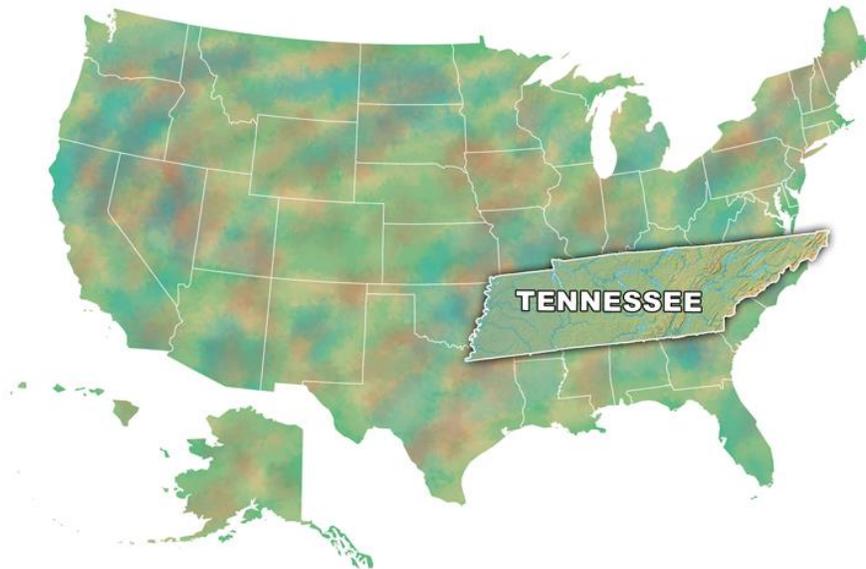


State Report

Tennessee

This document is excerpted from:

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



Tennessee

State Profile and Underage Drinking Facts*

State Population: 6,495,978
 Population Ages 12–20: 764,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	17.6	134,000
Past-Month Binge Alcohol Use	11.6	88,000
Ages 12–14		
Past-Month Alcohol Use	3.1	7,000
Past-Month Binge Alcohol Use	1.4	3,000
Ages 15–17		
Past-Month Alcohol Use	15.4	40,000
Past-Month Binge Alcohol Use	9.5	25,000
Ages 18–20		
Past-Month Alcohol Use	32.8	86,000
Past-Month Binge Alcohol Use	22.9	60,000
Alcohol-Attributable Deaths (under 21)		109
Years of Potential Life Lost (under 21)		6,551
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	18	9

* 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.

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 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 (for those 18 and under)

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, of which 10 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 passenger, unless accompanied by driver over 21 or passengers are household members being transported to school
 - 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—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

- Not specified

Verbal exaggeration of age

- Prohibited

Decoy training

- Not specified

Penalty Guidelines for Sales to Minors

- Time period/conditions: 1 year
- First offense: \$300 to \$1,000 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.

Home Delivery

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

Alcohol Pricing Policies

Alcohol Tax

Beer (5 percent alcohol)

- Specific excise tax: \$1.29 per gallon
- Ad valorem excise tax (on-premises wholesale): 17 percent
- Ad valorem excise tax (off-premises wholesale): 17 percent

Wine (12 percent alcohol)

- Specific excise tax: \$1.21 per gallon
- Ad valorem excise tax (on-premises retail): 15 percent

Spirits (40 percent alcohol)

- Specific excise tax: \$4.40 per gallon
- Ad valorem excise tax (on-premises retail): 15 percent

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, 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 and Local Law Enforcement	
Enforcement Strategies	
<i>State 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>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>	
Primary state agency responsible for enforcing laws addressing direct sales/shippments of alcohol to minors	Yes TN Alcoholic Beverage Commission
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	Yes 790
Number pertains to the 12 months ending	6/30/2014
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 retail licensees in state ³	3,309
Number of licensees checked for compliance by state agencies (including random checks)	814
Number of licensees that failed state compliance checks	267
Numbers pertain to the 12 months ending	6/30/2014
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>	
Number of licensees subject to random state compliance checks/decoy operations	No Not applicable
Number of licensees that failed random state compliance checks	Not applicable
<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	Not available
Number of licensees that failed local compliance checks	Not applicable
Numbers pertain to the 12 months ending	6/30/2014
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state ⁴	Yes No data
Total amount in fines across all licensees	No data
Smallest fine imposed	\$1,500
Largest fine imposed	\$1,500 per violation
Numbers pertain to the 12 months ending	6/30/2014

