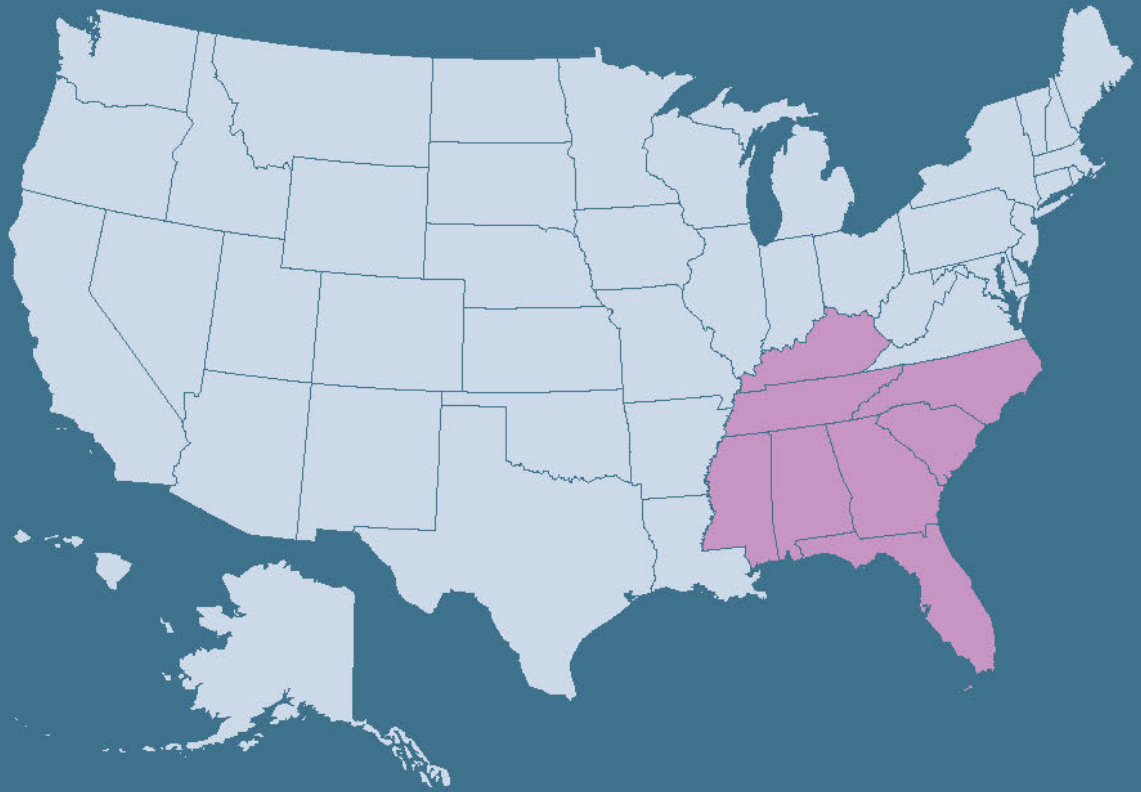


# STATE REPORTS

## Underage Drinking Prevention and Enforcement

2020



**SAMHSA**  
Substance Abuse and Mental Health  
Services Administration



*State Reports – Underage Drinking Prevention and Enforcement: Region 4* includes a report on each state in the region. These *State Reports* are required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report “on each State's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.” As directed by the STOP Act, the *State Reports* were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

In 2020, the *State Reports* for each of the ten HHS regions are being published together. For more information about the Substance Abuse and Mental Health Services Administration’s (SAMHSA’s) efforts in each HHS region, go to <https://www.samhsa.gov/about-us/who-we-are/regional-administrators>.

**Time Period Covered by these *State Reports*:** These *State Reports* primarily include data from calendar year 2019. Regional and state profile data were drawn from the most recently available federal survey data as of 2018. State legal data reflect the status of the law as of January 1, 2019. State survey data, collected in 2019, were drawn from the most recent 12-month period in which the states maintained the data.

**Source of Data:** For each state, overall population information was taken from 2010 Census data. Data about the portion of each state’s population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2015 through 2018 National Surveys on Drug Use and Health (NSDUH), SAMHSA’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2018). Confidence intervals for these estimates are available from CBHSQ’s Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention’s Alcohol-Related Disease Impact (ARDI) application served as the resource for data about alcohol-attributable deaths from 2006–10 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis’s Fatality Analysis Reporting System (FARS) provided the 2018 data used to present statistics about fatalities among 15-to 20-year-old drivers.

**Recommended Citation:** U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA). (2020). *State Reports – Underage Drinking Prevention and Enforcement: Region 4*. Rockville, MD: SAMHSA.

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## **Contents: Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee)**

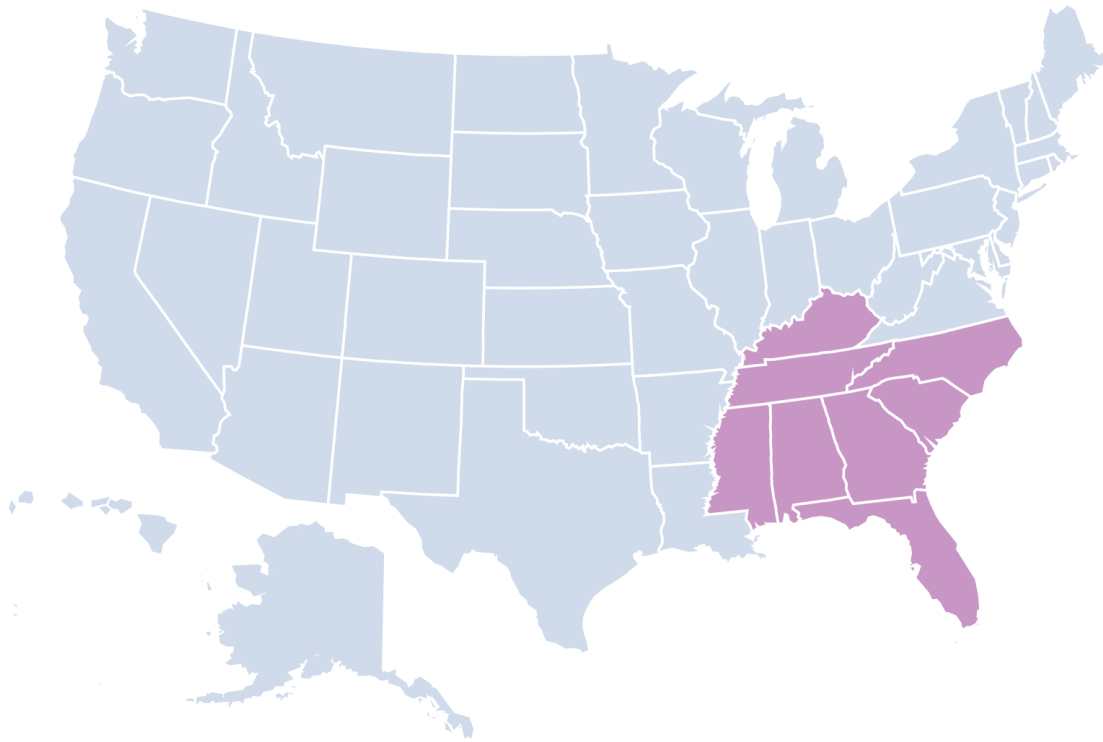
As mandated by the STOP Act, the following state reports for Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee detail each state's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.

A **regional profile** showing combined data on underage drinking is provided on the next page.

Each state report contains:

- A. State population and underage alcohol consumption data;**
- B. Summary of the state's behavioral health and substance use prevention, treatment, and recovery systems, including expenditures for substance abuse prevention and treatment;**
- C. State laws and policies:** These 26 underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into four categories:
  - (1) Laws addressing minors in possession of alcohol;
  - (2) Laws targeting underage drinking and driving;
  - (3) Laws targeting alcohol suppliers; and
  - (4) Laws affecting alcohol pricing.
- D. STOP Act State Survey data:** The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:
  - (1) Enforcement programs to promote compliance with underage drinking laws and regulations;
  - (2) Programs targeted to youth, parents, and caregivers to deter underage drinking;
  - (3) State interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns; and
  - (4) State expenditures on the prevention of underage drinking.





## Region 4

**Region Population: 65,740,587**

**Population Ages 12–20: 7,459,700**

### Past-Month Alcohol Use Among 12- to 20-Year-Olds

Past-Month Alcohol Use – Number (Percentage)	1,309,900 (17.6%)
Past-Month Binge Alcohol Use – Number (Percentage)	810,700 (10.9%)

### Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21

Alcohol-Attributable Deaths (under 21)	992
Years of Potential Life Lost (under 21)	59,860

### Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Content (BAC) > 0.01%<sup>1</sup>

Number of Fatalities Involving a 15- to 20-Year-Old Driver With BAC > 0.01	96
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	44%

<sup>1</sup> Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number, however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.



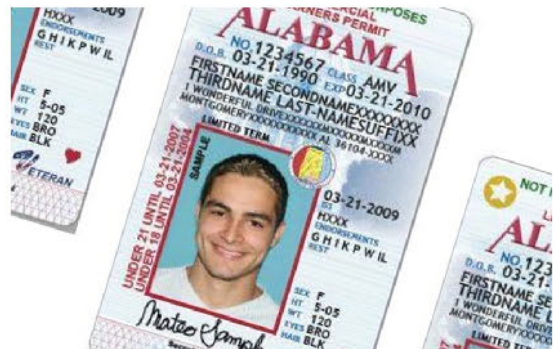
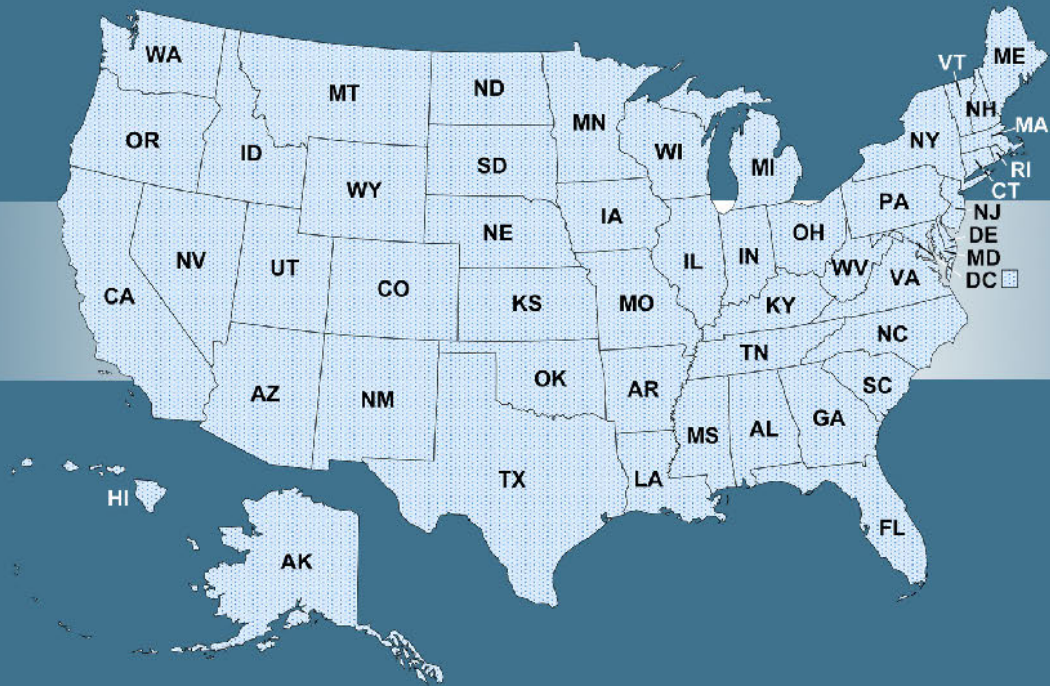
***SAMHSA***  
Substance Abuse and Mental Health  
Services Administration



# ALABAMA STATE REPORT

## Underage Drinking Prevention and Enforcement

2020



**SAMHSA**  
Substance Abuse and Mental Health  
Services Administration

This *State Report* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report “on each State's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.” As directed by the STOP Act, the *State Reports* were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

**Time Period Covered by this *State Report*:** This *State Report* primarily includes data from calendar year 2019. Regional and state profile data were drawn from the most recently available federal survey data as of 2018. State legal data reflect the status of the law as of January 1, 2019. State survey data, collected in 2019, were drawn from the most recent 12-month period in which the states maintained the data.

**Source of Data:** For each state, overall population information was taken from 2010 Census data. Data about the portion of each state’s population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2015 through 2018 National Surveys on Drug Use and Health (NSDUH), SAMHSA’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2018). Confidence intervals for these estimates are available from CBHSQ’s Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention’s Alcohol-Related Disease Impact (ARDI) application served as the resource for data about alcohol-attributable deaths from 2006–10 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis’s Fatality Analysis Reporting System (FARS) provided the 2018 data used to present statistics about fatalities among 15-to 20-year-old drivers.

**Recommended Citation:** U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA; 2020). *2020 Alabama State Report – Underage Drinking Prevention and Enforcement*. Rockville, MD: SAMHSA.

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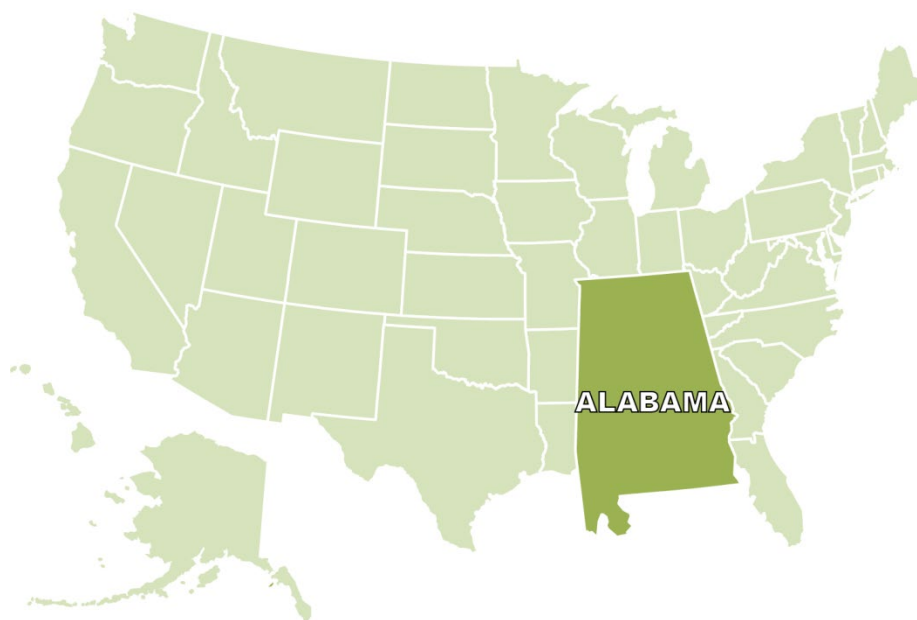
**Beverly Johnson**

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## Alabama

**State Population: 4,887,871**

**Population Ages 12–20: 600,600**

Past-Month Alcohol Use Among 12- to 20-Year-Olds	
<b>Ages 12–20</b>	
Past-Month Alcohol Use – Number (Percentage)	106,000 (17.7%)
Past-Month Binge Alcohol Use – Number (Percentage)	66,600 (11.1%)
<b>Ages 12–14</b>	
Past-Month Alcohol Use – Number (Percentage)	5,000 (2.7%)
Past-Month Binge Alcohol Use – Number (Percentage)	2,000 (1.1%)
<b>Ages 15–17</b>	
Past-Month Alcohol Use – Number (Percentage)	26,100 (13.8%)
Past-Month Binge Alcohol Use – Number (Percentage)	14,300 (7.6%)
<b>Ages 18–20</b>	
Past-Month Alcohol Use – Number (Percentage)	74,900 (33.3%)
Past-Month Binge Alcohol Use – Number (Percentage)	50,300 (22.4%)
Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21	
Alcohol-Attributable Deaths (under 21)	94
Years of Potential Life Lost (under 21)	5,662
Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Concentration (BAC) > 0.01% <sup>1</sup>	
Number of Fatalities Involving 15- to 20-Year-Old Driver With BAC > 0.01%	21
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	14%

<sup>1</sup> Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number, however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.

## **Substance Abuse Prevention, Early Intervention, Treatment, and Recovery Support System<sup>2</sup>**

The Alabama Department of Mental Health (ADMH) was established by Alabama Acts 1965, No. 881, Section 22-50-2. A cabinet-level state government agency, ADMH has the authority to act in any prudent way to provide mental health and intellectual disability services for the people of Alabama. Act 881 defines “mental health services” as the diagnosis of, treatment of, rehabilitation for, follow-up care of, prevention of and research into the causes of all forms of mental or emotional illnesses, including but not limited to, alcoholism, drug addiction, or epilepsy in combination with mental illness or intellectual disability.

ADMH is comprised of three unique divisions: (1) Administration, (2) Intellectual Disabilities, and (3) Mental Health and Substance Abuse Services. Each division operates under the direction and control of its own Associate Commissioner who is appointed by and reports directly to the ADMH Commissioner. The Commissioner reports directly to the Governor. A Board of Trustees, appointed by the Governor, serves in an advisory capacity to the Commissioner.

### **Organization of Substance Abuse Service Delivery System**

Act 881 grants ADMH statutory responsibility for operation and regulation of Alabama's public substance abuse service delivery system. Specific responsibilities, as implemented through the Division of Mental Illness and Substance Abuse Services (the Division), include:

- Planning, development, coordination, and management of a comprehensive system of prevention, treatment and recovery support services for individuals adversely impacted by, or with the potential to be adversely impacted, by alcohol, tobacco, and/or other drug use.
- Resource solicitation, development, and dissemination.
- Funding solicitation, receipt, and allocation.
- Contracting for service delivery and contract compliance monitoring.
- Development of program certification regulations and management and implementation of a regulatory review process.
- Development and dissemination of best practice guidelines for prevention, treatment, and recovery support services.
- Collaboration with state and local government and community-based organizations to support fulfillment of its statutory responsibilities.
- Protection of patient rights, confidentiality, and privacy.
- Collaboration with service recipients and advocates to support systems improvements and enhanced service outcomes.

ADMH does not operate any substance abuse prevention, treatment, or recovery support programs or directly provide any related services. The agency has established the state’s public system of services through the execution of contractual agreements with 55 community-based

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<sup>2</sup> Extracted from fiscal year (FY) 2018/2019 – (Alabama) State Behavioral Health Assessment and Plan, Substance Abuse Prevention and Treatment Block Grant (SABG), Center for Substance Abuse Prevention (CSAP), Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Section II: Planning Steps, One. Assess the strengths and needs of the service system to address the specific populations.

private and public entities located throughout Alabama. Each of these organizations receives funds from ADMH to provide one or more of 15 levels of care that together, compose the state's treatment service continuum, funds to provide one or more of the six primary prevention strategies, and/or funds to provide recovery support services. ADMH also certifies 17 other providers with which there is no contractual relationship.

The Substance Abuse Prevention and Treatment Block Grant (SABG), provided by the Substance Abuse and Mental Health Services Administration (SAMHSA), is the primary funding source for Alabama's public system of substance abuse services. In addition, state funding is provided by the Alabama State Legislature. Utilizing ADMH as the payment conduit, the Alabama Medicaid Agency also makes available reimbursement to qualified provider organizations for services delivered to eligible Medicaid beneficiaries. These services are reimbursable through Medicaid's nonemergency transportation and rehabilitation option programs. For all three funding sources, providers are reimbursed by ADMH on a fee-for-service basis.

### Primary Prevention Services

As noted above, ADMH does not operate substance abuse prevention programs, or directly provide any related services. The agency currently enlists the services of 16 certified prevention programs across the state in this regard. ADMH has established the state's public system of services through the execution of contractual agreements with these private and public entities located throughout Alabama and include representation of all four substance abuse regional planning areas.

