

State Report

Tennessee

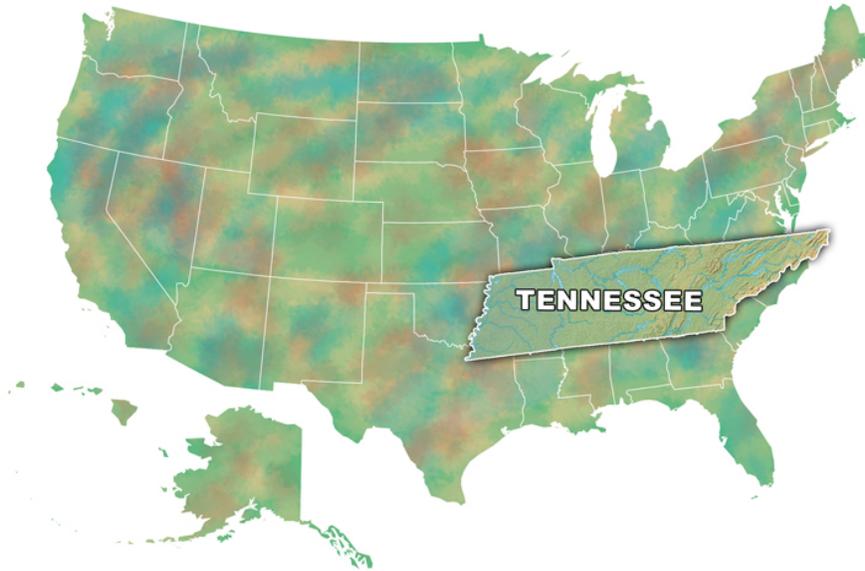
This state report is excerpted from:

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>



Tennessee

State Profile and Underage Drinking Facts*

State Population: 6,403,353
Population Ages 12–20: 757,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	19.4	147,000
Past-Month Binge Alcohol Use	13.0	99,000
Ages 12–14		
Past-Month Alcohol Use	3.8	9,000
Past-Month Binge Alcohol Use	2.4	6,000
Ages 15–17		
Past-Month Alcohol Use	15.7	40,000
Past-Month Binge Alcohol Use	10.0	25,000
Ages 18–20		
Past-Month Alcohol Use	37.3	98,000
Past-Month Binge Alcohol Use	25.8	68,000
Alcohol-Attributable Deaths (under 21)		113
Years of Potential Life Lost (under 21)		6,727
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	18.0	28

* 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 a judicial procedure.

Provisions Targeting Retailers

- Licenses for drivers under age 21 are easily distinguishable from those for drivers ages 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 above the limit is per se (conclusive) evidence of a violation
- Applies to drivers age 16 or above
- 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 purchase
- Underage possession
- Underage consumption

Authority To Impose Driver’s License Sanction

- mandatory

Length of Suspension/Revocation

- 365 days

Graduated Driver’s License

Learner Stage

- Minimum entry age: 15
- Minimum learner-stage period: 6 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

Intermediate Stage

- Minimum age: 16
- Unsupervised night driving
 - Prohibited after: 11 p.m.
 - Primary enforcement of the night-driving rule
- Passenger restrictions exist: No more than one unrelated passenger, unless accompanied by a driver over 21
 - 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—no explicit exceptions noted in the law.

Compliance Check Protocols

Age of Decoy

- Minimum: 18
- Maximum: 20

Note: Minors under 18 allowed only in extreme circumstances.

Appearance Requirements

- Youthful appearance
- Male: No facial hair

ID Possession

- Required

Verbal Exaggeration of Age

- Prohibited

Decoy Training

- Not specified

Penalty Guidelines for Sales to Minors

- Time period/conditions: 1 year
- First offense: \$300–\$1,500 fine

Responsible Beverage Service

Mandatory Provisions

Mandatory Beverage Service Training for Managers, Servers

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

Voluntary Provisions

Voluntary Beverage Service Training

- Applies only to off-sale establishments
- The law does not specify new or existing outlets.

Incentives for Training

- Mitigation of fines or other administrative penalties for sales to minors
- Protection against license revocation for sales to minors

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

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 subject to the following conditions:

- Limitations on elements/standards of proof: Fact finder must determine that retailer knew customer was a minor beyond a reasonable doubt.

Social Host Liability Laws

There is no statutory liability.

Note: Biscan v. Brown held that a property owner who does not furnish the alcohol may be held liable to third parties under common law if he/she knowingly allows minors to consume alcohol on his/her property and it is foreseeable that minors may then operate motor vehicles. In that case, the court held that the person who actually furnished the alcohol to the minor was shielded from liability under Tenn. Code Ann. § 57-10-101.

Host Party Laws

Social host law is not specifically limited to underage drinking parties.

