



# Tennessee

## State Profile and Underage Drinking Facts

**State Population: 6,346,105**  
**Population Ages 12–20: 746,000**

	Percentage	Number
<b>Ages 12–20</b>		
Past-Month Alcohol Use	20.9	156,000
Past-Month Binge Alcohol Use	14.7	109,000
<b>Ages 12–14</b>		
Past-Month Alcohol Use	5.0	12,000
Past-Month Binge Alcohol Use	2.6	6,000
<b>Ages 15–17</b>		
Past-Month Alcohol Use	16.7	42,000
Past-Month Binge Alcohol Use	11.6	29,000
<b>Ages 18–20</b>		
Past-Month Alcohol Use	40.5	102,000
Past-Month Binge Alcohol Use	29.5	74,000
		<b>Number</b>
<b>Alcohol-Attributable Deaths (under 21)</b>		112
<b>Years of Potential Life Lost (under 21)</b>		6,668

	Percentage of All Traffic Fatalities	Number
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC &gt; 0.01</b>	21.0	33

### **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 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

**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.

### **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

<b>State Agency Information</b>	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Tennessee Alcoholic Beverage Commission (TABC)	
<i>Methods by which local and State enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> TABC works with local agencies at their request to conduct minor operations. We also work with local task forces to find minors in possession of alcohol on licensed premises.	
<b>Enforcement Strategies</b>	
<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	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	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/shipments of alcohol to minors: Tennessee Alcoholic Beverage Commission	Yes
Such laws are also enforced by local law enforcement agencies	Unknown
<b>Enforcement Statistics</b>	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession by State law enforcement agencies	21
Number pertains to the 12 months ending	12/31/2010
Data include arrests/citations issued by local law enforcement agencies	No
<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>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by State agencies	794
Number of licensees that failed State compliance checks	271
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>	
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>	
Number of fines imposed by the State <sup>3</sup>	271
Total amount in fines across all licensees	\$406,500
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>	
Number of suspensions imposed by the State <sup>4</sup>	0
Total days of suspensions across all licensees	No data
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>	0

Numbers pertain to the 12 months ending	12/31/2010
<b>Additional Clarification</b>	
No data	

- <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

**Underage Drinking Prevention Programs Operated or Funded by the State:  
Programs SPECIFIC TO Underage Drinking**  
*No such programs*

**Underage Drinking Prevention Programs Operated or Funded by the State:  
Programs RELATED TO Underage Drinking**  
**Tennessee Prevention Network**  
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 which include programs and practices that are 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 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.

<b>Additional Information Related to Underage Drinking Prevention Programs</b>	
<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 of Tennessee 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 such that a practice must meet at least one of the following criteria:	
<ol style="list-style-type: none"> <li>1. Inclusion in Federal registries of evidence-based interventions.</li> <li>2. Reported (with positive effects on the primary targeted outcome) in peer-reviewed journals.</li> <li>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"> <li>a. Guideline 1: The intervention is demonstrated to be similar in theory of change, general principals of effective prevention, or content and structure to interventions that appear in registries, Federal agency publications, and/or peer-reviewed literature.</li> </ul> </li> </ol>	

<p>b. 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.</p> <p>c. 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>
<b>Additional Clarification</b>
No data

<b>State Interagency Collaboration</b>	
<i>A State-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes
<i>Committee contact information:</i>	
Name: Angela McKinney-Jones, State of Tennessee Director of Prevention	
Email: angela.mckinneyjones@tn.gov	
Address: 425 Fifth Ave, North, 5th Floor, Nashville, TN 37243	
Phone: 615-532-7786	
<i>Agencies/organizations represented on the committee:</i>	
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	
<i>A Web site or other public source exists to describe committee activities</i>	No
URL or other means of access: 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: Tennessee Department of Mental Health, Division of Alcohol and Drug 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>	Yes
Prepared by: Tennessee Department of Mental Health, Division of Alcohol and Drug Abuse Services	
Plan can be accessed via: No data	
<b>Additional Clarification</b>	
The Enforcing Underage Drinking Laws (EUDL) program is a block grant that encourages States to address the problem of alcohol consumption by minors. OJJDP suggest 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>Activities funded:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• Innovative programs to prevent and combat underage drinking</li> <li>• Public advertising campaigns that can demonstrate data reducing underage drinking</li> </ul> <p>Education, training, and other activities</p>
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**State Expenditures for the Prevention of Underage Drinking**

<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	\$619,000
Estimate based on the 12 months ending	06/30/2011
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	\$4,267,722
Estimate based on the 12 months ending	06/30/2011
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of State funds expended	\$619,000
Estimate based on the 12 months ending	06/30/2011
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of State funds expended	
Estimate based on the 12 months ending	
<i>Programs that target youth in the child welfare system:</i>	
Estimate of State funds expended	
Estimate based on the 12 months ending	
<i>Other programs:</i>	
Programs or strategies included: Boys and Girls Club of the Tennessee Valley for Primary Prevention Services	
Estimate of State funds expended	\$95,000
Estimate based on the 12 months ending	06/30/2010

**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**

The Tennessee Office of Prevention Services contracts with agencies in the community that choose the populations they serve and target behaviors based on needs of the community with input from the Tennessee Office of Prevention Services.