically located throughout the Commonwealth to maximize their special emphasis on enforcement of the State's alcohol laws on a daily basis. The enforcement division conducts and engages in effective alcohol compliance enforcement strategies by coordinating with other local law enforcement agencies on a regular basis. These strategies, Operation Zero Tolerance (OZT) and Targeted Enforcement Details (TEDs), are proactive law enforcement strategies that have proven effective in reducing youth access to alcoholic beverages at the point of sale.	
<b>Enforcement Strategies</b>	
<i>State law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	Yes
Primary State agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	Kentucky ABC
Such laws are also enforced by local law enforcement agencies	Yes
<b>Enforcement Statistics</b>	
<i>State collects data on the number of minors found in possession</i>	Yes
Number of minors found in possession <sup>1</sup> by State law enforcement agencies	No data
Number pertains to the 12 months ending	No data
Data include arrests/citations issued by local law enforcement agencies	No data
<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>	Yes
Data are collected on these activities	Yes
Number of licensees checked for compliance by State agencies	3,616
Number of licensees that failed State compliance checks	226
Numbers pertain to the 12 months ending	12/31/2010
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	Yes
Data are collected on these activities	No
Number of licensees checked for compliance by local agencies	Data not collected
Number of licensees that failed local compliance checks	Data not collected
Numbers pertain to the 12 months ending	Data not collected
<b>Sanctions</b>	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	Yes
Number of fines imposed by the State <sup>3</sup>	347
Total amount in fines across all licensees	\$485,450
Numbers pertain to the 12 months ending	12/31/2010
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	Yes

Number of suspensions imposed by the State <sup>4</sup>	27
Total days of suspensions across all licensees	875
Numbers pertain to the 12 months ending	12/31/2010
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	
Number of license revocations imposed <sup>5</sup>	10
Numbers pertain to the 12 months ending	12/31/2010
<b>Additional Clarification</b>	
We do not collect data on the number of minors found in possession of alcohol (or having consumed). (A.4)	
We do not collect data on the number of licensees upon which underage compliance checks are conducted by local law enforcement agencies. (B.2)	

<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> Does not include fines imposed by local agencies

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

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

<b>Underage Drinking Prevention Programs Operated or Funded by the State: Programs SPECIFIC TO Underage Drinking</b>	
<b>Early Intervention Program</b>	
Number of youth served	1,253
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	06/30/2010
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report	<a href="https://eip.reachoflouisville.com/state/EvaluationReport.aspx?Region=&amp;BeginDate=01/01/2010&amp;EndDate=12/31/2010">https://eip.reachoflouisville.com/state/EvaluationReport.aspx?Region=&amp;BeginDate=01/01/2010&amp;EndDate=12/31/2010</a>
URL for more program information	No data
<p>Program description: The Early Intervention Program (EIP) provides multifaceted prevention and intervention targeting specific needs related to alcohol- and drug-related behaviors and choices. There are two primary target populations for this program. The first is young persons under 21 who are charged with a zero-tolerance offense—driving with a blood alcohol content of 0.02 to 0.08. The second target population is juveniles at risk of becoming involved or already involved with the Juvenile Justice System and youth who are identified as using or at risk for using substances. The outcomes of the Early Intervention Program are:</p> <ol style="list-style-type: none"> <li>1. Divert youth from involvement with the juvenile justice system.</li> <li>2. Reduce the recidivism rate of first- and second- time juvenile offenders.</li> <li>3. Reduce the number of youth who experience future substance-related problems.</li> </ol> <p>These outcomes are achieved through screenings, prevention and intervention strategies, education, and referrals to community resources. Program components contribute to reducing youth substance use, increasing parent-child communication, and encouraging youth to make positive peer and lifestyle choices.</p>	

<b>Underage Drinking Prevention Programs Operated or Funded by the State: Programs RELATED TO Underage Drinking</b>	
<b>Prime for Life</b>	
URL for more program information	<a href="http://www.primeforlife.org/homepage.cfm?CFID=342699&amp;CFTOKEN=60435865">http://www.primeforlife.org/homepage.cfm?CFID=342699&amp;CFTOKEN=60435865</a>
<p>Program description: Prime for Life is an alcohol and drug program for people of all ages. It is designed to gently but powerfully challenge common beliefs and attitudes that directly contribute to high-risk alcohol and drug use. The program goals are to reduce the risk of health and impairment problems.</p>	

A primary goal of Prime for Life is prevention of any type of alcohol or drug problem. This includes prevention of health problems such as alcoholism, or impairment problems such as car crashes or fights. Emphasis is on knowing and understanding risks one cannot change and reducing risks one can change. Many people who attend a Prime for Life program already show signs of alcohol- or drug-related health or impairment problems. Prime for Life is designed to effectively interrupt the progression of use with these audiences. Prime for Life's intervention component focuses on self-assessment to help people understand and accept the need for change. Intensive prevention services, counseling, or treatment may be necessary to support these changes. For those who already need treatment, the program serves as pretreatment and support for abstinence.