ADMH utilizes 20 percent of its SABG allocation for the provision of prevention services for individuals who do not require treatment for substance use disorders. Contractors are required to utilize 20 percent of their SABG allocation for the provision of prevention services for individuals who do not require treatment for substance use disorders. Contractors are required to:

- a. Educate and counsel individuals on substance abuse.
- b. Provide for activities to reduce the risk of such abuse by the individuals.
- c. Give priority to populations that are at risk of developing a pattern of such abuse and develop community-based strategies for prevention of such abuse, including strategies to discourage the use of alcoholic beverages and tobacco products by individuals to whom it is unlawful to sell or distribute such beverages or products.
- d. Use funds provided for the provision of comprehensive primary prevention programs that include activities and services provided in a variety of settings for both the general population, as well as targeting subgroups who are at high risk for substance abuse.
- e. Identify the type of target population for service provision based on the Institute of Medicine categories: Universal, Selective, or Indicated.
- f. Use a variety of strategies, as appropriate for each target group, including but not limited to the following: (1) information dissemination; (2) education; (3) alternative programs; (4) problem identification and referral; (5) community-based process; (6) environmental.

The majority of ADMH provided prevention funding is directed towards environmental, education, and alternative activities. A minimum of 50 percent of the contractor's ADMH

provided funding must be expended for implementation of environmental strategies. All strategies must also incorporate the utilization of evidenced-based programs.

## Youth Services

ADMH certifies 13 adolescent substance use disorder treatment programs. Youth between the ages of 13-18 who meet *Diagnostic and Statistical Manual of Mental Disorders*, Fifth Edition criteria are eligible for treatment services. These treatment providers offer services for youth that engage the patient and family in recovery efforts. Treatment addresses the patient's psychosocial needs along with the substance use disorder. Treatment approaches are evidence-based and modalities include residential and outpatient programs of varying intensities to meet patient needs. Services include family, group, and individual counseling as well as educational sessions and other support services such as case management and peer support. Adolescent services also include in-home and school-based counseling when appropriate. Treatment providers are expected to have formal linkages with other community social service entities for referrals to ensure that individualized needs are being addressed.

## Expenditures for Substance Abuse Prevention and Treatment

All states receive federal funds for substance abuse prevention through SABG funds administered by SAMHSA. Exhibit 1 shows the sources that Alabama used for expenditures on substance abuse prevention and treatment in 2019. As indicated, SABG funds and state funds account for the largest sources (34.6 percent and 27.0 percent, respectively).<sup>3</sup>

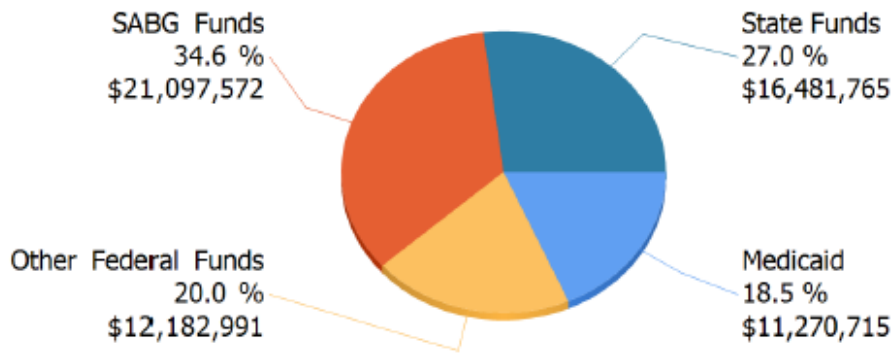
States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2018–2019, Alabama designated the prevention of underage drinking as the number one priority for use of SABG funds.<sup>4</sup>

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<sup>3</sup> WebBGAS State Profile, 2019 SABG and Community Mental Health Block Grant (MHBG) Reports – Alabama 2019.

<sup>4</sup> FY 2018/2019 – (Alabama) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Table 1: Priority Areas and Annual Performance Indicators.

**Exhibit 1: Sources of Alabama’s 2019 Expenditures for Substance Abuse Prevention and Treatment**



## State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details Alabama’s performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. The following sections address these measures:

***State Laws and Policies:*** These 26 underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into four categories:

1. Laws addressing minors in possession of alcohol;
2. Laws targeting underage drinking and driving;
3. Laws targeting alcohol suppliers; and
4. Laws affecting alcohol pricing.

***STOP Act State Survey Data:*** The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:

1. Enforcement programs to promote compliance with underage drinking laws and regulations.
2. Programs targeted to youth, parents, and caregivers to deter underage drinking.
3. State interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns.
4. State expenditures on the prevention of underage drinking.



## Laws Addressing Minors in Possession of Alcohol

Underage-Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is possession allowed if parent or guardian is present or consents?	No
• Is possession allowed if spouse is present or consents?	No
Is there an exception based on location?	No

Underage-Consumption	
Is underage consumption of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is consumption allowed if the parent or guardian is present or consents?	No
• Is consumption allowed if the spouse is present or consents?	No
Is there an exception based on location?	No

Underage-Internal Possession	
Is underage internal possession of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is internal possession allowed if the parent or guardian is present or consents?	N/A
• Is internal possession allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A

Underage-Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	Yes
May youth purchase for law enforcement purposes?	Yes
Notes: In Alabama, the law enforcement exception to the prohibition against underage purchase of alcohol is contained in an administrative regulation, Ala. Admin. Code r. 20-X-13-.01. APIS was only able to research this Alabama regulation back to October 16, 1998. Based on the limited availability of historic administrative regulations, APIS cannot conclude that this exception did not exist prior to this date in this or another regulation.	

Underage-False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor's driver's license suspension?	Yes, through a judicial process
Provisions Targeting Suppliers	
Is the lending or transferring or selling of a false ID prohibited?	No
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	No
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	No

Are state driver's licenses for persons under 21 easily distinguishable from licenses for persons 21 and over?	No
May retailers seize apparently false IDs without fear of prosecution even if the ID is ultimately deemed valid?	No
Does an affirmative defense exist for the retailer?	No
<ul style="list-style-type: none"> <li>Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)?</li> </ul>	N/A
<ul style="list-style-type: none"> <li>Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)?</li> </ul>	N/A
Does the retailer have the right to sue the minor for use of a false ID?	No
May a retailer detain a minor who used a false ID?	No

## Laws Targeting Underage Drinking and Driving

Youth Blood Alcohol Concentration Limits (Underage Operators of Noncommercial Motor Vehicles)	
What is the maximum blood alcohol concentration (BAC) limit for an underage driver of a motor vehicle?	0.02%
Does a BAC level in excess of limit automatically establish a violation (per se violation)?	Yes
What is the minimum age to which the limit applies?	Not specified
What is the maximum age to which the limit applies?	21

Loss of Driving Privileges for Alcohol Violations by Minors ("Use/Lose" Laws)	
Is there a "use/lose" law that suspends or revokes a minor's driving privileges for alcohol violations?	Yes
What types of violation lead to license suspension or revocation?	
<ul style="list-style-type: none"> <li>Purchase of alcohol</li> </ul>	Yes
<ul style="list-style-type: none"> <li>Possession of alcohol</li> </ul>	Yes
<ul style="list-style-type: none"> <li>Consumption of alcohol</li> </ul>	Yes
The law applies to people under what age?	21
Is suspension or revocation mandatory or discretionary?	Mandatory
What is the length of suspension/revocation?	
Minimum number of days	90
Maximum number of days	180

Graduated Driver's Licenses	
Learner Stage	
What is the minimum age for permit to drive with parents, guardians, or other adults (other than instructors)?	15
What is the minimum number of months driver must hold learner permit before advancing to intermediate stage?	6
What is the minimum number of hours of driving with parents, guardians, or adults before advancing to intermediate stage?	0 (with driver education; 50 hours without)
Intermediate Stage	
What is the minimum age for driving without adult supervision?	16
For night driving, when does adult supervision requirement begin?	12:00 AM

Can law enforcement stop a driver for night driving violation as a primary offense?	Yes, officer may stop driver for night driving violation
Are there restrictions on passengers?	Yes, no more than one passenger who is not a parent, guardian, family member or person at least 21 years of age
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	Yes, officer may stop driver for passenger restrictions violation
<b>License Stage</b>	
What is the minimum age for full license privileges and lifting of restrictions?	17

## Laws Targeting Alcohol Suppliers

<b>Furnishing Alcohol to Minors</b>	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
• Is furnishing allowed if the parent or guardian supplies the alcohol?	No
• Is furnishing allowed if the spouse supplies the alcohol?	No
Is there an exception based on location?	No
<b>Affirmative Defense for Sellers and Licensees</b>	
Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No

<b>Compliance Check Protocols</b>	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	Yes
What is the minimum age a decoy may be to participate in a compliance check?	Not specified
What is the maximum age a decoy may be to participate in a compliance check?	Not specified
Are there appearance requirements for the decoy?	No
Does decoy carry ID during compliance check?	Not specified
May decoy verbally exaggerate his or her actual age?	Prohibited
Is decoy training mandated, recommended, prohibited, or not specified?	Mandated

<b>Penalty Guidelines for Sales to Minors</b>	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	Yes
What is the time period for defining second, third and subsequent offenses?	Four years
What is the penalty for the first offense?	\$100 to \$1,000 fine
What is the penalty for the second offense?	\$100 to \$1,000 fine

What is the penalty for the third offense?	Not specified
What is the penalty for the fourth offense?	Not specified

<b>Responsible Beverage Service (RBS)–Voluntary</b>	
Is there a state law pertaining to Beverage Service Training?	Yes–Voluntary
If training is mandatory, who must participate?	N/A
If training is voluntary, which of the following incentives are offered?	
• Defense in dram shop liability lawsuits	No
• Discounts in dram shop liability insurance, license fees, or other	No
• Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons	Yes
• Protection against license revocation for sales to minors or sales to intoxicated persons	Yes
Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	Both
Does the RBS law apply to new or existing licensees?	Both

<b>Minimum Ages for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)</b>	
What is the minimum age requirement for off-premises retail establishments?	
Beer	None
Wine	None
Spirits	21
Does a manager or supervisor have to be present?	Yes
Notes: A minor employee of an off-premises retail licensee may handle, transport or sell beer or table wine, provided there is an adult employee in attendance at all times.	

<b>Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)</b>	
What is the minimum age requirement for servers in on-premises establishments?	
Beer	19
Wine	19
Spirits	19
What is the minimum age requirement for bartenders in on-premises establishments?	
Beer	21
Wine	21
Spirits	21
Does a manager or supervisor have to be present?	Yes

<b>Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools</b>	
Colleges and Universities	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No

Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A
<b>Primary and Secondary Schools</b>	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A

<b>Dram Shop Liability</b>	
Does a statute create dram shop liability?	Yes
Does the statute limit damages that may be recovered?	No
Does the statute limit who may be sued?	No
Does the statute limit elements or standards of proof?	No
Does common law dram shop liability exist?	No

<b>Social Host Liability</b>	
Does a statute create social host liability?	Yes
Does the statute limit damages that may be recovered?	No
Does the statute limit who may be sued?	No
Does the statute limit elements or standards of proof?	No
Does common law social host liability exist?	No

<b>Prohibitions Against Hosting Underage Drinking Parties</b>	
Does a statute prohibit hosting underage drinking parties?	Yes
Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	Specific
What action by underage guest triggers a violation?	Possession/Consumption
Property type covered by the law?	Residential/Other
What level of knowledge by the host is required?	Knowledge: Host must have actual knowledge of party
Does host's preventive action protect him/her from being held liable?	Yes
Are there any exceptions for underage guests?	No
Notes: Alabama's provision requires that the adult social host be in attendance at the gathering or party in order for a violation to occur. The "preventive action" provision in Alabama requires the prosecution to prove that the host failed to take preventive action.	

<b>Retailer Interstate Shipments of Alcohol</b>	
Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Prohibited
Wine	Prohibited
Spirits	Prohibited

Direct Shipments/Sales	
May alcohol producers ship directly to consumers?	No
What alcohol types may be shipped?	N/A
Must purchaser make mandatory trip to producer before delivery is authorized?	N/A
Age verification requirements	
Must the producer/shipper verify purchaser's age before sale?	N/A
Must the common carrier (deliverer) verify age of recipients?	N/A
State approval/permit requirements	
Must the producer/manufacture obtain state license or permit?	N/A
Must the common carrier (deliverer) be approved by a state agency?	N/A
Recording/reporting requirements	
Must the producer/manufacture record/report purchaser's name?	N/A
Must the common carrier (deliverer) record/report recipient's name?	N/A
Shipping label requirements	
Must the label state "Package contains alcohol"?	N/A
Must the label state "Recipient must be 21 years old"?	N/A

Keg Registration	
How is a keg defined (in gallons)?	No law
Prohibitions	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	No law
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	No law
What purchaser information is collected?	
Must the retailer collect the name and address?	No law
Must the retailer collect the ID number, name and address on license or other government information?	No law
Must the retailer collect the address at which keg will be consumed?	No law
Must warning information be given to purchaser?	No law
Is a deposit required?	No law
Does law cover disposable kegs?	No law

Home Delivery	
Is home delivery of alcohol permitted?	
Beer	No
Wine	No
Spirits	No

High-Proof Grain Alcohol Beverages	
Are there restrictions on the sale of high-proof grain alcohol beverages?	No. However, this state is a control state, and control states may impose additional restrictions

	on the sale of products that are not reflected in statute or regulation.
Are restrictions based on Alcohol by Volume (ABV)?	N/A
Are there exceptions to restrictions?	N/A

## Laws Affecting Alcohol Pricing

Alcohol Taxes	
<b>Beer</b>	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	\$1.05
Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	
<b>Wine</b>	
Control system for wine?	Yes
Specific excise tax per gallon for 12% alcohol wine	N/A
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	N/A
<ul style="list-style-type: none"> <li>General sales tax rate</li> </ul>	N/A
<ul style="list-style-type: none"> <li>Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	N/A
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	

Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	N/A
• General sales tax rate	N/A
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	N/A
Additional taxes for 6 – 14% alcohol wine if applicable	
<b>Spirits</b>	
Control system for spirits?	Yes
Specific excise tax per gallon for 40% alcohol spirits	N/A
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	N/A
• General sales tax rate	N/A
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	N/A
Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	N/A
• General sales tax rate	N/A
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	N/A
Additional taxes for 15 – 50% alcohol spirits if applicable	

<b>Low-Price, High-Volume Drink Specials</b>	
Are on-premises retailers prohibited from offering the following types of drink specials?	
Free beverages	No
Multiple servings at one time	No
Multiple servings for same price as single serving	Yes
Reduced price for a specified day or time (i.e., happy hours)	Restricted (Permitted 10:00 AM – 9:00 PM)
Unlimited beverages for fixed price	No
Increased volume without increase in price	No
<b>Wholesaler Pricing Restrictions</b>	
<b>Beer</b>	
Are volume discounts to retailers allowed?	No law



Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
<b>Wine</b>	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
<b>Spirits</b>	<b>Control</b>
Are volume discounts to retailers allowed?	N/A
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	N/A
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	N/A
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	N/A

## Alabama State Survey Responses

### State Agency Information

Agency with primary responsibility for enforcing underage drinking laws:

Alabama Law Enforcement Agency (ALEA)

### Enforcement Strategies

State law enforcement agencies use:

Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes

Local law enforcement agencies use:

Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol-Related Fatality Investigations	No

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

Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors ALEA State Bureau of Investigation (SBI)

Such laws are also enforced by local law enforcement agencies No

### Enforcement Statistics

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

Number of minors found in possession<sup>1</sup> by state law enforcement agencies 214

Number pertains to the 12 months ending 10/01/2018

Data include arrests/citations issued by local law enforcement agencies No

State conducts underage compliance checks/decoy operations<sup>2</sup> to determine whether alcohol retailers are complying with laws prohibiting sales to minors Yes

Data are collected on these activities Yes

Number of retail licensees in state<sup>3</sup> 9,692

Number of licensees checked for compliance by state agencies (including random checks) 9,585

Number of licensees that failed state compliance checks 453

Numbers pertain to the 12 months ending 09/30/2018

Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments Both on- and off-sale establishments

State conducts **random** underage compliance checks/decoy operations Yes

Number of licensees subject to **random** state compliance checks/decoy operations Not applicable

Number of licensees that failed **random** state compliance checks Not applicable

Local agencies conduct underage compliance checks/decoy operations to determine whether 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 to minors Yes

Number of fines imposed by the state<sup>4</sup> 1,133

Total amount in fines across all licensees \$739,250

Smallest fine imposed \$500

Largest fine imposed \$1,000

Numbers pertain to the 12 months ending 12/31/2018

<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of suspensions imposed by the state <sup>5</sup>	14
Total days of suspensions across all licensees	258
Shortest period of suspension imposed (in days)	8
Longest period of suspension imposed (in days)	30
Numbers pertain to the 12 months ending	12/31/2018
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of license revocations imposed <sup>6</sup>	0
Numbers pertain to the 12 months ending	12/31/2018

#### Additional Clarification

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

<sup>4</sup> Does not include fines imposed by local agencies.

<sup>5</sup> Does not include suspensions imposed by local agencies.

<sup>6</sup> Does not include revocations imposed by local agencies.

#### Underage Drinking Prevention Programs Operated or Funded by the State

##### **Drug Education Council (DEC)**

Number of youth served	No data
Number of parents served	No data
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:	<a href="http://drugeducation.org">http://drugeducation.org</a>

**Program Description:** Drug Education Council (DEC) is a voluntary, nonprofit organization dedicated to promoting a drug-free society, preventing chemical dependency, and providing quality education, information, and intervention programs. DEC is located in Mobile, Alabama, and the organization is certified in prevention services through ADMH. DEC uses two of the 6 SAMHSA Center for Substance Abuse Prevention (CSAP) strategies, including environmental and community-based processes. DEC's target focus is high-risk youth in rural, urban, and suburban communities. The council provides an array of prevention services and community service activities to youth through evidence-based programming for universal populations. DEC promotes community-based processes by working with community members and stakeholders to promote events such as Red Ribbon Week and a year-long Red Ribbon Leadership Program. It also promotes awareness in the community about underage drinking through community forums and town hall meetings. DEC's environmental strategy efforts are intended to have a long-range impact on reducing availability and decreasing the age at onset of first alcohol use. Part of DEC's strategy involves educating parents (adults) on the harm of early alcohol use to change community norms regarding underage drinking.

##### **Alcohol and Drug Abuse Treatment Center, Inc. (ADATC)**

Number of youth served	No data
Number of parents served	No data
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:	<a href="https://adatc.org/">https://adatc.org/</a>

**Program Description:** Alcohol and Drug Abuse Treatment Center, Inc. (ADATC) is a certified prevention provider located in Birmingham, Alabama. ADATC utilizes four of the six CSAP strategies—education, environmental, community-based processes, and alternatives—to implement prevention services to high-risk youth. These services include coordinated efforts with the Boys and Girls Club, law enforcement, education, and Children's Policy Council. Strategies are implemented in a variety of mediums at various venues in the community, including Too Good for Drugs and Violence (an evidence-based curriculum), recreational and social events, town hall meetings, a youth prevention network of peer leaders/helpers, community service projects, and others.

**Aletheia House (AH)**

Number of youth served	No data
Number of parents served	No data
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:	<a href="http://www.specialkindofcaring.org/">http://www.specialkindofcaring.org/</a>

**Program Description:** Aletheia House (AH) is a community-based organization committed to empowering individuals and the communities in which they live with the skills and services they need to become responsible for their own well-being. AH is certified as a substance abuse prevention provider by ADMH and provides prevention services to youth in the Birmingham area (considered urban), as well as Macon County (considered rural). AH uses education and alternative strategies to implement its prevention programs and utilizes the evidence-based Positive Action curriculum to deliver prevention programs in some elementary, middle, and high schools. Alternative strategies are implemented through a summer camp for youth, recognition events, culturally based activities, and intergenerational events that promote positive family and community interaction. AH anticipates serving approximately 100 youth through these efforts. Signature youth prevention programming includes Kids Who Care.

