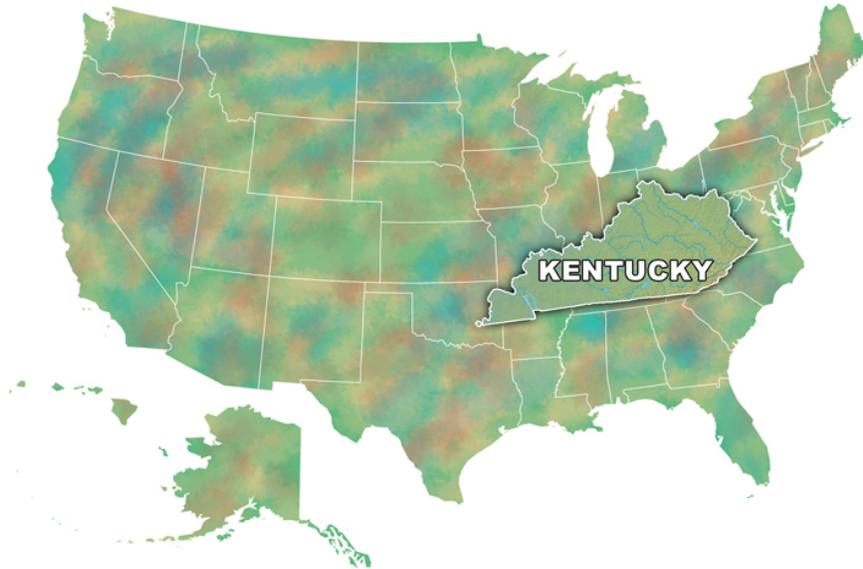


State Report

Kentucky

This document is excerpted from:

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



Kentucky

State Profile and Underage Drinking Facts*

State Population: 4,380,415
 Population Ages 12–20: 514,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	23.1	119,000
Past-Month Binge Alcohol Use	16.9	87,000
Ages 12–14		
Past-Month Alcohol Use	4.4	7,000
Past-Month Binge Alcohol Use	1.9	3,000
Ages 15–17		
Past-Month Alcohol Use	18.3	31,000
Past-Month Binge Alcohol Use	12.9	22,000
Ages 18–20		
Past-Month Alcohol Use	45.4	80,000
Past-Month Binge Alcohol Use	34.9	62,000
Alcohol-Attributable Deaths (under 21)		65
Years of Potential Life Lost (under 21)		3,921
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	14.0	13

* 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.

Provision(s) 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, of which 10 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 unrelated passenger under 20, unless accompanied by instructor
 - No 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):

- 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 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 the 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.

Keg Registration

Registration is not required.

Home Delivery

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

Alcohol Pricing Policies**Alcohol Tax*****Beer (5 percent alcohol)***

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

Wine (12 percent alcohol)

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

Spirits (40 percent alcohol)

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

Drink Specials

- Free beverages: Prohibited
- Multiple servings at one time: Not prohibited
- Multiple servings for same price as single serving: Not prohibited
- Reduced price, 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	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Kentucky Department of Alcoholic Beverage Control	
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	No
<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	No
<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	KY Dept. of Alcoholic Beverage Control– Enforcement Div.
Such laws are also enforced by local law enforcement agencies	Don't know
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	Yes
Number of minors found in possession by state law enforcement agencies	681
Number pertains to the 12 months ending	12/31/2012
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>	Yes
Data are collected on these activities	Yes
Number of retail licensees in state ³	6,528
Number of licensees checked for compliance by state agencies (including random checks)	1,482
Number of licensees that failed state compliance checks	127
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 random underage compliance checks/decoy operations</i>	Yes
Number of licensees subject to random state compliance checks/decoy operations	1,482
Number of licensees that failed random state compliance checks	127
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	Don't know/ No answer
Data are collected on these activities	Not applicable
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	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	Yes
Number of fines imposed by the state ⁴	125
Total amount in fines across all licensees	\$240,000
Smallest fine imposed	\$1,300
Largest fine imposed	\$10,700
Numbers pertain to the 12 months ending	12/31/2012

<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of suspensions imposed by the state ⁵	5
Total-days of suspensions across all licensees	No data
Shortest period of suspension imposed (in days)	No data
Longest period of suspension imposed (in days)	No data
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 ⁶	3
Numbers pertain to the 12 months ending	12/31/2012
Additional Clarification	
All licensees are subject to random compliance checks/decoy operations.	

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 Excluding special licenses such as temporary, seasonal, and common carrier licenses.

⁴ Does not include fines imposed by local agencies.

⁵ Does not include suspensions imposed by local agencies.

⁶ Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State

3-D (Drunk and Drugged Driving) Simulator

Program serves specific or general population	Specific population
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	
http://transportation.ky.gov/Highway-Safety/Pages/Impaired-Driving.aspx	

Program Description: The 3-D (Drunk & Drugged Driving) Simulator is a battery-powered car that is driven through a winding course set up with traffic cones, by an operator wearing Fatal Vision goggles. This simulates operating a vehicle while under the influence of drugs or alcohol. This program is typically presented at high schools. To participate in the program, students must have a valid driver's license and a signed permission form from a parent or guardian if under age 18.

Additional Underage Drinking Prevention Programs Operated or Funded by the State

No data
 URL for more program information: No data

Program description: No data

Additional Clarification

No data

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>	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): Center for Substance Abuse Prevention (CSAP)	Yes
Agency(ies) within your state:	No
Nongovernmental agency(ies):	No
Other: Kentucky's 14 regional Prevention Centers provide training and technical assistance to prevention coalitions throughout the state on effective underage drinking strategies.	Yes
Best practice standards description: Our state standard is the SAMHSA document, <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 prevention.	
Additional Clarification	
No data	

State Interagency Collaboration	
<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 website or other public source exists to describe committee activities</i>	Not applicable
URL or other means of access: Not applicable	

Underage Drinking Reports	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by: The Division of Behavioral Health, Substance Abuse Prevention Branch	
Plan can be accessed via: The plan is not posted on the website. A copy can be obtained by contacting Steve Cambron.	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	No
Prepared by: Not applicable	
Plan can be accessed via: Not applicable	
Additional Clarification	
No data	

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks 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	Data not available
Estimate based on the 12 months ending	Data not available

<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:	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

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
<i>Description of funding streams and how they are used:</i>	
Not applicable	
Additional Clarification	
No data	