<b>Additional Information Related to Underage Drinking Prevention Programs</b>	
<p><i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i></p> <p>Program description: Not applicable.</p>	<p>No recognized Tribes</p>
<p><i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i></p> <p>Program description: The Alcohol Prevention Enhancement Site (PES), funded by the Division for Behavioral Health and operated by Bluegrass Regional Prevention Center in Lexington, Kentucky, researches alcohol environmental strategies, disseminates the latest national research, and provides technical assistance and training on implementing and evaluating effective environmental strategies to reduce alcohol availability to underage youth. The Alcohol PES also seeks to build community capacity to implement policies to limit the availability of alcohol and excessive advertising of alcohol and to change community norms that are favorable to underage drinking. The Alcohol PES was established in 1999 during Kentucky's first State Incentive Grant (SIG) and has been instrumental in a number of countywide alcohol policy changes such as responsible beverage server, social host, and keg registration ordinances.</p> <p>The Fetal Alcohol Spectrum Disorder Prevention Enhancement Site (FASD PES) was created in 2007 to increase awareness of FASD in Kentucky and to offer training and technical assistance to communities to prevent it. The scope of work of the FASD PES includes:</p> <ul style="list-style-type: none"> <li>• Establishing a training network composed of a variety of community partners and other interested community members that will provide indepth information about FASD and prepare participants to be local FASD trainers.</li> <li>• Training Regional Prevention Center staff to educate middle and high school students about FASD and to gather data for use in FASD curriculum development.</li> <li>• Advocating for effective public policy at the State and local levels.</li> <li>• Working with colleges and universities throughout the State to determine effective and efficient methods for including FASD information in freshman orientation and other forums.</li> <li>• Responding to information requests and supporting local efforts toward mobilizing around FASD issues.</li> <li>• Maintaining a resource and networking list for people seeking assistance outside the scope of prevention to be shared with stakeholders across the State.</li> <li>• Remaining current on new information, research, and best practices in FASD through participation and mentoring with the National Organization on Fetal Alcohol Syndrome (NOFAS).</li> </ul>	<p>Yes</p>
<p><i>State has adopted or developed best practice standards for underage drinking prevention programs</i></p> <p>Best practice standards description: Our State standard is SAMHSA's document entitled <i>Identifying and Selecting Evidence Based Interventions</i>. Although not formally adopted, the document was disseminated to all Regional Prevention Centers with the expectation that they use it to guide community selection of prevention strategies. In addition, the Alcohol PES and FASD PED conduct research regularly on best practices for alcohol prevention. This information is disseminated to our network of Regional Prevention Centers, which use it to inform community planning on underage drinking (UAD) prevention.</p>	<p>Yes</p>

<b>Additional Clarification</b>	
The State Prevention Branch of the Kentucky Division of Behavioral Health funds the FASD and Alcohol PEs and the Regional Prevention Centers through the Prevention portion of the Substance Abuse Prevention and Treatment (SAPT) Block Grant.	

<b>State Interagency Collaboration</b>	
<i>A State-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	No
<i>Committee contact information:</i> Not applicable.	
<i>Agencies/organizations represented on the committee:</i> Not applicable.	
<i>A Web site or other public source exists to describe committee activities</i>	Not applicable
<i>URL or other means of access</i>	Not applicable

<b>Underage Drinking Reports</b>	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by: The Prevention Branch of the Division of Behavioral Health Plan can be accessed via: The Plan was our application for SAMHSA’s Center for Substance Abuse Prevention Partnership for Success (PFS) grant. The State Epidemiological Outcomes Workgroup (SEOW) needs assessment conducted as part of the application process identified UAD as the State priority. Kentucky was not awarded the PFS but is implementing parts of the PFS to the extent possible with limited resources. These efforts include two minigrants to Marion and Meade Counties and the statewide “Changing Social Norms and Policy” (CSNaP) initiative. The plan itself is not posted on a Web site.	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	No
Prepared by	Not applicable
Report can be accessed via	Not applicable

<b>Additional Clarification</b>	
Although the State has not prepared any reports on UAD within the last 3 years, several reports on UAD were produced by Kentucky’s SEOW in year 1 of the SPF SIG, 5 years ago. These reports can be accessed at <a href="http://sig.reachoflouisville.com/ReportsPresentations.aspx#presentations">http://sig.reachoflouisville.com/ReportsPresentations.aspx#presentations</a> . Also, the Kentucky Prevention Branch has collaborated in the past with the Kentucky State Police Highway and Traffic Safety Branch on UAD initiatives and Enforcing Underage Drinking Laws (EUDL) Grants. We have also worked with the Kentucky Network, a collaborative alcohol and drug prevention effort among colleges and universities across the State. The Network provides support for UAD through grant opportunities as well as training opportunities. Both the Highway and Traffic Safety Branch and the Kentucky Network served on our SPF Advisory Council.	

<b>State Expenditures for the Prevention of Underage Drinking</b>	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Checkpoints and saturation patrols:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable

<i>Programs targeted to institutes of higher learning:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Programs that target youth in the child welfare system:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Other programs:</i>	
Programs or strategies included	S.T.A.R.
Estimate of State funds expended	\$5,700,000
Estimate based on the 12 months ending	06/30/2010

<b>Funds Dedicated to Underage Drinking</b>	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	Yes
Fines	Yes
Fees	No data
Other	No data
<i>Description of funding streams and how they are used:</i> Part of the funding for our Early Intervention Program comes from fines assessed from convictions of driving under the influence (DUIs). Our responsible beverage server program (S.T.A.R.) is funded by State General funds.	
<b>Additional Clarification</b>	
No data	