<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	No data
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	6/30/2014
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	No
Number of license revocations imposed ⁶	Not applicable
Numbers pertain to the 12 months ending	Not applicable
Additional Clarification	
No data	

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

Tennessee Prevention Network	
Program serves specific or general population	Specific population
Number of youth served	8,409
Number of parents served	143
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	No data
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 array of services falls into two categories. (1) Selective prevention services, including programs and practices delivered to subgroups of individuals identified on the basis of 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 is based solely on a presumption given his or her membership in the at-risk subgroup. (2) Indicated prevention services, including programs that focus on populations identified on the basis of 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 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

<p><i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i></p> <p>Program description: Tennessee funds 36 community coalitions using Partnership for Success and Block Grant funds. These coalitions use environmental strategies intended to reduce or counter alcohol advertising or marketing.</p>	Yes
<p><i>State has adopted or developed best practice standards for underage drinking prevention programs</i></p> <p>Agencies/organizations that established best practices standards:</p> <p>Federal agency(ies):</p> <p>Agency(ies) within your state: Tennessee Department of Mental Health and Substance Abuse Services</p> <p>Nongovernmental agency(ies):</p> <p>Other: Tennessee Evidence-Based Practice Workgroup</p> <p>Best practice standards description: Tennessee’s Evidence-Based Practice Workgroup has established standards for evidence-based best practices such that a practice must meet at least one of the following criteria.</p> <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: <p><i>Guideline 1:</i> The intervention is demonstrated to be similar in theory of change, general principles of effective prevention, or content and structure to the interventions that appear in registries, federal agency publications, and/or peer reviewed literature. <i>Guideline 2:</i> The intervention is supported by documentation of effective implementation in the past, including at least one replication. <i>Guideline 3:</i> 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, and local prevention practitioners and/or key community leaders as appropriate, such as officials from law enforcement and education sectors or elders in religious communities.</p>	<p>Yes</p> <p>No</p> <p>Yes</p> <p>No</p> <p>Yes</p>
<p>Additional Clarification</p> <p>No data</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>	Yes
<p><i>Committee contact information:</i></p> <p>Name: Angela McKinney-Jones, State of Tennessee Director of Prevention Services E-mail: angela.mckinneyjones@tn.gov Address: Andrew Jackson Building, 5th floor, 500 Deaderick St., Nashville, TN 37243 Phone: 615-532-7786</p>	
<p><i>Agencies/organizations represented on the committee:</i></p> <p>Alliance of Citizens Together Improving Our Neighborhoods Coalition Boys and Girls Clubs of the Tennessee Valley Centerstone Community Mental Health Center Community Anti-Drug Coalition of Jackson County Community Anti-Drug Coalition of Rutherford County Council for Alcohol and Drug Abuse Services Franklin County Prevention Coalition Frontier Health Grundy Safe Communities Coalition Memphis/Shelby County Anti-Drug Coalition Power of Putnam Professional Care Services of West Tennessee Schools Together Allowing No Drugs Coalition Students Taking A Right Stand-Nashville</p>	

University of Memphis Weakley County Alliance for a Safe and Drug Free Tennessee	
<i>A website or other public source exists to describe committee activities</i>	No
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: Tennessee Department of Mental Health and Substance Abuse Services, Division of Substance Abuse Services	
Plan can be accessed via: No data	
<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	6/30/2014
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	6/30/2014
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$728,633
Estimate based on the 12 months ending	6/30/2014
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$1,218,358
Estimate based on the 12 months ending	6/30/2014
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$185,000
Estimate based on the 12 months ending	6/30/2014
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	\$279,539
Estimate based on the 12 months ending	6/30/2014
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	\$101,727
Estimate based on the 12 months ending	6/30/2014
<i>Other programs: Other programs target youth that are economically disadvantaged with educational programs.</i>	
Programs or strategies included: Education programs	
Estimate of state funds expended	\$319,695
Estimate based on the 12 months ending	6/30/2014
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	