**Cherokee-Etowah-DeKalb (CED) Mental Health**

Number of youth served	No data
Number of parents served	No data
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:	<a href="http://cedmentalhealth.org/">http://cedmentalhealth.org/</a>

**Program Description:** Cherokee-Etowah-DeKalb (CED) Mental Health provides prevention services through the implementation of four of the six CSAP strategies. CED is certified by ADMH to provide prevention services. Education and alternatives are targeted to 5th graders in various schools and summer camps. CED guides leadership in strengthening the organization, structure, coalitions, and partnerships addressing community issues.

**Mountain Lakes Behavioral Healthcare (MLBH)**

Number of youth served	No data
Number of parents served	No data
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:	<a href="https://www.mlbhwebpage.com/">https://www.mlbhwebpage.com/</a>

**Program Description:** The Mountain Lakes Behavioral Healthcare (MLBH) Substance Abuse Prevention Program focuses on teaching life skills to 6th and 7th grade students. MLBH is certified by ADMH to deliver prevention services. Workshops use a variety of activities to encourage children to develop self-respect and respect for others. MLBH implements four of the six SAMHSA CSAP strategies. Education is implemented using the Brain Power evidence-based curriculum to 5th graders in Jackson and Marshall county. Alternative strategies are implemented with students receiving prevention education through MLBH. The problem identification and referral strategy focuses on the implementation and facilitation of the evidence-based curriculum Magic (Making A

Group and Individual Commitment) program for at-risk youth between the ages of 16 and 18 referred by the Juvenile Probation Office of Jackson County and local schools. The environmental strategy focuses on coordinated efforts with nonprofits and individuals to decrease drinking and driving and to ensure businesses are in compliance with rules, laws, and ordinances to prevent underage drinking.

**Wellstone, Inc.**

Number of youth served	No data
Number of parents served	No data
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:	<a href="https://www.wellstone.com/">https://www.wellstone.com/</a>

**Program Description:** Wellstone is certified by ADMH to provide prevention services. Located in Huntsville, Alabama, Wellstone primarily serves the residents of Madison County in northern Alabama. Since merging with Mental Healthcare of Cullman, prevention programming also extends to Cullman County. It implements two of the six CSAP strategies in Madison County to include information dissemination and environmental. It implements five of the six CSAP strategies in Cullman County.

Wellstone has established partnerships with the following agencies: Madison County Commission, Alabama A&M University, Huntsville Police Department, Huntsville Housing Authority, Davis Detention Center for Children, Boys and Girls Club Teen Center, Richard Showers Recreation Center, Wallace State Community College, Cullman County Sheriff Office, Cullman County Police Department, Hanceville Police Department, Cullman County Coroner, The Bridge Adolescent Treatment Center, Cullman County Department of Human Resources, Cullman City and County Schools, coalitions, advocacy organizations, media, local churches, and businesses.

In Cullman County, prevention programming is located on the campus of Wallace State Community College in Hanceville, Alabama. Prevention resources are available to all students and faculty Monday through Friday. The office provides a relaxed environment that promotes healthy peer interactions while providing information about the risks of alcohol/drug use and abuse. Through this program, the prevention coordinator has the opportunity to build and establish healthy relationships with students and coordinate efforts with campus police. The overall goal is to reduce underage drinking. The prevention coordinator works with campus law enforcement and the administration to collect data on related incidents and reviews infractions with campus police to identify areas to increase, enhance, or implement further prevention efforts.

**Agency for Substance Abuse Prevention (ASAP)**

Number of youth served	No data
Number of parents served	No data
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:	<a href="http://asaprev.com/">http://asaprev.com/</a>

**Program Description:** The Agency for Substance Abuse Prevention (ASAP) is dedicated to strengthening community awareness through substance abuse education and prevention services provided to individuals, schools, industry, and affected individuals and families residing in the State of Alabama. ASAP implements five of the six SAMHSA CSAP strategies to include information dissemination, environmental, community-based processes, education, and alternatives. ASAP uses information dissemination to provide media and mailings to targeted schools and parents/guardians. The agency also utilizes community events as additional forums. The evidence-based program, Mendez Too Good for Drugs, targets 5th through 8th graders in the Anniston City and Calhoun County area as an educational strategy. Based on FY19 reports, the program intends to reach approximately 1,100 youth. ASAP uses the environmental strategy through its coordination with law enforcement to identify "hot spots" in targeted geographic areas and initiate prevention initiatives and activities to prevent underage drinking and raise community awareness.

**Riverbend Center for Mental Health (RCMH)**

Number of youth served	No data
Number of parents served	No data
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:	<a href="http://www.rcmh.org/programs.htm">http://www.rcmh.org/programs.htm</a>

**Program Description:** Riverbend Center for Mental Health (RCMH) is certified by ADMH to provide prevention services. RCMH uses a community-centered approach utilizing four of the six CSAP strategies: information dissemination, alternatives, problem identification and referral, and community-based processes. Information on alcohol, tobacco, and other drugs is provided to youth at local schools through biannual assemblies, dissemination at various venues, and speaking engagements. The Narconon: The Truth about Drugs curriculum is implemented to students who have used drugs for the first time and who are referred by Juvenile Probation Officers or the court system. Riverbend provides a variety of alternative activities for youth enrolled in after school and summer educational programs. These activities help youth build resilience and promote social skills. Community-based process strategies focus on interagency collaborations among the Children's Policy Council and local agencies to increase collaborations and partnerships among agencies.

**Northwest Alabama Mental Health Center (NWAMHC)**

Number of youth served	No data
Number of parents served	No data
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:	<a href="http://www.nwamhc.com">http://www.nwamhc.com</a>

**Program Description:** Northwest Alabama Mental Health Center (NWAMHC) is certified by ADMH to provide prevention services. NWAMHC uses five of the six SAMHSA CSAP strategies, including information dissemination, education, alternatives, community-based processes, and environmental prevention. NWAMHC uses various community events and venues to provide information, including student-designed materials, such as health fairs, Sober Prom activities, and kids' promotional week. Too Good For Drugs is the evidence-based curriculum used in county schools, along with after-school and summer programs. Youth participating in educational programs are provided opportunities to participate in alternative activities in classroom sessions, after school, and during the summer. Environmental strategies consist of working with the ALEA in Walker County to increase compliance checks. Past efforts in this area resulted in a significant reduction in purchase of alcohol by minors as reported by the ABC Board.

**East Alabama Mental Health Center (EAMHC)**

Number of youth served	No data
Number of parents served	No data
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:	<a href="http://www.eastalabamamhc.org">http://www.eastalabamamhc.org</a>

**Program Description:** East Alabama Mental Health Center (EAMHC) is certified by ADMH to provide prevention services. Located in Opelika, Alabama, it provides an array of prevention services through problem identification and referral, community-based processes, and environmental prevention strategies. A life skills education course delivers education to youth who are court-involved or who are involved in underage drinking or drug use. EAMHC is active and present in the community and assists with multiple community service projects. EAMHC's environmental strategy is to use environmental scans to assess and document areas of easy access and provide vendors with educational materials. Prevention services also worked with community stakeholders to develop and

implement a campaign to recognize vendors who are compliant in refusing to serve underage customers (i.e., compliance window clings, signs, posters, etc.). Further, the recognition campaign aims to encourage other vendors to refuse to sell to minors.

### Additional Underage Drinking Prevention Programs Operated or Funded by the State

#### Program description:

*Altapointe Health Systems* is certified by ADMH and serves Baldwin County. It implements four of the six SAMHSA CSAP strategies to include information dissemination, education, community-based processes, and environmental. Community-based processes: Altapointe leads and works in collaboration with seven counties to promote programs, such as underage drinking initiatives. Environmental strategies include coordinated law enforcement efforts to include vendor compliance checks and sobriety checkpoints. A link to one of the coalition efforts can be accessed here: <https://www.facebook.com/LowndesCountyBBC/>

*Mental Health Center (MHC) of North Central Alabama/Quest Recovery Center* is located in Decatur, Alabama and is certified by ADMH to provide prevention services. MHC implements five of the six SAMHSA CSAP strategies except for problem identification and referral. Target priorities for information dissemination are prescription drugs and underage drinking. Primary venues may include—but are not limited to—health fairs, Child Safety Conference, Calhoun Community College, school events, media (e.g., media campaigns, media outlets, social media websites, newspaper articles), speaking engagements, businesses, and community agencies/organizations. Underage drinking campaigns include materials from Parents Who Host, Lose the Most and information to support compliance with the Decatur City Alcoholic Beverage Ordinance, including the Responsible Vendor Program. Prevention education is provided during and after school as well as during the summer at different sites throughout Morgan and Limestone counties, including PAWS After School program and Boys and Girls Clubs (St. Paul’s, Limestone County/Athens). The evidence-based curriculum includes Too Good for Drugs, Too Good for Violence, Too Good for Drugs & Violence—HS, Safe Dates, Girls Circle, and PATHS. These same programs are used in after school education programs for alternative sites and summer programs. Alternative activities after school and in the summer at community sites include community service activities. Participants are referred by schools, Boys and Girls clubs, and after school and summer programs. The target priority is to increase participation in Morgan County Substance Abuse Network (MCSAN) coalition activities and events. MCSAN is a community anti-drug coalition with more than 20 active members representing numerous community sectors. Additional community members support the coalition as volunteers and committee members. A priority for this strategy is to conduct activities in Morgan County designed to reduce access and availability of alcohol to minors and to raise community awareness of the dangers of underage drinking (<https://mhcna.org/>).

*Council on Substance Abuse – National Council on Alcoholism and Drug Dependency (COSA-NCADD)* is a private nonprofit organization founded in 1973 to promote the understanding that dependence on alcohol and other drugs is a preventable and treatable disease. COSA is the state affiliate of the NCADD and is a member of the Community Anti-Drug Coalition of America (CADCA). COSA is certified by ADMH, serving Montgomery (considered urban) and primary Black Belt areas (considered rural). COSA implements five of the six CSAP strategies to include community-based processes, information dissemination, alternatives, education, and environmental prevention. Environmental strategies include the implementation of a social norms campaign to decrease past 30-day use by 2 percent on the campus of Marion Military Institute. This campaign targets military students ages 18-25 through its Connect 2 Prevent College Project (<https://cosancadd.org/>).

*SpectraCare Health Systems* is comprised of a team of dynamic individuals who take pride in promoting physical and emotional health and wellness. Certified by ADMH, SpectraCare provides prevention services and implements five of the six CSAP strategies. Prevention activities are designed to provide education and increase awareness among individuals and communities to promote choices that lead to healthy living. Comprehensive, evidence-based prevention activities are available to provide the tools necessary for healthy living. Services are provided in Barbour, Dale, Geneva, Henry, Houston, Butler, Crenshaw, Coffee, and Covington counties (<http://www.spectracare.org/our-services/community-services/prevention-services/>). Prevention services include:

- Youth Mental Health First Aid
- Alcohol and Drug Prevention Education

- Mental Health Awareness Programs
- The Coalition for a Drug-Free Dale County
- Houston County Truancy Prevention Project
- Henry County Truancy Prevention Project
- Covington County Truancy Prevention Project
- Think First Program
- Violence and Bullying Prevention
- Parenting Programs
- Coping and Life Skills Education

*Aliceville Housing Authority (AHA)* is certified by ADMH and serves Pickens County. AHA implements two of the six CSAP strategies to include education and alternatives. Evidence-based curriculums used for youth ages 12-18 include Too Good for Drugs and Positive Action. Approximately 50 youth receive prevention education programming after school and during the summer. Alternative activities, such as community service projects, family days, and drug free events, help to instill the value of drug-free recreation and a sense of community (<https://www.thecityofaliceville.com/>).

*Parents Resource Institute Drug Education (PRIDE)* of Tuscaloosa is certified by ADMH, serving Bibb and Tuscaloosa counties. PRIDE implements two of the six CSAP strategies, including environmental and community-based processes. PRIDE remains the only community-based nonprofit organization in the Tuscaloosa area that is dedicated to drug and alcohol prevention, education, and awareness. PRIDE implements strategies to address underage drinking and binge drinking through provision of services to students ages 18-25 in the community college system. PRIDE continues to attain goals within the community by forming partnerships with Shelton State Community College, the University of Alabama, the Tuscaloosa County District Attorney's Office, the West Alabama Narcotics Task Force, the Tuscaloosa Police Department, the County Sheriff's Office, the Northport Police Department, the Children's Policy Council, the Tuscaloosa Mental Health Alliance, the West Alabama Chamber of Commerce, and multiple community organizations. Environmental strategies include working with local leaders to prevent alcohol use among minors who reside in and visit open container districts.

In addition, collaboration with local police departments to increase patrols around bars and areas known for high alcohol consumption of those ages 18-25 resulted in a five percent decrease in DUI's (<http://www.prideoftuscaloosa.org/>).

**Additional Clarification**

No data

**Additional Information Related to Underage Drinking Prevention Programs**

*State collaborates with federally recognized tribal governments in the prevention of underage drinking* No

Description of collaboration: Not applicable

*State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing* Yes

Description of program: ADMH currently certifies 25 community organizations to provide substance abuse prevention services and contracts with 19\* providers covering all 67 counties throughout Alabama. Sixteen of the contracted providers currently receive Block Grant funds; 3 are state-funded; 2 are subrecipients of State Prevention Framework Partnerships for Success (SPF PFS) discretionary grant funds implementing services in 8 counties; 4 are funded through the Strategic Prevention Framework for Prescription Drugs (SPF Rx) and 10 are funded through the Opioid State Targeted Response and State Opioid Response (Opioid STR/SOR) funding opportunities.

\*Note: Some agencies are multi-funded grant initiative awardees.

*State collaborates with/participates in media campaigns to prevent underage drinking* Yes

Federal campaigns: "Talk. They Hear You." (SAMHSA) Yes



Regional and local media campaigns: Don't Be That One. (Wallace Community College; Crenshaw and Houston counties)	Yes
Local school district efforts:	No
Other: Parents Who Host, Lose the Most	Yes
<i>State collaborates with/participates in SAMHSA's national media campaign, "Talk. They Hear You."</i>	Yes
State officially endorses TTHY efforts	No
State commits state resources for TTHY	No
State forwards TTHY materials to local areas	Yes
Other:	No
<i>State procures funding for TTHY</i>	No
Pro bono	No
Donated air time	No
Earned media	No
Other:	No
<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): SAMHSA/CSAP/SPF	Yes
Agency(ies) within your state: Alabama Department of Mental Health Substance Abuse Prevention Standards	Yes
Nongovernmental agency(ies):	No
Other: Evidence-Based Practices Resource Center	Yes
Best practice standards description: To ensure compliance, all certified agencies are provided training on the SPF Model and must utilize this model in the development of their prevention plans. All providers must adhere to State Prevention Standards, which include standards for personnel, performance improvement, documentation and prevention records, and community planning and definitions. Strategy implementation must encompass use of evidence-based programs and practices.	

#### Additional Clarification

No data

#### State Interagency Collaboration

*A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities* Yes

#### *Committee contact information:*

Name: Tafeni English

Email: tafeni.english@mh.alabama.gov

Address: 100 North Union Street, RSA Suite 420, Montgomery, AL, 36130

Phone: 334-353-7506

#### *Agencies/organizations represented on the committee:*

Substance Abuse and Mental Health Services Administration

Agency for Substance Abuse Prevention

Alabama Department of Corrections

Alabama State Department of Education

Auburn University at Montgomery

Drug Education Council

Alabama Department of Human Resources

Alabama Department of Public Health

Alabama State University

University of Alabama Tuscaloosa

COMPACT2020

Healthy Sexual Solutions, LLC  
 Family Guidance Center  
 Addiction Prevention Coalition  
 Council on Substance Abuse  
 Cherokee, Etowah, Dekalb Mental Health Center

A website or other public source exists to describe committee activities	Yes
URL or other means of access: <a href="https://mh.alabama.gov/prevention/">https://mh.alabama.gov/prevention/</a>	

**Underage Drinking Reports**

State has prepared a plan for preventing underage drinking in the last 3 years	Yes
Prepared by: ADMH, Office of Prevention, State Prevention Advisory Board, Alabama Epidemiological Outcomes Workgroup	
Plan can be accessed via: No data	

State has prepared a report on preventing underage drinking in the last 3 years	Yes
Prepared by: ADMH, Mental Health and Substance Services Division, Office of Prevention	
Report can be accessed via: <a href="https://mh.alabama.gov/prevention/">https://mh.alabama.gov/prevention/</a>	

**Additional Clarification**

No data

**State Expenditures for the Prevention of Underage Drinking**

<i>Compliance checks in retail outlets:</i>	
Estimate of state funds expended	Don't know
Estimate based on the 12 months ending	12/31/2018

<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	Not applicable
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: Data not available	
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: Not applicable	No

*Description of funding streams and how they are used:*

Not applicable

**Additional Clarification**

Complete data on the use of state funds for underage drinking prevention are not available. State funding data are only available for the Division of Mental Health & Substance Abuse Services. Of the state funds received by this agency, \$388,539 goes toward underage drinking prevention efforts through community programming and enforcement.

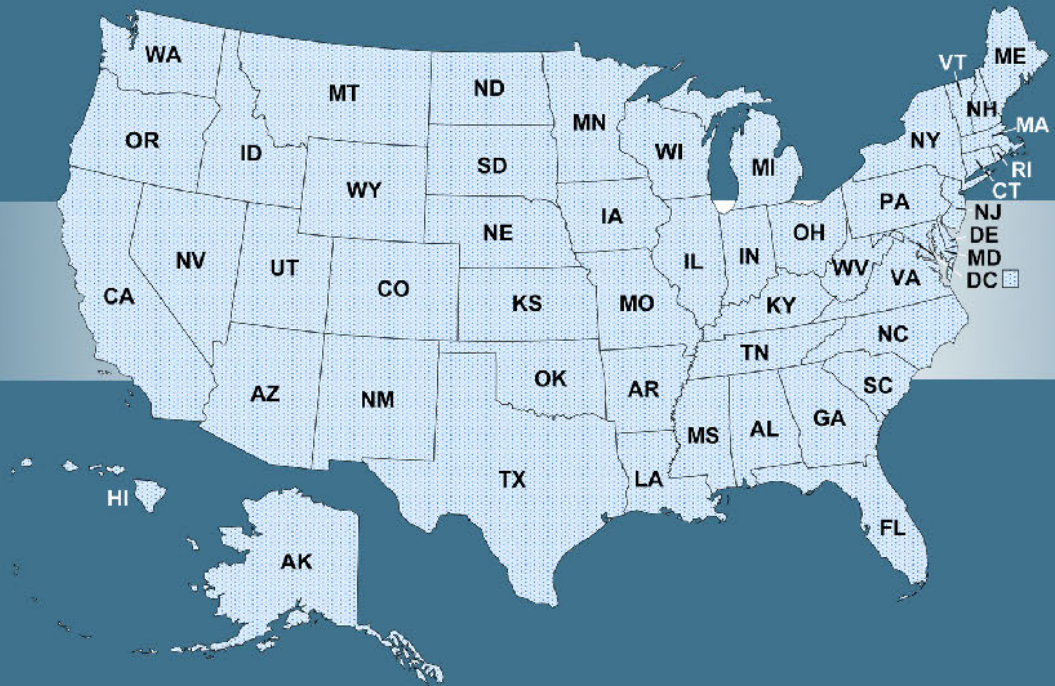


***SAMHSA***  
Substance Abuse and Mental Health  
Services Administration

# FLORIDA STATE REPORT

## Underage Drinking Prevention and Enforcement

2020



**SAMHSA**  
Substance Abuse and Mental Health  
Services Administration

This *State Report* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report “on each State’s performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.” As directed by the STOP Act, the *State Reports* were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

**Time Period Covered by this *State Report*:** This *State Report* primarily includes data from calendar year 2019. Regional and state profile data were drawn from the most recently available federal survey data as of 2018. State legal data reflect the status of the law as of January 1, 2019. State survey data, collected in 2019, were drawn from the most recent 12-month period in which the states maintained the data.

