State Report

Kentucky

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
### Kentucky

**State Profile and Underage Drinking Facts**

State Population: 4,369,356  
Population Ages 12–20: 516,000

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Percentage</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ages 12–20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Past-Month Alcohol Use</td>
<td>23.7</td>
<td>123,000</td>
</tr>
<tr>
<td>Past-Month Binge Alcohol Use</td>
<td>16.6</td>
<td>86,000</td>
</tr>
<tr>
<td>Ages 12–14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Past-Month Alcohol Use</td>
<td>4.9</td>
<td>8,000</td>
</tr>
<tr>
<td>Past-Month Binge Alcohol Use</td>
<td>1.9</td>
<td>3,000</td>
</tr>
<tr>
<td>Ages 15–17</td>
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<td></td>
</tr>
<tr>
<td>Past-Month Alcohol Use</td>
<td>19.1</td>
<td>34,000</td>
</tr>
<tr>
<td>Past-Month Binge Alcohol Use</td>
<td>13.9</td>
<td>25,000</td>
</tr>
<tr>
<td>Ages 18–20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Past-Month Alcohol Use</td>
<td>44.9</td>
<td>81,000</td>
</tr>
<tr>
<td>Past-Month Binge Alcohol Use</td>
<td>32.2</td>
<td>58,000</td>
</tr>
<tr>
<td>Alcohol-Attributable Deaths (under 21)</td>
<td></td>
<td>75</td>
</tr>
<tr>
<td>Years of Potential Life Lost (under 21)</td>
<td></td>
<td>4,492</td>
</tr>
</tbody>
</table>

**Percentage of All Traffic Fatalities**

<table>
<thead>
<tr>
<th>Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC &gt; 0.01</th>
<th>Percentage</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>11.0</td>
<td>12</td>
</tr>
</tbody>
</table>

* 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 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

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
Statutory liability exists.

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 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

### State Agency Information

- **Agency with primary responsibility for enforcing underage drinking laws:** Kentucky Department of Alcoholic Beverage Control (ABC)

### Methods by which local and state enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:

- Kentucky ABC investigators have full police powers in the state. ABC investigators work with and assist local law enforcement upon request in areas of the state that legally sell alcoholic beverages.

### Enforcement Strategies

#### State law enforcement agencies use:

<table>
<thead>
<tr>
<th>Method</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cops in Shops</td>
<td>Yes</td>
</tr>
<tr>
<td>Shoulder Tap Operations</td>
<td>No</td>
</tr>
<tr>
<td>Party Patrol Operations or Programs</td>
<td>Yes</td>
</tr>
<tr>
<td>Underage Alcohol–Related Fatality Investigations</td>
<td>Yes</td>
</tr>
</tbody>
</table>

#### Local law enforcement agencies use:

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### State has a program to investigate and enforce direct sales/shipment laws

- Unknown

- 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

### Enforcement Statistics

#### State collects data on the number of minors found in possession

- Yes

- Number of minors found in possession by state law enforcement agencies: 435

- Number pertains to the 12 months ending: 12/31/2011

- Data include arrests/citations issued by local law enforcement agencies: Yes

#### State conducts underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors

- Yes

- Data are collected on these activities: Yes

- Number of licensees checked for compliance by state agencies: 1,854

- Number of licensees that failed state compliance checks: 119

- Numbers pertain to the 12 months ending: 12/31/2011

#### Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors

- Yes

- 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

#### State collects data on fines imposed on retail establishments that furnish minors

- Yes

- Number of fines imposed by the state: 279

- Total amount in fines across all licensees: $317,750

- Numbers pertain to the 12 months ending: 12/31/2011

#### State collects data on license suspensions imposed on retail establishments specifically for furnishing minors

- Yes

- Number of suspensions imposed by the state: 15

- Total days of suspensions across all licensees: No data

- Numbers pertain to the 12 months ending: 12/31/2011
State collects data on license revocations imposed on retail establishments specifically for furnishing minors

<table>
<thead>
<tr>
<th>State collects data on license revocations imposed on retail establishments</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of license revocations imposed(^5)</td>
<td>5</td>
</tr>
<tr>
<td>Numbers pertain to the 12 months ending</td>
<td>12/31/2011</td>
</tr>
</tbody>
</table>

**Additional Clarification**

None given

\(^1\) 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**

**Early Intervention Program (EIP)**

| Number of youth served | 1,067 |
| Number of parents served | No data |
| Number of caregivers served | No data |
| Numbers pertain to the 12 months ending | 06/30/2011 |
| Program has been evaluated | Yes |
| Evaluation report is available | Yes |