- Action by underage guest that triggers violation: Consumption
- Property type(s) covered by liability law: Residence, outdoor, other
- Standard for hosts' knowledge or action regarding the party: Knowledge—host must have actual knowledge of the occurrence.

Note: Social host liability in Tennessee is limited to an owner, occupant, or other person having a lawful right to the exclusive use and enjoyment of property to knowingly allow an “underage adult” to consume alcoholic beverages, wine, or beer on the property. An “underage adult” is defined as a person who is at least 18 years old but less than 21 years old.

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

- Common carrier must verify age of recipient.

State Approval/Permit Requirements

- Producer/shipper must obtain state permit.

Reporting Requirements

- Producer must record/report purchaser's name.

Shipping Label Statement Requirements

- Contains alcohol
- Recipient must be 21

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: \$0.14 per gallon
- Ad valorem excise tax (on-premises sales): 17 percent
- Ad valorem excise tax (off-premises sales): 17 percent
- Ad valorem tax applied at the wholesale level.

Wine (12 percent alcohol)

- Specific excise tax: \$1.21 per gallon
- Ad valorem excise tax (on-premises sales): 15 percent
- Ad valorem applied at retail level.

Spirits (40 percent alcohol)

- Specific excise tax: \$4.40 per gallon
- Ad valorem excise tax (on-premises sales): 15 percent
- Ad valorem applied at retail level.

Drink Specials

- Free beverages: Prohibited
- Multiple servings at one time: Prohibited—not permitted after 10 p.m.
- Multiple servings for same price as single serving: Not prohibited
- Reduced price at specified day or time: Not prohibited—not permitted after 10 p.m.
- Unlimited beverages: Prohibited
- Increased volume: Prohibited—not permitted after 10 p.m.

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

- Volume discounts: Banned
- Price posting requirements: Post and hold—360 days minimum
- Retailer credit: Not permitted

Wine (12 percent alcohol)

- Retailer credit: Restricted—10 days maximum

Spirits (40 percent alcohol)

- Retailer credit: Restricted—10 days maximum

Tennessee State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Tennessee Alcoholic Beverage Commission	
<i>Methods by which local and state enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> State officials approach the local judiciary in certain counties to obtain permission to have underage buyers pose as customers in stores that sell alcohol. The “customer” is accompanied by law enforcement, who takes notes on how well the establishment responds. If the customer is able to purchase alcohol, the establishment is given a consequence.	
Enforcement Strategies	
<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	No
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	Tennessee Bureau of Investigation
Such laws are also enforced by local law enforcement agencies	Unknown
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	113
Number pertains to the 12 months ending	06/30/2012
Data include arrests/citations issued by local law enforcement agencies	No
<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	474
Number of licensees that failed state compliance checks	113
Numbers pertain to the 12 months ending	06/30/2012
<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 data
Number of licensees that failed local compliance checks	113
Numbers pertain to the 12 months ending	06/30/2012
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state ³	113
Total amount in fines across all licensees	\$171,000
Numbers pertain to the 12 months ending	06/30/2012
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	
Number of suspensions imposed by the state ⁴	Data not collected
Total days of suspensions across all licensees	Data not collected
Numbers pertain to the 12 months ending	Data not collected

<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	No
Number of license revocations imposed ⁵	Data not collected
Numbers pertain to the 12 months ending	Data not collected
Additional Clarification	
None given	

¹Or having consumed or purchased per state statutes.

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

³Does not include fines imposed by local agencies.

⁴Does not include suspensions imposed by local agencies.

⁵Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State: Programs SPECIFIC TO Underage Drinking
<i>No such programs</i>
Program description: Not applicable

Underage Drinking Prevention Programs Operated or Funded by the State: Programs RELATED TO Underage Drinking
<i>Tennessee Prevention Network</i>
URL for more program information: Not applicable
Program description: The Tennessee Prevention Network is a statewide prevention program directed at providing primary prevention services to individuals who have not been determined to require treatment for substance abuse. The Network’s services fall into two categories:
<ol style="list-style-type: none"> 1. Selective prevention services, which include programs and practices delivered to subgroups of individuals identified based on their membership in a group that has an elevated risk for developing substance abuse problems. An individual’s personal risk is not specifically assessed or identified, and it is based solely on a presumption given his or her membership in the at-risk subgroup. 2. Indicated prevention services, which include programs that focus on populations that are identified based on individual risk factors or initiation behaviors that put an individual at high risk for developing substance abuse problems. The individuals targeted at this stage, although showing signs of early substance use, have not yet reached the point where a clinical diagnosis of substance abuse can be made.