**Source of Data:** For each state, overall population information was taken from 2010 Census data. Data about the portion of each state’s population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2015 through 2018 National Surveys on Drug Use and Health (NSDUH), SAMHSA’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2018). Confidence intervals for these estimates are available from CBHSQ’s Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention’s Alcohol-Related Disease Impact (ARDI) application served as the resource for data about alcohol-attributable deaths from 2006–10 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis’s Fatality Analysis Reporting System (FARS) provided the 2018 data used to present statistics

**Recommended Citation:** U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA; 2020). 2020 *Florida State Report – Underage Drinking Prevention and Enforcement*. Rockville, MD: SAMHSA.

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**Florida Governor’s Designated Contact for STOP Act State Survey:**

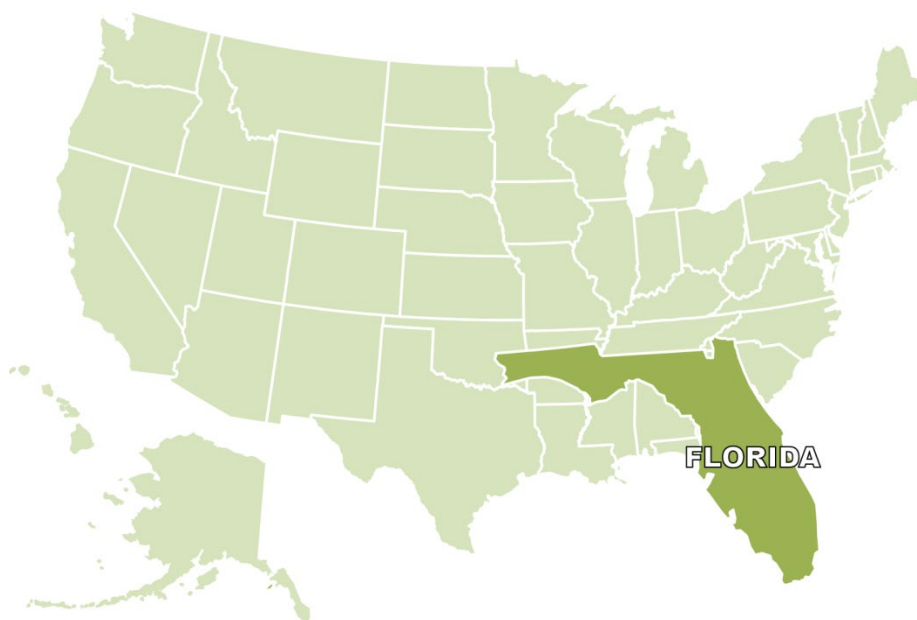
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## Florida

**State Population: 21,299,325**

**Population Ages 12–20: 2,192,300**

Past-Month Alcohol Use Among 12- to 20-Year-Olds	
<b>Ages 12–20</b>	
Past-Month Alcohol Use – Number (Percentage)	435,400 (19.9%)
Past-Month Binge Alcohol Use – Number (Percentage)	256,700 (11.7%)
<b>Ages 12–14</b>	
Past-Month Alcohol Use – Number (Percentage)	18,400 (2.8%)
Past-Month Binge Alcohol Use – Number (Percentage)	9,700 (1.5%)
<b>Ages 15–17</b>	
Past-Month Alcohol Use – Number (Percentage)	122,500 (16.3%)
Past-Month Binge Alcohol Use – Number (Percentage)	65,600 (8.7%)
<b>Ages 18–20</b>	
Past-Month Alcohol Use – Number (Percentage)	294,500 (38.1%)
Past-Month Binge Alcohol Use – Number (Percentage)	181,400 (23.5%)
Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21	
Alcohol-Attributable Deaths (under 21)	282
Years of Potential Life Lost (under 21)	16,951
Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Concentration (BAC) > 0.01% <sup>1</sup>	
Number of Fatalities Involving 15- to 20-Year-Old Driver With BAC > 0.01%	68
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	17%

<sup>1</sup> Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number, however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.

## Office of Substance Abuse and Mental Health Overview<sup>2</sup>

The Office of Substance Abuse and Mental Health (SAMH) is a part of the Florida Department of Children and Families (hereafter referred to as the Department) and is the single state authority (SSA) for substance abuse and mental health services. The Office of SAMH develops standards for the provision of prevention, treatment, and recovery services in partnership with other state agencies that also fund behavioral health services.

The Department operates under the direction of a Secretary who reports directly to the Governor. The Office of SAMH is led by an Assistant Secretary, who is supported by the Director of Substance Abuse and Mental Health, the Chief Hospital Administrator, the Director of State Mental Health Treatment Facilities Policies and Programs, the Director of the Sexually Violent Predator Program, the Director of the Substance Abuse and Mental Health Quality Assurance Program Office, and the Director of the Office of Homelessness.

Structurally and operationally, the Department is decentralized into 6 regions, with each region representing multiple counties. Each region is somewhat autonomous and managed by a Regional Managing Director. The Regional Managing Director reports to the Department's Assistant Secretary for Operations. Each region has a SAMH Director who reports to the Regional Managing Director and serves as the Department's representative to the community for substance abuse and mental health issues. Pursuant to statute, Department contracts are managed by a single point of contact, a certified contract manager. Regional staff is responsible for the implementation of the Department's substance abuse and mental health funding and statutory duties.

The Office of SAMH used to contract directly with behavioral health providers to implement the Community Mental Health (CMH) and Substance Abuse Prevention and Treatment Block Grant (SABG). The Florida Legislature found that a managing structure that places responsibility for publicly funded behavioral health services with local entities would promote access to care and continuity, be more efficient and effective, and streamline administrative processes to create cost efficiencies and provide flexibility to better match services to need. As a result, the Office of SAMH now contracts with seven managing entities (MEs) for the administration and management of regional behavioral health systems of care throughout the state. The MEs are private, nonprofit organizations responsible for planning, implementation, administration, monitoring, and data collection, reporting, and analysis for behavioral health care in their regions. MEs do not provide services, but contract with local service providers for the provision of prevention, treatment, and recovery support services.

### Substance Abuse Services

Substance abuse treatment in Florida is authorized by Chapter 397, F.S., and regulated by Chapter 65D-30, F.A.C. Florida statute requires the Department to license substance abuse treatment service components and recognize a certification for clinicians. <sup>7</sup> Chapter 397, F.S.,

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<sup>2</sup> Extracted from fiscal year (FY) 2018/2019 – (Florida) State Behavioral Health Assessment and Plan, SABG, Center for Substance Abuse Prevention (CSAP), Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.



provides for a system of care that is community-based, reflecting the principles of recovery and resiliency.

Section 397.305(3), F.S., requires a system of care that will “provide for a comprehensive continuum of accessible and quality substance abuse prevention, intervention, clinical treatment, and recovery support services in the least restrictive environment which promotes long-term recovery while protecting and respecting the rights of individuals, primarily through community-based private not-for-profit providers working with local governmental programs involving a wide range of agencies from both the public and private sectors.”

The system of care is comprised of the following broad categories of substance abuse services:

- Prevention services, which include:
  - Information dissemination;
  - Education regarding the consequences of substance abuse; alternative drug-free activities;
  - Problem identification;
  - Referral of persons to appropriate prevention programs;
  - Community-based programs that involve members of local communities in prevention activities; and
  - Environmental strategies to review, change, and enforce laws that control the availability of controlled and illegal substances.
- Assessment services, which include the evaluation of individuals and families in order to identify their strengths and determine their required level of care, motivation, and need for treatment and ancillary services.
- Intervention services, which include early identification, short-term counseling and referral, and outreach.
- Rehabilitation services, which include residential, outpatient, day or night, case management, in-home, psychiatric, medical treatment, and methadone or medication management.
- Ancillary services, which include:
  - Self-help and other support groups and activities;
  - Aftercare provided in a structured, therapeutic environment;
  - Supported housing;
  - Supported employment;
  - Vocational services; and
  - Educational services.

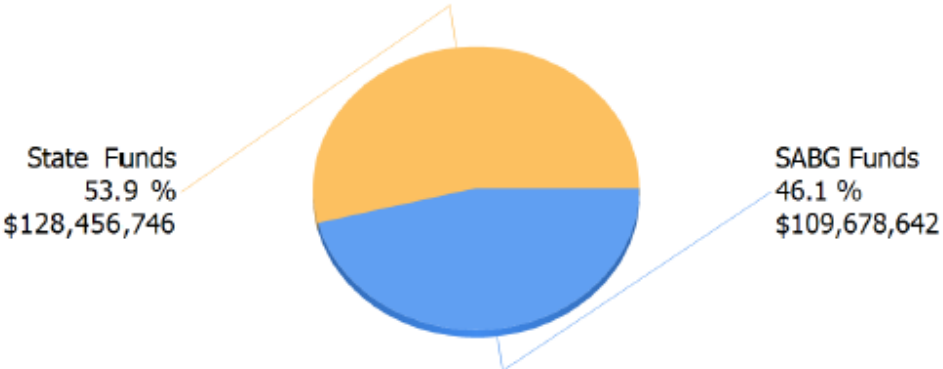
## **Expenditures for Substance Abuse Prevention and Treatment**

All states receive federal funds for substance abuse prevention through SABG funds administered by SAMHSA. Exhibit 1 shows the sources that Florida used for expenditures on substance abuse prevention and treatment in 2019. As indicated, state funds and SABG funds are the only sources (53.9 percent and 46.1 percent, respectively).<sup>3</sup>

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<sup>3</sup> WebBGAS State Profile, 2019 SABG and Community Mental Health Block Grant (MHBG) Reports – Florida 2019.

**Exhibit 1: Sources of Florida’s 2019 Expenditures for Substance Abuse Prevention and Treatment**



## State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details Florida's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. The following sections address these measures.

***State Laws and Policies:*** These 26 underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into four categories:

1. Laws addressing minors in possession of alcohol;
2. Laws targeting underage drinking and driving;
3. Laws targeting alcohol suppliers; and
4. Laws affecting alcohol pricing.

***STOP Act State Survey Data:*** The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:

1. Enforcement programs to promote compliance with underage drinking laws and regulations.
2. Programs targeted to youth, parents, and caregivers to deter underage drinking.
3. State interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns.
4. State expenditures on the prevention of underage drinking.

## Laws Addressing Minors in Possession of Alcohol

Underage-Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is possession allowed if parent or guardian is present or consents?	No
• Is possession allowed if spouse is present or consents?	No
Is there an exception based on location?	No

Underage-Consumption	
Is underage consumption of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is consumption allowed if the parent or guardian is present or consents?	N/A
• Is consumption allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A

Underage-Internal Possession	
Is underage internal possession of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is internal possession allowed if the parent or guardian is present or consents?	N/A
• Is internal possession allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A

Underage-Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	Yes
May youth purchase for law enforcement purposes?	No

Underage-False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor's driver's license suspension?	Yes, through a judicial process
Provisions Targeting Suppliers	
Is the lending or transferring or selling of a false ID prohibited?	No
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	No
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	No
Are state driver's licenses for persons under 21 easily distinguishable from licenses for persons 21 and over?	Yes
May retailers seize apparently false IDs without fear of prosecution even if the ID is ultimately deemed valid?	No
Does an affirmative defense exist for the retailer?	Yes

• Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)?	Yes
• Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)?	No
Does the retailer have the right to sue the minor for use of a false ID?	No
May a retailer detain a minor who used a false ID?	No
Notes: Although the verbatim text of historical regulations is only available from January 1, 2003 forward, the published historical information for Fla. Admin. Code Ann. r. 61A-3.052 indicates that this regulation has been in force, unchanged, from February 28, 1994 to date.	

## Laws Targeting Underage Drinking and Driving

Youth Blood Alcohol Concentration Limits (Underage Operators of Noncommercial Motor Vehicles)	
What is the maximum blood alcohol concentration (BAC) limit for an underage driver of a motor vehicle?	0.02%
Does a BAC level in excess of limit automatically establish a violation (per se violation)?	Yes
What is the minimum age to which the limit applies?	Not specified
What is the maximum age to which the limit applies?	21

Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose” Laws)	
Is there a “use/lose” law that suspends or revokes a minor’s driving privileges for alcohol violations?	Yes
What types of violation lead to license suspension or revocation?	
• Purchase of alcohol	Yes
• Possession of alcohol	Yes
• Consumption of alcohol	No
The law applies to people under what age?	18
Is suspension or revocation mandatory or discretionary?	Mandatory
What is the length of suspension/revocation?	
Minimum number of days	180
Maximum number of days	365

Graduated Driver’s Licenses	
Learner Stage	
What is the minimum age for permit to drive with parents, guardians, or other adults (other than instructors)?	15
What is the minimum number of months driver must hold learner permit before advancing to intermediate stage?	12
What is the minimum number of hours of driving with parents, guardians, or adults before advancing to intermediate stage?	50 (10 of which must be at night)
Intermediate Stage	
What is the minimum age for driving without adult supervision?	16
For night driving, when does adult supervision requirement begin?	11:00 PM (Age 16: 11:00 PM; Age 17: 1:00 AM)

Can law enforcement stop a driver for night driving violation as a primary offense?	Yes, officer may stop driver for night driving violation
Are there restrictions on passengers?	No
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	N/A
<b>License Stage</b>	
What is the minimum age for full license privileges and lifting of restrictions?	18

## Laws Targeting Alcohol Suppliers

<b>Furnishing Alcohol to Minors</b>	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
• Is furnishing allowed if the parent or guardian supplies the alcohol?	No
• Is furnishing allowed if the spouse supplies the alcohol?	No
Is there an exception based on location?	No
<b>Affirmative Defense for Sellers and Licensees</b>	
Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No

<b>Compliance Check Protocols</b>	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	No data
What is the minimum age a decoy may be to participate in a compliance check?	N/A
What is the maximum age a decoy may be to participate in a compliance check?	N/A
Are there appearance requirements for the decoy?	N/A
Does decoy carry ID during compliance check?	N/A
May decoy verbally exaggerate his or her actual age?	N/A
Is decoy training mandated, recommended, prohibited, or not specified?	N/A

<b>Penalty Guidelines for Sales to Minors</b>	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	Yes
What is the time period for defining second, third and subsequent offenses?	3 years
What is the penalty for the first offense?	\$1,000 and a 7-day suspension
What is the penalty for the second offense?	\$3,000 and a 30-day suspension
What is the penalty for the third offense?	Revocation
What is the penalty for the fourth offense?	Not specified

<b>Responsible Beverage Service (RBS)–Voluntary</b>	
Is there a state law pertaining to Beverage Service Training?	Yes–Voluntary
If training is mandatory, who must participate?	N/A
If training is voluntary, which of the following incentives are offered?	
• Defense in dram shop liability lawsuits	No
• Discounts in dram shop liability insurance, license fees, or other	No
• Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons	Yes
• Protection against license revocation for sales to minors or sales to intoxicated persons	Yes
Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	Both
Does the RBS law apply to new or existing licensees?	Both

<b>Minimum Ages for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)</b>	
What is the minimum age requirement for off-premises retail establishments?	
Beer	None
Wine	None
Spirits	18
Does a manager or supervisor have to be present?	No

<b>Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)</b>	
What is the minimum age requirement for servers in on-premises establishments?	
Beer	18
Wine	18
Spirits	18
What is the minimum age requirement for bartenders in on-premises establishments?	
Beer	18
Wine	18
Spirits	18
Does a manager or supervisor have to be present?	No

<b>Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools</b>	
Colleges and Universities	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A
Primary and Secondary Schools	

Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, within 500 feet. Local government has authority to override state restrictions.
To which alcohol products does requirement apply?	Beer, Wine, Spirits
Notes: Exception for restaurants.	

Dram Shop Liability	
Does a statute create dram shop liability?	Yes
Does the statute limit damages that may be recovered?	No
Does the statute limit who may be sued?	No
Does the statute limit elements or standards of proof?	Yes (Willful and unlawful furnishing to minor)
Does common law dram shop liability exist?	No

Social Host Liability	
Does a statute create social host liability?	No
Does the statute limit damages that may be recovered?	N/A
Does the statute limit who may be sued?	N/A
Does the statute limit elements or standards of proof?	N/A
Does common law social host liability exist?	Yes
Notes: Common law liability rests on a violation of the criminal social host statute (Fla. Stat. § 856.015). Trainor v. Estate of Hanson. The criminal social host statute prohibits an adult from allowing an open house party to take place at a residence he/she controls and knowingly allowing a minor to possess or consume alcohol at the residence and failing to take reasonable steps to prevent the possession or consumption of the alcoholic beverage.	

Prohibitions Against Hosting Underage Drinking Parties	
Does a statute prohibit hosting underage drinking parties?	Yes
Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	Specific
What action by underage guest triggers a violation?	Possession/Consumption
Property type covered by the law?	Residential
What level of knowledge by the host is required?	Knowledge: Host must have actual knowledge of party
Does host's preventive action protect him/her from being held liable?	Yes
Are there any exceptions for underage guests?	No
Notes: The "preventive action" provision in Florida requires the prosecution to prove that the host failed to take preventive action.	

Retailer Interstate Shipments of Alcohol	
Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Prohibited



Wine	Prohibited
Spirits	Prohibited

Direct Shipments/Sales	
May alcohol producers ship directly to consumers?	No
What alcohol types may be shipped?	N/A
Must purchaser make mandatory trip to producer before delivery is authorized?	N/A
Age verification requirements	
Must the producer/shipper verify purchaser's age before sale?	N/A
Must the common carrier (deliverer) verify age of recipients?	N/A
State approval/permit requirements	
Must the producer/manufacture obtain state license or permit?	N/A
Must the common carrier (deliverer) be approved by a state agency?	N/A
Recording/reporting requirements	
Must the producer/manufacture record/report purchaser's name?	N/A
Must the common carrier (deliverer) record/report recipient's name?	N/A
Shipping label requirements	
Must the label state "Package contains alcohol"?	N/A
Must the label state "Recipient must be 21 years old"?	N/A
<p>Notes: Although current law suggests that direct shipments of alcoholic beverages are prohibited, the Florida Department of Business and Professional Regulation's informal policy allows out-of-state wineries to make direct shipments of wine to Florida consumers. Florida statutes that purport to ban direct shipments are not being enforced pursuant to a stipulation entered into by the State in a law suit challenging the Constitutionality of the law. Fla. Stat. Ann. § 561.54, 561.545.</p> <p><a href="http://www.flsenate.gov/data/Publications/2006/Senate/reports/interim_reports/pdf/2006-146rilong.pdf">http://www.flsenate.gov/data/Publications/2006/Senate/reports/interim_reports/pdf/2006-146rilong.pdf</a></p>	

Keg Registration	
How is a keg defined (in gallons)?	No law
Prohibitions	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	No law
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	No law
What purchaser information is collected?	
Must the retailer collect the name and address?	No law
Must the retailer collect the ID number, name and address on license or other government information?	No law
Must the retailer collect the address at which keg will be consumed?	No law
Must warning information be given to purchaser?	No law
Is a deposit required?	No law
Does law cover disposable kegs?	No law

Home Delivery	
Is home delivery of alcohol permitted?	
Beer	Yes
Wine	Yes
Spirits	Yes

High-Proof Grain Alcohol Beverages	
Are there restrictions on the sale of high-proof grain alcohol beverages?	Yes
Are restrictions based on Alcohol by Volume (ABV)?	Yes (more than 76.5%)
Are there exceptions to restrictions?	No
Notes: Statute states "153 proof," which is equivalent to 76.5% alcohol by volume.	