URL for evaluation report:


URL for more program information: No data

Program description: The 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: (1) young persons under 21 who are charged with a zero-tolerance offense—driving with a blood alcohol content of .02-.08; and (2) juveniles at risk of becoming involved or who are already involved with the Juvenile Justice System and youth who are identified as using or at risk for using substances. The outcomes of the EIP are:

1. Divert youth from involvement with the juvenile justice system.
2. Reduce the recidivism rate of first- and second-time juvenile offenders.
3. Reduce the number of youth who experience future substance-related problems.

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.

**Programs RELATED TO Underage Drinking**

**Prime for Life**

URL for more program information:

http://www.primeforlife.org/homepage.cfm?CFID=342699&CFTOKEN=60435865

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.

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-
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.

Additional Information Related to Underage Drinking Prevention Programs

| State collaborates with federally recognized Tribal governments in the prevention of underage drinking | No recognized Tribal governments |
| Description of collaboration: Not applicable |

| State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing | Yes |
| 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. 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: |
| • Establishing a training network composed of a variety of community partners and other interested community members that will provide in-depth information about FASD and prepare participants to be local FASD trainers. |
| • Training Regional Prevention Center staff to educate middle and high school students about FASD and to gather data for use in FASD curriculum development. |
| • Advocating for effective public policy at the state and local levels. |
| • Working with colleges and universities throughout the state to determine effective and efficient methods for including FASD information in freshman orientation and other forums. |
| • Responding to information requests and supporting local efforts toward mobilizing around FASD issues. |
| • Maintaining a resource and networking list for people seeking assistance outside the scope of prevention to be shared with stakeholders across the state. |
| • Remaining current on new information, research, and best practices in FASD through participation and mentoring with the National Organization on Fetal Alcohol Syndrome (NOFAS). |

| State has adopted or developed best practice standards for underage drinking prevention programs | Yes |
| Best practice standards description: The state standard is the SAMHSA document, Identifying and Selecting Evidence Based Interventions. Although not formally adopted, the document was disseminated to all Regional Prevention Centers 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 Kentucky’s network of Regional Prevention Centers, which use it to inform community planning on underage drinking prevention. |
**State Reports – Kentucky**

### Additional Clarification

The State Prevention Branch of the Kentucky Division of Behavioral Health funds the FASD and Alcohol PESs and the Regional Prevention Centers though the Prevention portion of the Substance Abuse Prevention and Treatment (SAPT) Block Grant.

### State Interagency Collaboration

| A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities | No |
| 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 | 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 (CSAP) Partnership for Success (PFS) grant. The State Epidemiological Outcomes Workgroup (SEOW) needs assessment conducted as part of the application process identified underage drinking 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 website. |

| 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

Although the state has not prepared any reports on underage drinking within the last 3 years, several reports on underage drinking were produced by Kentucky’s SEOW in year 1 of the SPF SIG 5 years ago (http://sig.reachofflouisville.com/ReportsPresentations.aspx#presentations). The SEOW is in the process of preparing a state report on underage drinking in Kentucky. This report will not available until late summer. Also, the Kentucky Prevention Branch has collaborated in the past with the Kentucky State Police Highway and Traffic Safety Branch on underage drinking initiatives and EUDL grants. The state has 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 underage drinking through grant opportunities as well as training opportunities. Both the Highway and Traffic Safety Branch and the Kentucky Network served on the SPF Advisory Council.

### 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 | 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: “I Won’t Be the One” (Changing Social Norms and Policy Initiative)
- Alcohol Prevention Enhancement Site
- Fetal Alcohol Spectral Disorder
- Estimate of state funds expended: $309,000
- Estimate based on the 12 months ending: 06/30/2011

**Funds Dedicated to Underage Drinking**

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

<table>
<thead>
<tr>
<th>Revenue Stream</th>
<th>Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxes</td>
<td>No</td>
</tr>
<tr>
<td>Fines</td>
<td>No</td>
</tr>
<tr>
<td>Fees</td>
<td>No</td>
</tr>
<tr>
<td>Other</td>
<td>No data</td>
</tr>
</tbody>
</table>

**Description of funding streams and how they are used:**
- No data

**Additional Clarification**

Money for all current underage drinking efforts comes from Prevention Block Grant funds.