Additional Information Related to Underage Drinking Prevention Programs	
<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>	Yes
Program description: The state funds 35 coalitions using Partnership for Success and Block Grant funds. These coalitions use environmental strategies intended to reduce or counter alcohol advertising/marketing.	
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
Best practice standards description: The state’s Evidence-Based Practice Workgroup has established standards for evidence-based best practices, which must meet at least one of the following criteria:	
<ol style="list-style-type: none"> 1. Inclusion in federal registries of evidence-based interventions. 2. Reported (with positive effects on the primary targeted outcome) in peer-reviewed journals. 3. Documented effectiveness supported by other information sources and the consensus of informed experts as described in the following set of guidelines, all of which must be met: <ul style="list-style-type: none"> – Guideline 1: The intervention is demonstrated to be similar in theory of change, general 	

<p>principles of effective prevention, or content and structure to interventions that appear in registries, federal agency publications, and/or peer-reviewed literature.</p> <ul style="list-style-type: none"> – Guideline 2: The intervention is supported by documentation of effective implementation in the past, including at least one replication, in a manner attentive to scientific standards of evidence and with results that show a consistent pattern of credible and positive effects. – Guideline 3: The intervention is reviewed and deemed appropriate by six or more informed prevention experts, including well-qualified prevention researchers who are experienced in evaluating prevention interventions similar to those under review; local prevention practitioners; and/or key community leaders as appropriate, such as officials from law enforcement and education sectors or elders in indigenous cultures.
<p>Additional Clarification</p> <p>None given</p>

<p>State Interagency Collaboration</p>	
<p><i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i></p>	<p>Yes</p>
<p><i>Committee contact information:</i></p> <p>Name: Angela McKinney-Jones, State of Tennessee Director of Prevention E-mail: angela.mckinneyjones@tn.gov Address: 710 James Robertson Pkwy, 10th Floor, Nashville, TN 37243 Phone: 615-532-7786</p>	
<p><i>Agencies/organizations represented on the committee:</i></p> <p>Frontier Health Washington County Anti-Drug Coalition Metropolitan Drug Commission Schools Together Allowing No Drugs Coalition Volunteer Behavioral Healthcare Services Tennessee Community Services Agency Hamilton County Coalition Council for Alcohol and Drug Abuse Services Oasis Center Nashville Prevention Partnership Centerstone of Tennessee Nurses for Newborns of Tennessee Coffee County Anti-Drug Coalition Franklin County Prevention Coalition Weakley County Alliance for a Safe and Drug-Free Tennessee Jackson Area Council on Alcoholism and Drug Dependency Professional Care Services of West Tennessee Memphis City Schools Mental Health Center Comprehensive Counseling Network</p>	
<p><i>A website or other public source exists to describe committee activities</i></p> <p>URL or other means of access: Not applicable</p>	<p>No</p>

<p>Underage Drinking Reports</p>	
<p><i>State has prepared a plan for preventing underage drinking in the last 3 years</i></p> <p>Prepared by: Tennessee Department of Mental Health, Division of Alcohol and Drug Abuse Services Plan can be accessed via: No data</p>	<p>Yes</p>
<p><i>State has prepared a report on preventing underage drinking in the last 3 years</i></p> <p>Prepared by: Tennessee Department of Mental Health, Division of Alcohol and Drug Abuse Services Plan can be accessed via: No data</p>	<p>Yes</p>

Additional Clarification	
<p>The Enforcing Underage Drinking Laws program is a block grant that encourages states to address the problem of alcohol consumption by minors. The Office of Juvenile Justice and Delinquency Prevention suggests that states form collaborations with public and private agencies to implement evidence-based community projects and strategies that will prevent underage drinking and create a safe environment.</p>	
<p>Activities Funded:</p> <ul style="list-style-type: none"> • Statewide task forces of state and local law enforcement and prosecutorial agencies to target establishments suspected of a pattern of violations of state laws governing the sale and consumption of alcohol by minors. • Innovative programs to prevent and combat underage drinking. • Public advertising campaigns that can demonstrate data reducing underage drinking. • Education, training, and other activities. 	

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$76,940
Estimate based on the 12 months ending	06/30/2012
<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$47,018
Estimate based on the 12 months ending	06/30/2012
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$184,655
Estimate based on the 12 months ending	06/30/2012
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	\$1,503,612
Estimate based on the 12 months ending	06/30/2012
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	\$296,006
Estimate based on the 12 months ending	06/30/2012
<i>Other programs:</i>	
<p>Programs or strategies included: 34 community antidrug and alcohol abuse coalitions offer prevention-based universal strategies throughout Tennessee using \$2,931,799 in funds. Agencies offer selective and/or indicated prevention strategies for alcohol and drug abuse prevention, for a total of \$2,736,439.</p>	
Estimate of state funds expended:	\$5,668,238
Estimate based on the 12 months ending:	06/30/2012

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	