### Laws Affecting Alcohol Pricing

Alcohol Taxes	
<b>Beer</b>	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	\$0.48
Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	
Notes: Florida previously imposed a surcharge of 1.34 cents on each 12 ounces of beer sold at retail for consumption on premises. This surcharge was repealed as of July 1, 2007.	
<b>Wine</b>	
Control system for wine?	No
Specific excise tax per gallon for 12% alcohol wine	\$2.25
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A

Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Additional taxes for 6 – 14% alcohol wine if applicable	
Notes: Florida previously imposed a surcharge of 3.34 cents on each 4 ounces of wine sold at retail for consumption on premises. This surcharge was repealed as of July 1, 2007.	
<b>Spirits</b>	
Control system for spirits?	No
Specific excise tax per gallon for 40% alcohol spirits	\$6.50
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Additional taxes for 15 – 50% alcohol spirits if applicable	\$2.25 per gallon for alcohol content of less than 17.259%.
Notes: Florida previously imposed a surcharge of 3.34 cents on each ounce of liquor sold at retail for consumption on premises. This surcharge was repealed as of July 1, 2007.	

<b>Low-Price, High-Volume Drink Specials</b>	
Are on-premises retailers prohibited from offering the following types of drink specials?	
Free beverages	No
Multiple servings at one time	No
Multiple servings for same price as single serving	No
Reduced price for a specified day or time (i.e., happy hours)	No
Unlimited beverages for fixed price	No
Increased volume without increase in price	No

<b>Wholesaler Pricing Restrictions</b>	
<b>Beer</b>	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	Post
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (15 days)
<b>Wine</b>	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (15 days)
<b>Spirits</b>	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (15 days)

## Florida State Survey Responses

### State Agency Information

*Agency with primary responsibility for enforcing underage drinking laws:*

Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco (ABT)

### Enforcement Strategies

*State law enforcement agencies use:*

Cops in Shops	Yes
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	No

*Local law enforcement agencies use:*

Cops in Shops	Yes
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	No

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

Yes

Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors

Florida Department of  
Business and Professional  
Regulation, Division of  
Alcoholic Beverages and  
Tobacco

Such laws are also enforced by local law enforcement agencies

No

### Enforcement Statistics

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

Yes

Number of minors found in possession<sup>1</sup> by state law enforcement agencies

1,606

Number pertains to the 12 months ending

12/31/2018

Data include arrests/citations issued by local law enforcement agencies

No

*State conducts underage compliance checks/decoy operations<sup>2</sup> to determine whether alcohol retailers are complying with laws prohibiting sales to minors*

Yes

Data are collected on these activities

Yes

Number of retail licensees in state<sup>3</sup>

54,111

Number of licensees checked for compliance by state agencies

4,311

**(including random checks)**

Number of licensees that failed state compliance checks

478

Numbers pertain to the 12 months ending

12/31/2018

Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments

Both on- and off-sale  
establishments

*State conducts **random** underage compliance checks/decoy operations*

Yes

Number of licensees subject to **random** state compliance checks/decoy operations

3,306

Number of licensees that failed **random** state compliance checks

361

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

No

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	
<i>State collects data on fines imposed on retail establishments that furnish to minors</i>	Yes
Number of fines imposed by the state <sup>4</sup>	24
Total amount in fines across all licensees	\$25,000
Smallest fine imposed	\$250
Largest fine imposed	\$3,000
Numbers pertain to the 12 months ending	12/31/2018
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of suspensions imposed by the state <sup>5</sup>	24
Total days of suspensions across all licensees	114
Shortest period of suspension imposed (in days)	1
Longest period of suspension imposed (in days)	29
Numbers pertain to the 12 months ending	12/31/2018
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of license revocations imposed <sup>6</sup>	1
Numbers pertain to the 12 months ending	12/31/2018

**Additional Clarification**

Bureau personnel applied the same enforcement efforts at selected popular spring break destinations in spring 2018. In 4 weeks, ABT agents made 694 arrests for alcohol possession by a person under the age of 21, 76 arrests for providing alcoholic beverages to an underage person, and an additional 174 arrests for obstruction by disguise or by providing false information. The Bureau conducts operations of this nature throughout the state at college events, concerts, festivals, and special events.

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

<sup>4</sup> Does not include fines imposed by local agencies.

<sup>5</sup> Does not include suspensions imposed by local agencies.

<sup>6</sup> Does not include revocations imposed by local agencies.

**Underage Drinking Prevention Programs Operated or Funded by the State**

**Too Good for Drugs (TGFD)**

Number of youth served	24,024
Number of parents served	878
Number of caregivers served	0
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report:	<a href="https://toogoodprograms.org/pages/evidence-base">https://toogoodprograms.org/pages/evidence-base</a>
URL for more program information:	<a href="https://toogoodprograms.org/pages/evidence-base">https://toogoodprograms.org/pages/evidence-base</a>

**Program Description:** Too Good for Drugs (TGFD) is a school-based prevention program for kindergarten through 12th grade that builds on students' resiliency by teaching them how to be socially competent and autonomous problem solvers. The program is designed to benefit everyone in the school by providing necessary education about social and emotional competencies and by reducing risk factors and building protective factors that affect students in these age groups. TGFD focuses on developing personal and interpersonal skills to resist peer pressure and to build skills in setting goals, making decisions, bonding with others, having respect for self and others, managing emotions, engaging in effective communication, and handling social interactions. The program also provides information about the negative consequences of drug use and the benefits of a nonviolent, drug-free lifestyle. TGFD has developmentally appropriate curricula for each grade level through 8th grade, with a separate

high school curriculum for students in grades 9 through 12. The K-8 curricula each include 10 weekly, 30- to 60-minute lessons, and the high school curriculum includes 14 weekly, 1-hour lessons plus 12 optional, 1-hour "infusion" lessons. These infusion lessons are designed to incorporate and reinforce skills taught in the core curriculum through academic infusion in subject areas such as English, social studies, and science/health.

#### **General Alcohol, Tobacco, and Other Drugs (ATOD) Prevention Education**

Number of youth served	297,221
Number of parents served	614,740
Number of caregivers served	0
Program has been evaluated	No
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable

**Program Description:** Alcohol, tobacco and other drugs (ATOD) prevention education allows providers and community anti-drug coalitions to share knowledge and resources about prevention activities with the general population. These activities include community resource fairs, community engagement events, health fairs, resource tables, information booths, assemblies, back-to-school fairs, and evidence-based programs (EBPs). Various EBPs were combined to calculate the numbers served for ATOD programs, including Strengthening Families, Guiding Good Choices, and Project SUCCESS. During 2017, Project Brain, Teen Intervene, and Prime for Life also were added to calculate numbers served for ATOD programs. Please note that individuals were counted multiple times when they participated in more than 1 program.

In 2018, there was a significant increase in the number of youth and parents served. Stakeholders across the state focused on the development of youth and anti-drug coalitions in various settings.

#### **Alcohol Literacy Challenge (ALC)**

Number of youth served	27,946
Number of parents served	639
Number of caregivers served	0
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report:	<a href="https://alcoholliteracychallenge.com">https://alcoholliteracychallenge.com</a>
URL for more program information:	<a href="https://alcoholliteracychallenge.com">https://alcoholliteracychallenge.com</a>

**Program Description:** Alcohol Literacy Challenge (ALC) is a brief classroom-based program designed to alter alcohol expectancies and reduce the quantity and frequency of alcohol use among high school and college students. Alcohol expectancies are an individual's beliefs about the anticipated effects of alcohol use, including those that are positive (e.g., increased sociability, reduced tension) and negative (e.g., impairments to mental and behavioral functioning, increased aggressiveness, or risk-taking). Some of the most desired effects—the arousing, positive, and pro-social effects—are placebo effects rather than pharmacological effects. ALC aims to correct erroneous beliefs about the effects of alcohol, decreasing positive and increasing negative expectancies. These shifts in expectancies have been shown to predict lower levels of alcohol use.

The intervention, which requires 90 minutes for the high school version and 50 minutes for the college version, can be incorporated into an existing course (e.g., health education) and implemented in 1 or 2 class periods. It is designed to challenge the unique expectancies of each participating student; therefore, it can be used across different populations and cultural groups. The intervention is implemented by teachers at the high school level and students at the college level. A 5-hour training is required for implementers and provides all materials needed to deliver the intervention.

#### **Anti-Drug Coalition Activities**

Number of youth served	380,755
Number of parents served	3,537,748
Number of caregivers served	0
Program has been evaluated	No
Evaluation report is available	No
URL for evaluation report:	Not applicable

URL for more program information:

Not applicable

**Program Description:** Anti-drug coalitions across the state are active within their communities to promote ATOD education and prevention. These coalitions participate in community events and presentations, compliance check reminders, town hall meetings, and other efforts. There was a significant decrease in the number of youth served as a result of more EBPs being implemented in a school setting by prevention providers, not anti-drug coalitions. Alternatively, the number of parents served in 2018 increased from the previous year. This increase was a result of anti-drug coalitions and stakeholders focusing on community-based programs and campaigns that encourage parents to talk to other parents about underage drinking. For example, “No One’s House” is a parent-to-parent campaign that works to reduce the number of parents in a community who are providing teens with alcohol and/or allowing teens to drink in their homes. Please note that individuals are counted multiple times when they participated in more than one program.

**LifeSkills Training (LST)**

Number of youth served	47,310
Number of parents served	3,031
Number of caregivers served	0
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report:	<a href="https://www.lifeskillstraining.com">https://www.lifeskillstraining.com</a>
URL for more program information:	<a href="https://www.lifeskillstraining.com">https://www.lifeskillstraining.com</a>

**Program Description:** LifeSkills Training (LST) is a school-based program that aims to prevent violence and the use of alcohol, tobacco, and marijuana by targeting the major social and psychological factors that promote the initiation of substance use and other risky behaviors. LST is based on both the social influence and competence enhancement models of prevention. Consistent with this theoretical framework, LST addresses multiple risk and protective factors, and teaches personal and social skills that build resilience and help youth navigate developmental tasks, including the skills necessary to understand and resist pro-drug influences. LST is designed to provide information relevant to the important life transitions that adolescents and young teens face, using culturally sensitive, developmentally suitable, age-appropriate language and content. Facilitated discussion, structured small group activities, and role-playing scenarios are used to stimulate participation and promote the acquisition of skills. Separate LST programs are offered for elementary school (grades 3-6), middle school (grades 6-9), and high school (grades 9-12); the research studies and outcomes reviewed for this summary involved middle school students.

**Additional Underage Drinking Prevention Programs Operated or Funded by the State**

**Program description:**

1. Active Parenting Now (APN): APN is an evidence-based practice addressing youth underage drinking.
2. All Stars: All Stars is a school-based program for middle school students (ages 11-14) designed to prevent and delay the onset of high-risk behaviors, such as drug use, violence, and premature sexual activity.
3. Athletes Training and Learning To Avoid Steroids (ATLAS): ATLAS is a school-based drug prevention program designed for male high school athletes to deter drug use and promote healthy nutrition and exercise as alternatives to drugs.
4. An Apple A Day (AAAD): AAAD is an evidence-based program geared towards elementary aged children in kindergarten through 4<sup>th</sup> grade. AAAD focuses on substance abuse prevention and mental health promotion by improving resiliency skills and decreasing risk factors while focusing on 5 main concepts: literacy, personal sense of safety, safe person/place, friendship, and the dangers of alcohol, tobacco and other drugs.
5. Brief Alcohol Screening and Intervention for College Students (BASICS): BASICS is a brief motivational intervention for high-risk college students that uses alcohol screening and feedback to reduce problem drinking, excessive drinking, and binge drinking by enhancing motivation to change, promoting healthier choices, reviewing myths and facts about alcohol, and teaching coping skills to moderate drinking.



6. Teen Intervene Group Process: This program is designed specifically for youth who are experiencing mild to moderate problems associated with alcohol or other drug use. The program provides education, support, and guidance for teens and their parents.

#### Additional Clarification

Not applicable

#### Additional Information Related to Underage Drinking Prevention Programs

<i>State collaborates with federally recognized tribal governments in the prevention of underage drinking</i>	No
Description of collaboration: Not applicable	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	Yes
Description of program: Environmental scans are done throughout the state to ensure that vendors who sell alcohol do not target youth or sell alcohol to youth. Additionally, environmental strategies (e.g., media campaigns) are conducted to make parents, educators, and community members aware of the dangers of exposing youth to alcohol.	
<i>State collaborates with/participates in media campaigns to prevent underage drinking</i>	Yes
Federal campaigns:	No
Regional and local media campaigns: No One's House	Yes
Local school district efforts:	No
Other:	No
<i>State collaborates with/participates in SAMHSA's national media campaign, "Talk. They Hear You."</i>	Yes
State officially endorses TTHY efforts	No
State commits state resources for TTHY	No
State forwards TTHY materials to local areas	Yes
Other: Local prevention providers disseminate materials to parents and caregivers	Yes
<i>State procures funding for TTHY</i>	No
Pro bono	No
Donated air time	No
Earned media	No
Other:	No
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	No
Agencies/organizations that established best practices standards:	
Federal agency(ies):	Not applicable
Agency(ies) within your state:	Not applicable
Nongovernmental agency(ies):	Not applicable
Other:	Not applicable
Best practice standards description: Not applicable	

#### Additional Clarification

Not applicable

#### State Interagency Collaboration

*A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities* Yes

#### Committee contact information:

Name: Walesca Marrero

Email: walesca.marrero@myflfamilies.com

Address: 1317 Winewood Blvd, Building 6, Room 257, Tallahassee, FL 32399  
 Phone: 850-717- 4313

*Agencies/organizations represented on the committee:*

- Big Bend Community-Based Care Managing Entity
- Broward Behavioral Health Coalition Managing Entity
- Central Florida Behavioral Health Network Managing Entity
- Central Florida Cares Health System Managing Entity
- Lutheran Services Florida Managing Entity
- Southeast Florida Behavioral Health Network Managing Entity
- South Florida Behavioral Health Network Managing Entity

*A website or other public source exists to describe committee activities* No  
 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* No  
 Prepared by: Not applicable  
 Plan can be accessed via: Not applicable

*State has prepared a report on preventing underage drinking in the last 3 years* No  
 Prepared by: Not applicable  
 Report can be accessed via: Not applicable

**Additional Clarification**

No data

**State Expenditures for the Prevention of Underage Drinking**

*Compliance checks in retail outlets:*  
 Estimate of state funds expended \$45,802.63  
 Estimate based on the 12 months ending 12/31/2018

*Checkpoints and saturation patrols:*  
 Estimate of state funds expended Data not available  
 Estimate based on the 12 months ending 12/31/2018

*Community-based programs to prevent underage drinking:*  
 Estimate of state funds expended \$1,481,268.66  
 Estimate based on the 12 months ending 12/31/2018

*K-12 school-based programs to prevent underage drinking:*  
 Estimate of state funds expended \$11,594,664.17  
 Estimate based on the 12 months ending 12/31/2018

*Programs targeted to institutes of higher learning:*  
 Estimate of state funds expended \$63,637.50  
 Estimate based on the 12 months ending 12/31/2018

*Programs that target youth in the juvenile justice system:*  
 Estimate of state funds expended Data not available  
 Estimate based on the 12 months ending 12/31/2018

*Programs that target youth in the child welfare system:*  
 Estimate of state funds expended Data not available  
 Estimate based on the 12 months ending 12/31/2018

*Other programs:*  
 Programs or strategies included: Data not available  
 Estimate of state funds expended: Data not available  
 Estimate based on the 12 months ending: Data not available

**Funds Dedicated to Underage Drinking**

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

Taxes	No
Fines	No
Fees	No
Other: Not applicable	No

*Description of funding streams and how they are used:*  
Not applicable

**Additional Clarification**

No data



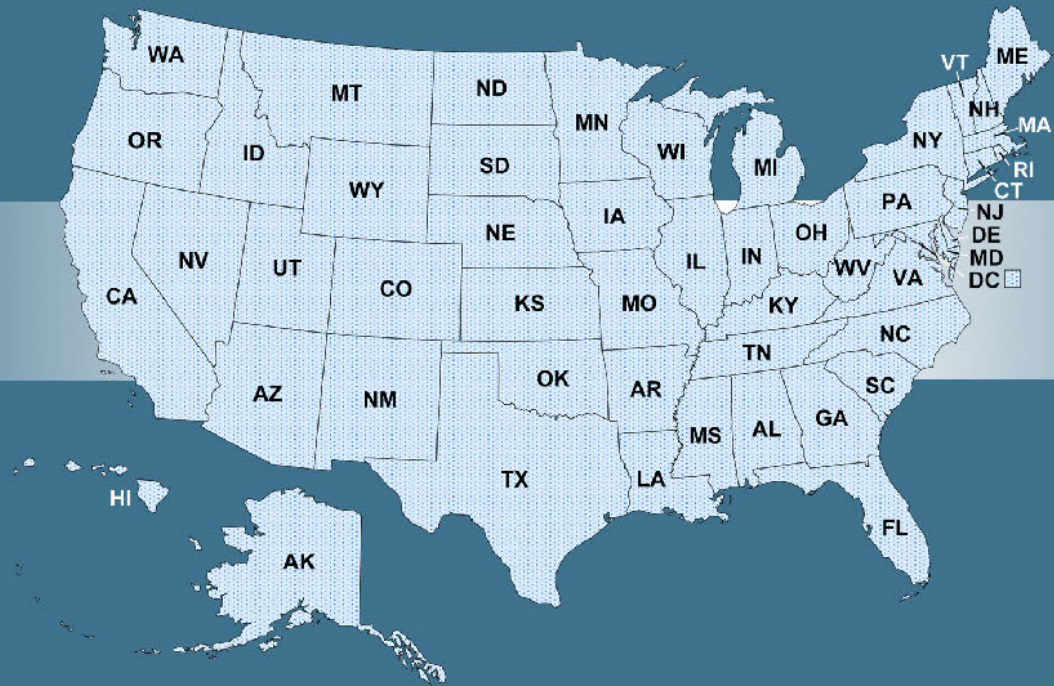


***SAMHSA***  
Substance Abuse and Mental Health  
Services Administration

# GEORGIA STATE REPORT

## Underage Drinking Prevention and Enforcement

2020



**SAMHSA**  
Substance Abuse and Mental Health  
Services Administration

This *State Report* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report “on each State's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.” As directed by the STOP Act, the *State Reports* were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

**Time Period Covered by this *State Report*:** This *State Report* primarily includes data from calendar year 2019. Regional and state profile data were drawn from the most recently available federal survey data as of 2018. State legal data reflect the status of the law as of January 1, 2019. State survey data, collected in 2019, were drawn from the most recent 12-month period in which the states maintained the data.

**Source of Data:** For each state, overall population information was taken from 2010 Census data. Data about the portion of each state’s population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2015 through 2018 National Surveys on Drug Use and Health (NSDUH), SAMHSA’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2018). Confidence intervals for these estimates are available from CBHSQ’s Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention’s Alcohol-Related Disease Impact (ARDI) application served as the resource for data about alcohol-attributable deaths from 2006–10 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis’s Fatality Analysis Reporting System (FARS) provided the 2018 data used to present statistics about fatalities among 15-to 20-year-old drivers.

**Recommended Citation:** U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA; 2020). *2020 Georgia State Report – Underage Drinking Prevention and Enforcement*. Rockville, MD: SAMHSA.

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### **Georgia Governor’s Designated Contact for STOP Act State Survey:**

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## Georgia

**State Population: 10,519,475**

**Population Ages 12–20: 1,261,500**

Past-Month Alcohol Use Among 12- to 20-Year-Olds	
<b>Ages 12–20</b>	
Past-Month Alcohol Use – Number (Percentage)	197,300 (15.6%)
Past-Month Binge Alcohol Use – Number (Percentage)	115,600 (9.2%)
<b>Ages 12–14</b>	
Past-Month Alcohol Use – Number (Percentage)	7,200 (1.7%)
Past-Month Binge Alcohol Use – Number (Percentage)	2,200 (0.5%)
<b>Ages 15–17</b>	
Past-Month Alcohol Use – Number (Percentage)	53,200 (11.9%)
Past-Month Binge Alcohol Use – Number (Percentage)	27,400 (6.2%)
<b>Ages 18–20</b>	
Past-Month Alcohol Use – Number (Percentage)	136,900 (34.2%)
Past-Month Binge Alcohol Use – Number (Percentage)	86,100 (21.5%)
Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21	
Alcohol-Attributable Deaths (under 21)	149
Years of Potential Life Lost (under 21)	9,041
Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Concentration (BAC) > 0.01% <sup>1</sup>	
Number of Fatalities Involving 15- to 20-Year-Old Driver With BAC > 0.01%	24
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	12%

<sup>1</sup> Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number, however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.



## Division of Behavioral Health Overview<sup>2</sup>

The Division of Behavioral Health (DBH) is responsible for providing leadership for all behavioral health services for children and adolescents, emerging adults and adults. There are nine offices within this Division: Addictive Diseases; Prevention Services; Adult Mental Health; Children, Young Adults and Families; Deaf Services; Recovery Transformation; Field Operations; Crisis Services and Federal Grant Programs and Special Initiatives. DBH is the authority for behavioral health programs, services, and supports statewide. The primary areas of focus are policy and planning; program development; budget management and spending plan development, workforce development; and, collaboration with stakeholders.

### Office of Addictive Diseases

The Office of Addictive Diseases (OAD) provides leadership for adult and adolescent substance use disorder treatment services. Responsibilities include: Program oversight, grants management; ensuring compliance with federal and state funding requirements; maintaining collaborative relationships with advocacy groups and other stakeholders; providing data and information at the regional and local levels to impact policy decisions; statewide technical assistance to providers and the six Georgia Department of Behavioral Health and Developmental Disabilities (DBHDD) Field Offices; developing and maintaining collaboration among private and public sector providers and stakeholders; providing training and information on best practices for substance use disorder treatment; coordinating collaborative efforts in increasing best practices models; assisting community and faith-based groups in developing capacity and training; overseeing HIV Early Intervention Services among substance users and their families and significant others; overseeing men's residential treatment services throughout Georgia and the Women's Treatment and Recovery Services program; and carrying out gambling prevention activities.

### Office of Behavioral Health Prevention

The Office of Behavioral Health Prevention (OBHP) supports the health and well-being of individuals, families and communities by reducing the use and abuse of substances and their related consequences across the lifespan, and delaying the onset of substance use by youth using a data-driven planning process that targets high priorities for all categories of the population defined by the Institute of Medicine.

In February of 2015, OBHP reorganized to reflect some of these common linkages and shared risk and protective factors with Substance Abuse and Suicide Prevention, and Mental Health Promotion. OBHP utilizes a public health approach (population based) and the Strategic Prevention Framework (SPF) Model (assessment, capacity, planning, implementation, and evaluation). OBHP's infrastructure is set up as the Georgia Strategic Prevention System (GASPS). OBHP operates as the central decision-making authority that executes services through a community of contracted providers, partners, and community coalitions. Planning and

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<sup>2</sup> Extracted from fiscal year (FY) 2018/2019 – (Georgia) State Behavioral Health Assessment and Plan, Substance Abuse Prevention and Treatment Block Grant (SABG), Center for Substance Abuse Prevention (CSAP), Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.

operations are conducted with input and collaboration of a Community Advisory Council (CAC) and State Epidemiological Outcomes Workgroup (SEOW). The CAC includes community representatives, key informers, and beta testers. The SEOW includes data stakeholder agency epidemiologists, statisticians, data coordinators, evaluators, agency directors, and representatives (representing organizations such as the Departments of Education and Public Health, the Georgia Coroner's Association, Medical Association of Georgia, Georgia Drugs and Narcotics Agency, and others).

Currently, there are 16 projects under the substance abuse prevention segment of OBHP. They include: Alcohol & Substance Abuse Prevention Project (ASAPP), three Prevention Clubhouses, a Governor's Red Ribbon Campaign, SYNAR Tobacco Compliance (with GA DOR), GA Prescription Drug Abuse Prevention Collaborative (GADAPC), Drugs Don't Work Program, Partnerships For Success II (GenRx) Prescription Drug, Maternal Substance Abuse (MSA) Child Development Project, Georgia Teen Institute, Voices For Prevention (V4P), and GASPS Data Warehouse Project. Under the Targeted Response to the Opioid Crisis Grant, there is a Statewide Media Campaign for addressing Opioid Misuse and Abuse, four SPF Opioid Pilot Projects, a School Transition Mentor Pilot Project, and a Naloxone Education and Training Program.

### **Alcohol & Substance Abuse Prevention Project**

The Alcohol & Substance Abuse Prevention Project (ASAPP) is a statewide initiative aimed at preventing alcohol and identified substances of abuse and promoting healthy lifestyles and choices among Georgians. Based on epidemiological data, early onset of alcohol use and abuse and binge drinking have been identified as major public health and safety issues in Georgia. The objective of ASAPP is to implement evidence-based prevention strategies (programs/practices/policies) targeting the state's identified priority needs, alcohol and to allow communities to address a second local priority need identified using local data.

The project requires all providers to participate in a state-level evaluation and all providers to conduct and share results of their local community evaluation. This is based on a SPF model and a public health approach to determine the effectiveness of strategies for different communities for producing and sustaining successful outcomes and allows OBHP to use data to drive future prevention decisions and efforts.

The following are the state's primary goals around alcohol:

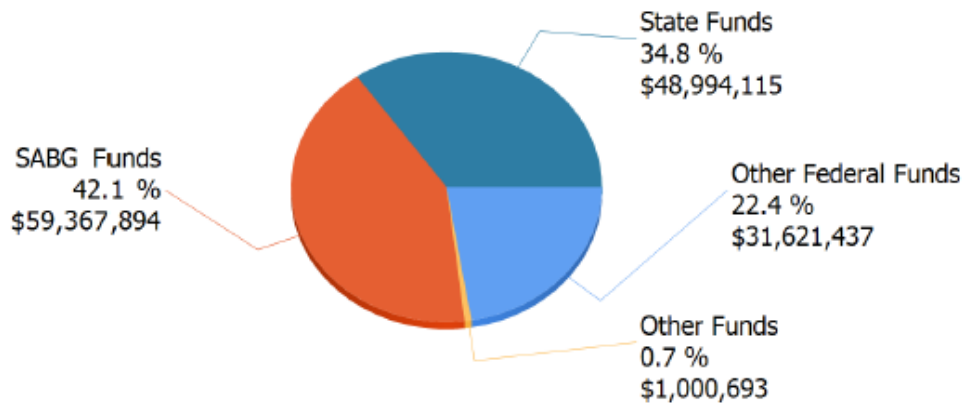
1. Reduce the early onset of alcohol use among 9- to 20-year-olds.
2. Reduce access to alcohol and binge drinking among 9- to 20-year-olds.
3. Reduce binge drinking and heavy drinking among 18- to 25-year-olds.

## Expenditures for Substance Abuse Prevention and Treatment

All states receive federal funds for substance abuse prevention through Substance Abuse Prevention and Treatment Block Grant (SABG) funds administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). Exhibit 1 shows the sources that Georgia used for expenditures on substance abuse prevention and treatment in 2019. As indicated, SABG funds and state funds account for the largest sources (42.1 percent and 34.8 percent, respectively).<sup>3</sup>

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2018–2019, Georgia designated reducing early onset of alcohol use, access to alcohol, and binge drinking among 9- to 20-year-olds as priority number five for use of SABG funds.<sup>4</sup>

**Exhibit 1: Sources of Georgia’s 2019 Expenditures for Substance Abuse Prevention and Treatment**



<sup>3</sup> WebBGAS State Profile, 2019 SABG and Community Mental Health Block Grant (MHBG) Reports – Georgia 2019.

<sup>4</sup> FY 2018/2019 – (Georgia) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Table 1: Priority Areas and Annual Performance Indicators.

## State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details Georgia's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. The following sections address these measures.

**State Laws and Policies:** These 26 underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into four categories:

1. Laws addressing minors in possession of alcohol;
2. Laws targeting underage drinking and driving;
3. Laws targeting alcohol suppliers; and
4. Laws affecting alcohol pricing.

**STOP Act State Survey Data:** The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:

1. Enforcement programs to promote compliance with underage drinking laws and regulations.
2. Programs targeted to youth, parents, and caregivers to deter underage drinking.
3. State interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns.
4. State expenditures on the prevention of underage drinking.

## Laws Addressing Minors in Possession of Alcohol

Underage-Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is possession allowed if parent or guardian is present or consents?	Yes, in specified locations – see below
• Is possession allowed if spouse is present or consents?	No
Is there an exception based on location?	Yes, in parent/guardian's home only if parent/guardian is present or consents

Underage-Consumption	
Is underage consumption of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is consumption allowed if the parent or guardian is present or consents?	N/A
• Is consumption allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A

Underage-Internal Possession	
Is underage internal possession of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is internal possession allowed if the parent or guardian is present or consents?	N/A
• Is internal possession allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A

Underage-Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	Yes
May youth purchase for law enforcement purposes?	No

Underage-False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor's driver's license suspension?	No
Provisions Targeting Suppliers	
Is the lending or transferring or selling of a false ID prohibited?	No
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	No
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	No
Are state driver's licenses for persons under 21 easily distinguishable from licenses for persons 21 and over?	Yes

May retailers seize apparently false IDs without fear of prosecution even if the ID is ultimately deemed valid?	Yes
Does an affirmative defense exist for the retailer?	Yes
<ul style="list-style-type: none"> <li>Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)?</li> </ul>	Yes
<ul style="list-style-type: none"> <li>Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)?</li> </ul>	No
Does the retailer have the right to sue the minor for use of a false ID?	No
May a retailer detain a minor who used a false ID?	No
<p>Notes: In Georgia, the prohibition against furnishing to a minor does not apply when a retailer has been provided with “proper identification,” defined as “any document issued by a governmental agency containing a description of the person, such person’s photograph, or both, and giving such person’s date of birth.” When a reasonable or prudent person could reasonably be in doubt as to whether a customer is of legal drinking age, the retailer has a duty to request to see and to be furnished with proper identification in order to verify the customer’s age, and the failure to make such request and verification in the case of an underage person may be considered by the trier of fact in determining whether the retailer furnishing the alcoholic beverage did so knowingly. See Ga. Code Ann. § 3-3-23(d), (h). APIS has interpreted the “reasonable or prudent person” requirement as providing the retailer a defense for reasonable reliance on an apparently valid ID.</p>	

## Laws Targeting Underage Drinking and Driving

Youth Blood Alcohol Concentration Limits (Underage Operators of Noncommercial Motor Vehicles)	
What is the maximum blood alcohol concentration (BAC) limit for an underage driver of a motor vehicle?	0.02%
Does a BAC level in excess of limit automatically establish a violation (per se violation)?	Yes
What is the minimum age to which the limit applies?	Not specified
What is the maximum age to which the limit applies?	21

Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose” Laws)	
Is there a “use/lose” law that suspends or revokes a minor’s driving privileges for alcohol violations?	No law
What types of violation lead to license suspension or revocation?	
<ul style="list-style-type: none"> <li>Purchase of alcohol</li> </ul>	N/A
<ul style="list-style-type: none"> <li>Possession of alcohol</li> </ul>	N/A
<ul style="list-style-type: none"> <li>Consumption of alcohol</li> </ul>	N/A
The law applies to people under what age?	N/A
Is suspension or revocation mandatory or discretionary?	N/A
What is the length of suspension/revocation?	
Minimum number of days	N/A
Maximum number of days	N/A

Graduated Driver’s Licenses	
Learner Stage	

What is the minimum age for permit to drive with parents, guardians, or other adults (other than instructors)?	15
What is the minimum number of months driver must hold learner permit before advancing to intermediate stage?	12
What is the minimum number of hours of driving with parents, guardians, or adults before advancing to intermediate stage?	40 (6 of which must be at night)
<b>Intermediate Stage</b>	
What is the minimum age for driving without adult supervision?	16
For night driving, when does adult supervision requirement begin?	12:00 AM
Can law enforcement stop a driver for night driving violation as a primary offense?	No, officer must stop driver for another offense to cite for night driving violation
Are there restrictions on passengers?	Yes, first 6 months, immediate family only. Second 6 months, no more than one passenger under 21 who is not immediate family. After one year, no more than 3 passengers under 21 who are not immediate family.
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	No, officer must stop driver for another offense to cite for passenger restriction violation
<b>License Stage</b>	
What is the minimum age for full license privileges and lifting of restrictions?	18

### Laws Targeting Underage Drinking and Driving

<b>Furnishing Alcohol to Minors</b>	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
<ul style="list-style-type: none"> <li>Is furnishing allowed if the parent or guardian supplies the alcohol?</li> </ul>	Yes, in specified locations
<ul style="list-style-type: none"> <li>Is furnishing allowed if the spouse supplies the alcohol?</li> </ul>	No
Is there an exception based on location?	Yes, in parent/guardian's home only if parent/guardian supplies alcohol
<b>Affirmative Defense for Sellers and Licensees</b>	
Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No

<b>Compliance Check Protocols</b>	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	Yes
What is the minimum age a decoy may be to participate in a compliance check?	17

What is the maximum age a decoy may be to participate in a compliance check?	20
Are there appearance requirements for the decoy?	Not specified
Does decoy carry ID during compliance check?	Prohibited (Except to obtain admission to facility or unless authorized in writing by Special Agent in Charge, Assistant Director, or Director)
May decoy verbally exaggerate his or her actual age?	Prohibited
Is decoy training mandated, recommended, prohibited, or not specified?	Not specified

#### Penalty Guidelines for Sales to Minors

Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	Yes
What is the time period for defining second, third and subsequent offenses?	Not specified
What is the penalty for the first offense?	\$500-\$2,500 fine, 12 months probation, up to 30 days suspension
What is the penalty for the second offense?	Not specified
What is the penalty for the third offense?	Not specified
What is the penalty for the fourth offense?	Not specified
Notes: Mitigating and aggravating circumstances are considered and penalty guidelines are available if those circumstances are present.	

#### Responsible Beverage Service (RBS)

Is there a state law pertaining to Beverage Service Training?	No law
If training is mandatory, who must participate?	N/A
If training is voluntary, which of the following incentives are offered?	
• Defense in dram shop liability lawsuits	N/A
• Discounts in dram shop liability insurance, license fees, or other	N/A
• Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons	N/A
• Protection against license revocation for sales to minors or sales to intoxicated persons	N/A
Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	N/A
Does the RBS law apply to new or existing licensees?	N/A

#### Minimum Ages for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)

What is the minimum age requirement for off-premises retail establishments?	
Beer	None
Wine	None



Spirits	None
Does a manager or supervisor have to be present?	No

Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)	
What is the minimum age requirement for servers in on-premises establishments?	
Beer	18
Wine	18
Spirits	18
What is the minimum age requirement for bartenders in on-premises establishments?	
Beer	18
Wine	18
Spirits	18
Does a manager or supervisor have to be present?	No

Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools	
Colleges and Universities	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	Yes, within 100 yards for wine and beer; within 200 yards for spirits. Local government has the authority to override state restrictions for wine and beer for grocery stores.
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, within 100 yards for wine and beer; within 200 yards for spirits. Local government has authority to override state restrictions.
To which alcohol products does requirement apply?	Beer, Wine, Spirits
Notes: Exceptions are 1) hotels of more than 50 rooms; 2) bona fide private clubs.	
Primary and Secondary Schools	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	Yes, within 100 yards for wine and beer; within 200 yards for spirits. Local government has the authority to override state restrictions for wine and beer for grocery stores.
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, within 100 yards for wine and beer; within 200 yards for spirits. Local government has authority to override state restrictions.
To which alcohol products does requirement apply?	Beer, Wine, Spirits
Notes: Exceptions are 1) hotels of more than 50 rooms; 2) bona fide private clubs.	

Dram Shop Liability	
Does a statute create dram shop liability?	Yes
Does the statute limit damages that may be recovered?	No
Does the statute limit who may be sued?	No

Does the statute limit elements or standards of proof?	Yes (Furnishing with knowledge that customer was a minor and would soon be operating a motor vehicle.)
Does common law dram shop liability exist?	No

### Social Host Liability

Does a statute create social host liability?	Yes
Does the statute limit damages that may be recovered?	No
Does the statute limit who may be sued?	No
Does the statute limit elements or standards of proof?	Yes (Furnishing with knowledge that customer was a minor and would soon be operating a motor vehicle.)
Does common law social host liability exist?	No

### Prohibitions Against Hosting Underage Drinking Parties

Does a statute prohibit hosting underage drinking parties?	No law
Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	N/A
What action by underage guest triggers a violation?	N/A
Property type covered by the law?	N/A
What level of knowledge by the host is required?	N/A
Does host's preventive action protect him/her from being held liable?	N/A
Are there any exceptions for underage guests?	N/A

### Retailer Interstate Shipments of Alcohol

Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Prohibited
Wine	Prohibited
Spirits	Prohibited

### Direct Shipments/Sales

May alcohol producers ship directly to consumers?	Yes
What alcohol types may be shipped?	Wine
Must purchaser make mandatory trip to producer before delivery is authorized?	No
Age verification requirements	
Must the producer/shipper verify purchaser's age before sale?	Yes
Must the common carrier (deliverer) verify age of recipients?	No
State approval/permit requirements	
Must the producer/manufacture obtain state license or permit?	Yes
Must the common carrier (deliverer) be approved by a state agency?	No
Recording/reporting requirements	
Must the producer/manufacture record/report purchaser's name?	Yes

Must the common carrier (deliverer) record/report recipient's name?	No
<b>Shipping label requirements</b>	
Must the label state "Package contains alcohol"?	Yes
Must the label state "Recipient must be 21 years old"?	Yes
Notes: Wineries that hold a federal basic wine manufacturing permit, regardless of whether they are licensed by the state of Georgia, may also ship wines directly to consumers. The consumer must purchase the wine while physically present on the premises of the winery, and the winery must verify that the consumer is of the age to do so. Ga. Code Ann. § 3-6-32.	

<b>Keg Registration</b>	
How is a keg defined (in gallons)?	More than 2.00
<b>Prohibitions</b>	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	Yes (Maximum fine/jail, \$1,000/12 months)
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	Yes (Maximum fine/jail, \$1,000/12 months)
<b>What purchaser information is collected?</b>	
Must the retailer collect the name and address?	Yes
Must the retailer collect the ID number, name and address on license or other government information?	Yes
Must the retailer collect the address at which keg will be consumed?	Yes
Must warning information be given to purchaser?	Yes, active (requires an action by purchaser)
Is a deposit required?	No
Does law cover disposable kegs?	No
Notes: Although Georgia does not require a retailer to record the number of a keg purchaser's ID, it does require the retailer to record the form of identification presented by the purchaser, as well as the purchaser's name, address, and date of birth.	

<b>Home Delivery</b>	
Is home delivery of alcohol permitted?	
Beer	No
Wine	No
Spirits	No

<b>High-Proof Grain Alcohol Beverages</b>	
Are there restrictions on the sale of high-proof grain alcohol beverages?	No
Are restrictions based on Alcohol by Volume (ABV)?	N/A
Are there exceptions to restrictions?	N/A

## Laws Affecting Alcohol Pricing

<b>Alcohol Taxes</b>	
<b>Beer</b>	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	\$1.01

Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	
Notes: \$0.32 per gallon for malt beverages sold in barrels or bulk containers containing not more than 31 gallons, and \$0.39 per gallon on barrels or bulk containers of 15.5 gallons or less.	
<b>Wine</b>	
Control system for wine?	No
Specific excise tax per gallon for 12% alcohol wine	\$0.42
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 6 – 14% alcohol wine if applicable	Georgia imposes an additional tax of \$1.10 per gallon on the "importation for use, consumption, or final delivery" into the state of all wines with an alcohol content of 14% or less.

<b>Spirits</b>	
Control system for spirits?	No
Specific excise tax per gallon for 40% alcohol spirits	\$1.89
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Additional taxes for 15 – 50% alcohol spirits if applicable	
Notes: Georgia imposes an additional tax of \$1.89 per gallon on the "importation for use, consumption, or final delivery" into the state of all distilled spirits.	

<b>Low-Price, High-Volume Drink Specials</b>	
Are on-premises retailers prohibited from offering the following types of drink specials?	
Free beverages	No
Multiple servings at one time	No
Multiple servings for same price as single serving	No
Reduced price for a specified day or time (i.e., happy hours)	No
Unlimited beverages for fixed price	No
Increased volume without increase in price	No

<b>Wholesaler Pricing Restrictions</b>	
<b>Beer</b>	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	Post and Hold (180 days)
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
<b>Wine</b>	
Are volume discounts to retailers allowed?	No law

Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
<b>Spirits</b>	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	Post and Hold (14 days)
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
Notes: With respect to purchases of beer, if retailer owns more than one business and payment is made from a central office, credit may be extended for a period not to exceed 5 days after delivery and invoice.	

## Georgia State Survey Responses

### State Agency Information

*Agency with primary responsibility for enforcing underage drinking laws:*

Georgia Department of Revenue - Alcohol & Tobacco Division

### Enforcement Strategies

*State law enforcement agencies use:*

Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol-Related Fatality Investigations	No

*Local law enforcement agencies use:*

Cops in Shops	No
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	No

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

Yes

Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors

Georgia Department of Revenue - Alcohol & Tobacco Division

Such laws are also enforced by local law enforcement agencies

No

### Enforcement Statistics

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

Yes

Number of minors found in possession<sup>1</sup> by state law enforcement agencies

12

Number pertains to the 12 months ending

06/30/2018

Data include arrests/citations issued by local law enforcement agencies

No

*State conducts underage compliance checks/decoy operations<sup>2</sup> to determine whether alcohol retailers are complying with laws prohibiting sales to minors*

Yes

Data are collected on these activities

Yes

Number of retail licensees in state<sup>3</sup>

18,876

Number of licensees checked for compliance by state agencies

3,273

**(including random checks)**

Number of licensees that failed state compliance checks

198

Numbers pertain to the 12 months ending

06/30/2018

Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments

Both on- and off-sale establishments

*State conducts **random** underage compliance checks/decoy operations*

Yes

Number of licensees subject to **random** state compliance checks/decoy operations

3,273

Number of licensees that failed **random** state compliance checks

198

*Local agencies conduct underage compliance checks/decoy operations to determine whether 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 to minors*

Yes

Number of fines imposed by the state<sup>4</sup>

198

Total amount in fines across all licensees

\$169,975

Smallest fine imposed

\$0

Largest fine imposed

\$1,800

Numbers pertain to the 12 months ending	06/30/2018
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of suspensions imposed by the state <sup>5</sup>	4
Total days of suspensions across all licensees	8
Shortest period of suspension imposed (in days)	0
Longest period of suspension imposed (in days)	2
Numbers pertain to the 12 months ending	06/30/2018
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of license revocations imposed <sup>6</sup>	2
Numbers pertain to the 12 months ending	06/30/2018

#### Additional Clarification

The Georgia Department of Revenue - Alcohol & Tobacco Division does not collect data or track fines on local law enforcement actions.

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

<sup>4</sup> Does not include fines imposed by local agencies.

<sup>5</sup> Does not include suspensions imposed by local agencies.

<sup>6</sup> Does not include revocations imposed by local agencies.

#### Underage Drinking Prevention Programs Operated or Funded by the State

##### **Alcohol & Substance Abuse Prevention Project (ASAPP)**

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report:	No data
URL for more program information:	<a href="http://ga-sps.org">http://ga-sps.org</a>

**Program Description:** To address the negative impact of alcohol use, Georgia's Office of Behavioral Health Prevention (OBHP) has developed the Alcohol & Substance Abuse Prevention Project (ASAPP). Currently, 37 providers across the state are funded under ASAPP. The project aims to affect population-level change of behaviors and trends of alcohol and other substance use and abuse among youth and young adults ages 9-25. ASAPP uses the Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Prevention (CSAP) Strategic Prevention Framework (SPF) model to develop and implement strategies aimed at population-level change using the public health model approach. The objective of ASAPP is to implement statewide primary prevention strategies (programs/practices/policies) consistent with need as identified by epidemiological data, with the following goals:

1. Reduce access to alcohol among ages 9 to 20;
2. Reduce binge drinking among ages 9 to 20;
3. Reduce the early onset of alcohol use among ages 9 to 20;
4. Reduce underage drinking rates;
5. Reduce binge drinking and heavy drinking among ages 18 to 25;
6. Reduce the misuse and abuse of specific additional substances (e.g., marijuana, tobacco, prescription drugs) targeted by individual providers;
7. Identify the most effective strategies and key components for communities; and
8. Build and increase the capacity of the prevention workforce.

##### **Georgia Red Ribbon Campaign**

Number of youth served	No data
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Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	<a href="https://dbhdd.georgia.gov/red-ribbon-campaign">https://dbhdd.georgia.gov/red-ribbon-campaign</a>

**Program Description:** Each year, the Governor's Office and the Department of Behavioral Health and Developmental Disabilities (DBHDD), OBHP, along with the Georgia Red Ribbon Committee, recognizes groups and communities who have done an exemplary job in promoting and educating others about drug awareness, drug-free living, and healthy lifestyle choices during the Georgia Red Ribbon Campaign.

The Red Ribbon Campaign is a media and activity driven strategy aimed at building universal awareness of the importance of a drug-free lifestyle. Each year, schools and communities are encouraged to develop messages and activities to demonstrate their commitment to living drug-free lifestyles. Red Ribbon events target schools and colleges, community-based organizations, corporations, media, coalitions, parents/parent groups, health professionals, legislators/policy makers, government employees, and the public.

**Additional Underage Drinking Prevention Programs Operated or Funded by the State**

**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>	Yes
Description of program: As a part of ASAPP, two providers are directly working to reduce youth exposure to alcohol advertising and marketing by implementing evidence-based environmental strategies (Outlet Density, Product Placement, and Restrictions on Advertising Promotion: Communities Mobilizing for Change on Alcohol (CMCA)).	
<i>State collaborates with/participates in media campaigns to prevent underage drinking</i>	Yes
Federal campaigns:	No
Regional and local media campaigns: Most ASAPP providers (funded by DBHDD) are implementing a media campaign to address underage drinking in their local community.	Yes
Local school district efforts:	No
Other:	No
<i>State collaborates with/participates in SAMHSA's national media campaign, "Talk. They Hear You."</i>	No
State officially endorses TTHY efforts	Not applicable
State commits state resources for TTHY	Not applicable
State forwards TTHY materials to local areas	Not applicable
Other:	Not applicable
<i>State procures funding for TTHY</i>	Not applicable
Pro bono	Not applicable
Donated air time	Not applicable
Earned media	Not applicable
Other:	Not applicable

*State has adopted or developed best practice standards for underage drinking prevention programs* Yes

Agencies/organizations that established best practices standards:

Federal agency(ies): HHS, SAMHSA Yes

Agency(ies) within your state: DBHDD Yes

Nongovernmental agency(ies): No

Other: No

Best practice standards description: The SPF has been incorporated into almost every aspect of prevention in Georgia. This has allowed the OBHP to be strategic about the provision of prevention services and programs in Georgia and to increase utilization of evidence-based programs, practices, and policies. As a result, OBHP is able to target our services, show outcomes in our communities, and ensure long-term sustainability of evidence-based substance abuse/use prevention efforts. This model requires target communities to develop and implement strategies aimed at population-level change using the public health model approach, and to use a comprehensive approach to develop and implement sustainable outcome-based prevention strategies. OBHP also used the *Surgeon General's Call To Action To Prevent and Reduce Underage Drinking* to assist in continuing to develop best practice standards.

#### Additional Clarification

No data

#### State Interagency Collaboration

*A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities* Yes

*Committee contact information:*

Name: Amy Benson

Email: amy.benson@dbhdd.ga.gov

Address: DBHDD, OBHP, 2 Peachtree Street NW 22-493, Atlanta, GA 30303

Phone: 404-651-8450

*Agencies/organizations represented on the committee:*

Department of Behavioral Health and Developmental Disabilities

Georgia Department of Revenue, Alcohol and Tobacco Division

Georgia Department of Public Health

Georgia Poison Center

Georgia Criminal Justice Coordinating Council

Georgia Department of Juvenile Justice

Georgia Department of Education

Georgia Bureau of Investigations

Atlanta-Carolinas High Intensity Drug Trafficking Area

*A website or other public source exists to describe committee activities* No

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: Georgia DBHDD, OBHP

Plan can be accessed via: No data

*State has prepared a report on preventing underage drinking in the last 3 years* Yes

Prepared by: Georgia DBHDD, OBHP

Report can be accessed via: No data

#### Additional Clarification

State interagency collaborations take place within the State Epidemiological Outcomes Workgroup (SEOW), which works to inform prevention planning and implementation across the state.

**State Expenditures for the Prevention of Underage Drinking**

<i>Compliance checks in retail outlets:</i>	
Estimate of state funds expended	\$163,650
Estimate based on the 12 months ending	06/30/2018
<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	\$236,479
Estimate based on the 12 months ending	12/31/2018
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data
<i>Other programs:</i>	
Programs or strategies included:	No data
Estimate of state funds expended:	No data
Estimate based on the 12 months ending:	No data

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

**Additional Clarification**

To address the negative impact of alcohol use in Georgia, the Department of Behavioral Health and Developmental Disabilities, Office of Behavioral Health Prevention developed ASAPP using SAMHSA SAPT Block Grant funding.

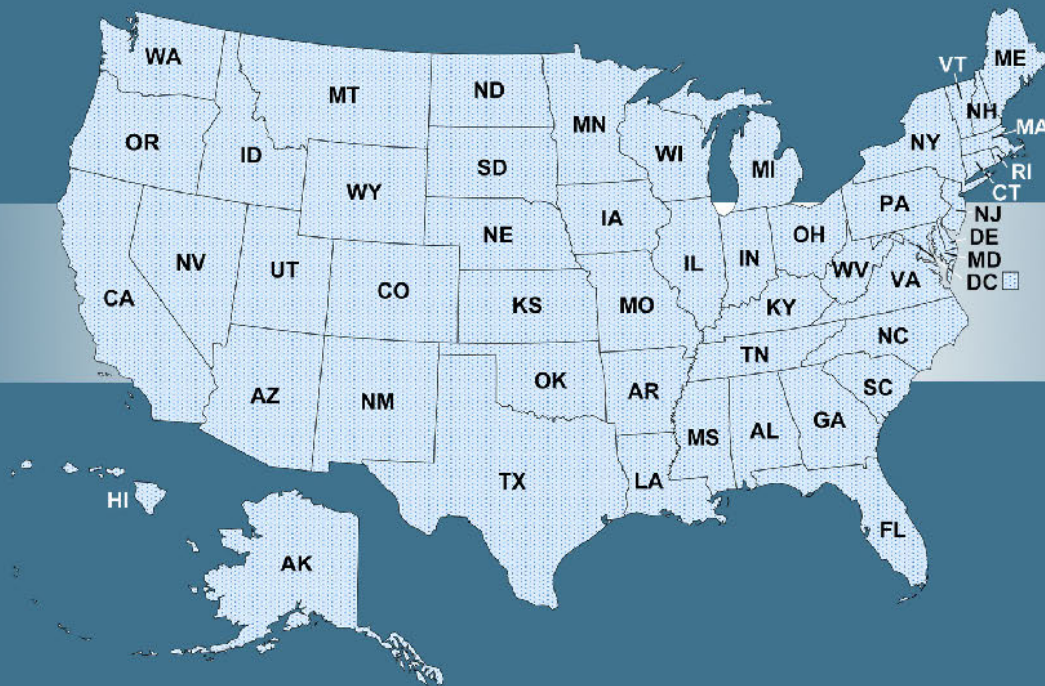


***SAMHSA***  
Substance Abuse and Mental Health  
Services Administration

# KENTUCKY STATE REPORT

## Underage Drinking Prevention and Enforcement

2020



**SAMHSA**  
Substance Abuse and Mental Health  
Services Administration

This *State Report* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report “on each State's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.” As directed by the STOP Act, the *State Reports* were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

**Time Period Covered by this *State Report*:** This *State Report* primarily includes data from calendar year 2019. Regional and state profile data were drawn from the most recently available federal survey data as of 2018. State legal data reflect the status of the law as of January 1, 2019. State survey data, collected in 2019, were drawn from the most recent 12-month period in which the states maintained the data.

**Source of Data:** For each state, overall population information was taken from 2010 Census data. Data about the portion of each state’s population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2015 through 2018 National Surveys on Drug Use and Health (NSDUH), SAMHSA’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2018). Confidence intervals for these estimates are available from CBHSQ’s Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention’s Alcohol-Related Disease Impact (ARDI) application served as the resource for data about alcohol-attributable deaths from 2006–10 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis’s Fatality Analysis Reporting System (FARS) provided the 2018 data used to present statistics about fatalities among 15-to 20-year-old drivers.

**Recommended Citation:** U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA; 2020). *2020 Kentucky State Report – Underage Drinking Prevention and Enforcement*. Rockville, MD: SAMHSA.

### **Staff Chair and Point of Contact, ICCPUD:**

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### **Kentucky Governor’s Designated Contact for STOP Act State Survey:**

**Casey Dean**

Executive Administrative Secretary

Alcoholic Beverage Control

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## Kentucky

**State Population: 4,468,402**

**Population Ages 12–20: 517,500**

Past-Month Alcohol Use Among 12- to 20-Year-Olds	
<b>Ages 12–20</b>	
Past-Month Alcohol Use – Number (Percentage)	100,800 (19.5%)
Past-Month Binge Alcohol Use – Number (Percentage)	67,300 (13.0%)
<b>Ages 12–14</b>	
Past-Month Alcohol Use – Number (Percentage)	4,300 (2.4%)
Past-Month Binge Alcohol Use – Number (Percentage)	1,000 (0.6%)
<b>Ages 15–17</b>	
Past-Month Alcohol Use – Number (Percentage)	32,200 (19.9%)
Past-Month Binge Alcohol Use – Number (Percentage)	21,200 (13.1%)
<b>Ages 18–20</b>	
Past-Month Alcohol Use – Number (Percentage)	64,400 (36.3%)
Past-Month Binge Alcohol Use – Number (Percentage)	45,100 (25.4%)
Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21	
Alcohol-Attributable Deaths (under 21)	65
Years of Potential Life Lost (under 21)	3,921
Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Concentration (BAC) > 0.01% <sup>1</sup>	
Number of Fatalities Involving 15- to 20-Year-Old Driver With BAC > 0.01%	12
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	13%

<sup>1</sup> Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number, however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.

## Behavioral Health Care Overview<sup>2</sup>

The Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities (KDBHDID) administers a comprehensive, community-based system of behavioral health care for adults with serious mental illness (SMI), children with severe emotional disabilities (SED), and their families, and adults and youth with substance use disorders. With guidance from SAMHSA's Strategic Plan, the department strives to further promote system of care principles and objectives, while at the same time ensuring autonomy at the regional level for service planning and decision making.

DBHDID is Kentucky's designated State Mental Health Authority (SMHA) and Single State Agency for Substance Abuse Services (SSA), as well as the State Opioid Treatment Authority (SOTA). Per Kentucky Revised Statute (KRS) 194.030, DBHDID is identified as the primary state agency for developing and administering programs for the prevention, detection and treatment of: mental health (adults and children); substance abuse prevention and treatment services; and developmental and intellectual disabilities. The Department receives state general funds allocated for the prevention and treatment of behavioral health (mental health and substance abuse) in a biennial budget and is charged with administering the funds annually to achieve its service and quality goals.

Within DBHDID, there are four divisions, including: (1) Administration and Financial Management; (2) Developmental and Intellectual Disabilities; (3) Program Support; and (4) Behavioral Health. The Division of Behavioral Health is a product of the merger of the Division of Substance Abuse and the Division of Mental Health in July 2004. With an increased focus on the treatment needs of individuals with co-occurring disorders (mental health and substance use) at the national, state, and local level, the Division is focused on ensuring an integrated, seamless service system.

The KDBHDID contracts with the 14 private, not-for-profit Community Mental Health Centers (CMHCs) to provide services to citizens in all 120 counties of the state. CMHCs are required to specifically describe their current system of care for adults and to state their plans for development regarding key system components, within the annual plan and budget process.

These components include:

- Consumer and Family Support
- Emergency Services
- Behavioral Health Treatment Services, including Co-occurring Treatment for Mental Health and Substance Abuse, Substance Abuse Treatment, and Mental Health Services For Deaf and Hard of Hearing
- Case Management Services
- Rehabilitation Services
- Housing Options
- Physical Health Interface

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<sup>2</sup> Extracted from fiscal year (FY) 2018/2019 – (Kentucky) State Behavioral Health Assessment and Plan, Substance Abuse Prevention and Treatment Block Grant (SABG), Center for Substance Abuse Prevention (CSAP), Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.



- Continuity of Care
- Homeless Outreach
- Rural Outreach

## Substance Abuse Service Systems

Effective prevention and treatment of substance use will have a major impact on the health and well-being of every Kentuckian. From peer pressure of youth to use alcohol and drugs to the risks of being involved in a drunk driving accident, all Kentuckians are at risk for substance-related problems. The Division of Behavioral Health has the statewide responsibility for providing leadership and program direction for the implementation of primary prevention, early identification (intervention), and treatment for persons who are affected by substance use.

Division of Behavioral Health branches include:

*Behavioral Health Prevention and Promotion Branch*—Consists of the Substance Abuse Prevention Program, which targets the prevention of the abuse of alcohol, tobacco and other drugs in Kentucky, as well suicide prevention and zero tolerance programs. The Substance Abuse Prevention Program of the Division of Behavioral Health is responsible for completing the Annual Synar Report. The Office of Alcoholic Beverage Control enforces the Synar Regulation and conducts the annual Synar survey.

*Adult Substance Abuse Treatment and Recovery Services Branch*—Provides administrative oversight for community-based and outpatient and residential services, including those for women, pregnant women, and women with dependent children. The Branch also houses the Driving Under the Influence (DUI) Program.

*Children's Behavioral Health and Recovery Services Branch*—Responsible for the oversight of services and supports for children and youth who have or are at-risk of developing behavioral health concerns (including both mental health and substance use), and their families. This includes assisting providers and families in accessing training and coaching in a variety of evidence-based and promising approaches.

## Prevention Services

Primary prevention services are implemented in all 120 counties of Kentucky through our Regional Prevention Centers (RPCs). The RPCs, housed within the 14 CMHCs, provide technical assistance to local substance abuse prevention coalitions on needs and readiness assessment, capacity building, planning, implementation, evaluation, cultural competence, and sustainability. The RPCs also promote wellness, behavioral health, and suicide prevention. All RPC staff are required to attend substance abuse prevention skills training where they receive in-depth training on how to use the Strategic Prevention Framework (SPF) in the communities they serve. All RPC staff are required to become Certified Prevention Specialists within 3 years of their hire date.

The RPCs are required by contract to create an annual work plan for every county of the region they serve. The work plan follows the steps of the SPF. Progress on the work plans is monitored by the state RPC Coordinator. The RPC network ensures that state-level priorities established by

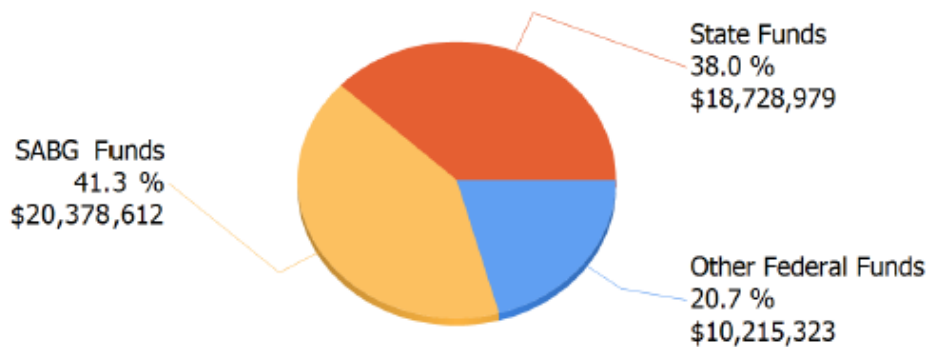
the needs assessments conducted by the State Epidemiological Outcomes Work Group are addressed, while at the same time allowing each region to conduct their own needs assessment of each county in their region through their annual work plans to identify other local priorities.

### Expenditures for Substance Abuse Prevention and Treatment

All states receive federal funds for substance abuse prevention through Substance Abuse Prevention and Treatment Block Grant (SABG) funds, administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). Exhibit 1 shows the sources that Kentucky used for expenditures on substance abuse prevention and treatment in 2019. As indicated, SABG funds and state funds account for the largest sources (41.3 percent and 38.0 percent, respectively).<sup>3</sup>

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2018-2019, Kentucky designated reducing underage drinking as priority number four for use of SABG funds.<sup>4</sup>

**Exhibit 1: Sources of Kentucky’s 2019 Expenditures for Substance Abuse Prevention and Treatment**



<sup>3</sup> WebBGAS State Profile, 2019 SABG and Community Mental Health Block Grant (MHBG) Reports – Kentucky 2019.

<sup>4</sup> FY 2018/2019 – (Kentucky) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Table 1: Priority Areas and Annual Performance Indicators.

## State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details Kentucky's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. The following sections address these measures.

**State Laws and Policies:** These 26 underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into four categories:

1. Laws addressing minors in possession of alcohol;
2. Laws targeting underage drinking and driving;
3. Laws targeting alcohol suppliers; and
4. Laws affecting alcohol pricing.

**STOP Act State Survey Data:** The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:

1. Enforcement programs to promote compliance with underage drinking laws and regulations.
2. Programs targeted to youth, parents, and caregivers to deter underage drinking.
3. State interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns.
4. State expenditures on the prevention of underage drinking.

## Laws Addressing Minors in Possession of Alcohol

Underage-Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is possession allowed if parent or guardian is present or consents?	No
• Is possession allowed if spouse is present or consents?	No
Is there an exception based on location?	No

Underage-Consumption	
Is underage consumption of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is consumption allowed if the parent or guardian is present or consents?	N/A
• Is consumption allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A

Underage-Internal Possession	
Is underage internal possession of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is internal possession allowed if the parent or guardian is present or consents?	N/A
• Is internal possession allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A

Underage-Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	Yes
May youth purchase for law enforcement purposes?	No

Underage-False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor's driver's license suspension?	Yes, through a judicial process
Provisions Targeting Suppliers	
Is the lending or transferring or selling of a false ID prohibited?	No
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	No
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	No
Are state driver's licenses for persons under 21 easily distinguishable from licenses for persons 21 and over?	Yes
May retailers seize apparently false IDs without fear of prosecution even if the ID is ultimately deemed valid?	No
Does an affirmative defense exist for the retailer?	Yes

• Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)?	Yes
• Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)?	No
Does the retailer have the right to sue the minor for use of a false ID?	No
May a retailer detain a minor who used a false ID?	No

## Laws Targeting Underage Drinking and Driving

Youth Blood Alcohol Concentration Limits (Underage Operators of Noncommercial Motor Vehicles)	
What is the maximum blood alcohol concentration (BAC) limit for an underage driver of a motor vehicle?	0.02%
Does a BAC level in excess of limit automatically establish a violation (per se violation)?	Yes
What is the minimum age to which the limit applies?	Not specified
What is the maximum age to which the limit applies?	21

Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose” Laws)	
Is there a “use/lose” law that suspends or revokes a minor’s driving privileges for alcohol violations?	No law
What types of violation lead to license suspension or revocation?	
• Purchase of alcohol	N/A
• Possession of alcohol	N/A
• Consumption of alcohol	N/A
The law applies to people under what age?	N/A
Is suspension or revocation mandatory or discretionary?	N/A
What is the length of suspension/revocation?	
Minimum number of days	N/A
Maximum number of days	N/A

Graduated Driver’s Licenses	
Learner Stage	
What is the minimum age for permit to drive with parents, guardians, or other adults (other than instructors)?	16
What is the minimum number of months driver must hold learner permit before advancing to intermediate stage?	6
What is the minimum number of hours of driving with parents, guardians, or adults before advancing to intermediate stage?	60 (10 of which must be at night)
Intermediate Stage	
What is the minimum age for driving without adult supervision?	16 years, 6 months
For night driving, when does adult supervision requirement begin?	12:00 AM
Can law enforcement stop a driver for night driving violation as a primary offense?	Yes, officer may stop driver for night driving violation
Are there restrictions on passengers?	Yes, no more than one unrelated passenger under 20,

	unless accompanied by instructor
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	No, officer must stop driver for another offense to cite for passenger restriction violation
<b>License Stage</b>	
What is the minimum age for full license privileges and lifting of restrictions?	17

## Laws Targeting Alcohol Suppliers

Furnishing Alcohol to Minors	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
• Is furnishing allowed if the parent or guardian supplies the alcohol?	Yes
• Is furnishing allowed if the spouse supplies the alcohol?	No
Is there an exception based on location?	No
<b>Affirmative Defense for Sellers and Licensees</b>	
Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No

Compliance Check Protocols	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	Yes
What is the minimum age a decoy may be to participate in a compliance check?	18
What is the maximum age a decoy may be to participate in a compliance check?	20
Are there appearance requirements for the decoy?	Yes, shall have appearance and character indicating true age.
Does decoy carry ID during compliance check?	Not specified
May decoy verbally exaggerate his or her actual age?	Not specified
Is decoy training mandated, recommended, prohibited, or not specified?	Not specified

Penalty Guidelines for Sales to Minors	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	Yes
What is the time period for defining second, third and subsequent offenses?	No data
What is the penalty for the first offense?	No data
What is the penalty for the second offense?	No data
What is the penalty for the third offense?	No data
What is the penalty for the fourth offense?	No data

Notes: The Alcoholic Beverage Control (ABC) Board, or the local alcoholic beverage administrator, may order a suspension of the license for any cause for which it may, but is not required to, revoke the license under the provisions of KRS 243.490 and 243.500. However, the licensee may have the alternative, subject to the approval of the ABC Board or the local alcoholic beverage administrator, to pay in lieu of part or all of the days of any suspension period, a sum as follows:

(b) 1. Retail licensees authorized to sell distilled spirits, wine, or beer by the package or drink, fifty dollars (\$50) per day;

(c) All remaining licensees, fifty dollars (\$50) per day.

<b>Responsible Beverage Service (RBS)</b>	
Is there a state law pertaining to Beverage Service Training?	No law
If training is mandatory, who must participate?	N/A
If training is voluntary, which of the following incentives are offered?	
• Defense in dram shop liability lawsuits	N/A
• Discounts in dram shop liability insurance, license fees, or other	N/A
• Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons	N/A
• Protection against license revocation for sales to minors or sales to intoxicated persons	N/A
Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	N/A
Does the RBS law apply to new or existing licensees?	N/A

<b>Minimum Ages for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)</b>	
What is the minimum age requirement for off-premises retail establishments?	
Beer	18
Wine	20
Spirits	20
Does a manager or supervisor have to be present?	Yes
Notes: Although 20 years of age 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 of age or older.	

<b>Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)</b>	
What is the minimum age requirement for servers in on-premises establishments?	
Beer	20
Wine	20
Spirits	20
What is the minimum age requirement for bartenders in on-premises establishments?	
Beer	20
Wine	20

Spirits	20
Does a manager or supervisor have to be present?	No

Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools	
Colleges and Universities	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A
Primary and Secondary Schools	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A

Dram Shop Liability	
Does a statute create dram shop liability?	Yes
Does the statute limit damages that may be recovered?	No
Does the statute limit who may be sued?	No
Does the statute limit elements or standards of proof?	No
Does common law dram shop liability exist?	No

Social Host Liability	
Does a statute create social host liability?	No
Does the statute limit damages that may be recovered?	N/A
Does the statute limit who may be sued?	N/A
Does the statute limit elements or standards of proof?	N/A
Does common law social host liability exist?	No

Prohibitions Against Hosting Underage Drinking Parties	
Does a statute prohibit hosting underage drinking parties?	No law
Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	N/A
What action by underage guest triggers a violation?	N/A
Property type covered by the law?	N/A
What level of knowledge by the host is required?	N/A
Does host's preventive action protect him/her from being held liable?	N/A
Are there any exceptions for underage guests?	N/A

Retailer Interstate Shipments of Alcohol	
Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	



Beer	Permitted
Wine	Permitted
Spirits	Permitted
Notes: A quota retail package license holder with 80% of its monthly gross sales receipts from sales to Kentucky residents ("package store") is permitted to ship alcoholic beverages to Kentucky customers at addresses in a wet territory. If a visitor signs up and pays for a subscription to a distilled spirits or wine club/program at the package store, the package store can ship a monthly order to the Kentucky visitor at an address located in a wet territory.	

Direct Shipments/Sales	
May alcohol producers ship directly to consumers?	Yes
What alcohol types may be shipped?	Wine, Distilled Spirits
Must purchaser make mandatory trip to producer before delivery is authorized?	Yes
Age verification requirements	
Must the producer/shipper verify purchaser's age before sale?	No
Must the common carrier (deliverer) verify age of recipients?	Yes
State approval/permit requirements	
Must the producer/manufacture obtain state license or permit?	Yes
Must the common carrier (deliverer) be approved by a state agency?	Yes
Recording/reporting requirements	
Must the producer/manufacture record/report purchaser's name?	No
Must the common carrier (deliverer) record/report recipient's name?	No
Shipping label requirements	
Must the label state "Package contains alcohol"?	Yes
Must the label state "Recipient must be 21 years old"?	Yes
Notes: If Kentucky microbreweries or distilleries hold the proper retail licenses, then the Kentucky Department of Alcoholic Beverage Control interprets the laws to allow shipping to customers. Ky. Rev. Stat. Ann. §§ 243.0305, 243.157, 243.200, 243.280. See also Ky. Advisory Opinions 2017-001 and 2017-002. In 2018, in-state and out-of-state distilleries and winery licenses will be permitted to ship spirits or wine to Kentucky residents who purchased the distilled spirits or wine, subscription, or club program membership, in person while visiting the distillery or winery.	

Keg Registration	
How is a keg defined (in gallons)?	No law
Prohibitions	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	No law
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	No law
What purchaser information is collected?	
Must the retailer collect the name and address?	No law

Must the retailer collect the ID number, name and address on license or other government information?	No law
Must the retailer collect the address at which keg will be consumed?	No law
Must warning information be given to purchaser?	No law
Is a deposit required?	No law
Does law cover disposable kegs?	No law

Home Delivery	
Is home delivery of alcohol permitted?	
Beer	Yes
Wine	Yes
Spirits	Yes

High-Proof Grain Alcohol Beverages	
Are there restrictions on the sale of high-proof grain alcohol beverages?	No
Are restrictions based on Alcohol by Volume (ABV)?	N/A
Are there exceptions to restrictions?	N/A

### Laws Affecting Alcohol Pricing

Alcohol Taxes	
<b>Beer</b>	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	\$0.08
Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	10.00%
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	10.00%
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	

<b>Wine</b>	
Control system for wine?	No
Specific excise tax per gallon for 12% alcohol wine	\$0.50
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	10.00%
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	10.00%
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Additional taxes for 6 – 14% alcohol wine if applicable	
<b>Spirits</b>	
Control system for spirits?	No
Specific excise tax per gallon for 40% alcohol spirits	\$1.92
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	11.00%
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	11.00%
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Additional taxes for 15 – 50% alcohol spirits if applicable	

<b>Low-Price, High-Volume Drink Specials</b>	
Are on-premises retailers prohibited from offering the following types of drink specials?	
Free beverages	Yes
Multiple servings at one time	No
Multiple servings for same price as single serving	No
Reduced price for a specified day or time (i.e., happy hours)	No
Unlimited beverages for fixed price	No
Increased volume without increase in price	No

<b>Wholesaler Pricing Restrictions</b>	
<b>Beer</b>	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
<b>Wine</b>	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (30 days)
<b>Spirits</b>	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (30 days)

## Kentucky State Survey Responses

### State Agency Information

Agency with primary responsibility for enforcing underage drinking laws:

Kentucky Department of Alcoholic Beverage Control

### Enforcement Strategies

State law enforcement agencies use:

Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol-Related Fatality Investigations	Yes

Local law enforcement agencies use:

Cops in Shops	No
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes

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

Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors Kentucky Department of Alcoholic Beverage Control

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<sup>1</sup> by state law enforcement agencies 17

Number pertains to the 12 months ending 12/31/2018

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

State conducts underage compliance checks/decoy operations<sup>2</sup> to determine if alcohol retailers are complying with laws prohibiting sales to minors Yes

Data are collected on these activities Yes

Number of retail licensees in state<sup>3</sup> Approximately 11,000 licensed premises hold 18,000 licenses

Number of licensees checked for compliance by state agencies (including random checks) 930

Number of licensees that failed state compliance checks 81

Numbers pertain to the 12 months ending 12/31/2018

Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments Both on- and off-sale establishments

State conducts **random** underage compliance checks/decoy operations Yes

Number of licensees subject to **random** state compliance checks/decoy operations No data

Number of licensees that failed **random** state compliance checks No data

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<sup>4</sup> No data

Total amount in fines across all licensees \$396,300

Smallest fine imposed	No data
Largest fine imposed	No data
Numbers pertain to the 12 months ending	12/31/2018
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	
	No
Number of suspensions imposed by the state <sup>5</sup>	Not applicable
Total days of suspensions across all licensees	Not applicable
Shortest period of suspension imposed (in days)	Not applicable
Longest period of suspension imposed (in days)	Not applicable
Numbers pertain to the 12 months ending	Not applicable
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	
	No
Number of license revocations imposed <sup>6</sup>	Not applicable
Numbers pertain to the 12 months ending	Not applicable

**Additional Clarification**

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

<sup>4</sup> Does not include fines imposed by local agencies.

<sup>5</sup> Does not include suspensions imposed by local agencies.

<sup>6</sup> Does not include revocations imposed by local agencies.

**Underage Drinking Prevention Programs Operated or Funded by the State**

**Responsible Beverage Server (RBS) Training**

Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	3,224
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report: <a href="http://kyprevention.com/projects/rbs/survey/">http://kyprevention.com/projects/rbs/survey/</a>	
URL for more program information: <a href="http://kyprevention.com/projects/rbs/">http://kyprevention.com/projects/rbs/</a>	

**Program Description:** Responsible beverage server training is designed to train servers on appropriate serving practices in order to decrease the number of illegal alcohol sales to underage youth and intoxicated patrons through educational programs that (1) help managers and servers/sellers understand state, community, and establishment-level alcohol policies and potential consequences for failing to comply with such policies (e.g., criminal or civil liability, job loss, etc.) and (2) provide the necessary skills to comply with these policies.

**Guidance/technical assistance offered to community stakeholders related to social host ordinance implementation**

Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	6,697
Program has been evaluated	Not applicable
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable

**Program Description:** Prevention specialists are trained to provide technical assistance and guidance to community stakeholders to enact social host ordinances in their communities. These values represent the number of individuals who received technical assistance on this topic.

**Awareness Campaign**

Number of youth served	Not applicable
Number of parents served	5,507
Number of caregivers served	Not applicable
Program has been evaluated	Not applicable
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable

**Program Description:** Awareness campaigns are environmental prevention strategies geared toward increasing public awareness about underage drinking and youth access to alcohol as well as strengthening laws against providing alcohol to a minor. One of these campaigns, “Sticker Shock,” places brightly colored stickers on multi packs of beer and wine coolers that appeal to underage drinkers.

**Coaches Initiative/Life of an Athlete**

Number of youth served	7,547
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	Not applicable
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	<a href="http://www.lifeofanathlete.us/">http://www.lifeofanathlete.us/</a>

**Program Description:** This is an upstream prevention program designed to enhance the wellbeing of athletes by educating coaches and athletes about the consequences of alcohol and drug use.

**Technical assistance provided to support existing ordinances, laws, regulations and policies that promote reduction of access to alcohol among youth**

Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	15,623
Program has been evaluated	Not applicable
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable

**Program Description:** Prevention specialists are trained to provide technical assistance and guidance to community stakeholders to enact or support existing ordinances, laws, regulations, and policies that promote reduction of access to alcohol among youth. These values represent the number of individuals who received technical assistance on this topic.

**KEG Registration Technical Assistance Provision**

Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	1,946
Program has been evaluated	Not applicable
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable

**Program Description:** Prevention specialists are trained to provide technical assistance and guidance to community stakeholders to enact ordinances related to keg registration. These values represent the number of individuals who received technical assistance on this topic.

**Parents Who Host, Lose the Most**

Number of youth served	Not applicable
Number of parents served	1,570
Number of caregivers served	Not applicable

Program has been evaluated	Not applicable
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information: <a href="https://preventsabuse.org/parents-who-host-lose-the-most/">https://preventsabuse.org/parents-who-host-lose-the-most/</a>	

**Program Description:** Parents Who Host, Lose the Most is a public awareness campaign educating communities about the health and safety risks of serving alcohol at teen parties. The program encourages parents to send a unified message that teen alcohol consumption is unhealthy, unsafe, and unacceptable.

**Miscellaneous strategies to engage parents and other adults to address underage drinking**

Number of youth served	Not applicable
Number of parents served	31,015
Number of caregivers served	31,000
Program has been evaluated	Not applicable
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable

**Program Description:** Strategies focus on providing information and guidance to parents and community stakeholders; they are separate from specific programs noted above (e.g., Parents Who Host, Lose the Most). They include general efforts to raise awareness and promote calls to action focused on reducing underage drinking.

**Youth Empowerment System (YES) to encourage youth engagement**

Number of youth served	485
Number of parents served	Not applicable
Number of caregivers served	2,416
Program has been evaluated	Not applicable
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information: <a href="http://dbhdid.ky.gov/dbh/sa-yes.aspx">http://dbhdid.ky.gov/dbh/sa-yes.aspx</a>	

**Program Description:** Youth who participate in YES are guided through the selection of appropriate prevention strategies to address underage drinking in their communities. Additionally, they compose grants and implement projects based on priorities identified through data analysis.

**Kentucky Moms Maternal Assistance Toward Recovery (MATR) – Making Healthy Choices**

Number of youth served	Not applicable
Number of parents served	2,320
Number of caregivers served	Not applicable
Program has been evaluated	Not applicable
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information: <a href="http://dbhdid.ky.gov/dbh/kymomsmatr.aspx">http://dbhdid.ky.gov/dbh/kymomsmatr.aspx</a>	

**Program Description:** Kentucky Moms MATR aims to reduce harm to the children of expectant Kentucky mothers who are at risk for using alcohol, tobacco, and other drugs by assisting them during and after pregnancy. This service is a collaboration between health departments, prenatal clinics, and community mental health centers.

**Additional Underage Drinking Prevention Programs Operated or Funded by the State**

**Program description:** The Kentucky Department of Behavioral Health funds an underage drinking prevention program through its block grant and discretionary grant funds by contracting with regional prevention centers across the state. Funds are expended on primary prevention programs only. Programs noted in the section above are encompassed in this area (<http://dbhdid.ky.gov/dbh/sa-rpc.aspx>).



**Additional Clarification**

Kentucky Department of Behavioral Health contracts with Regional Prevention Centers within the Community Mental Health System to provide prevention programming. The state funds an Alcohol Prevention Enhancement Site that focuses on providing best practices and evidence-based information to prevention providers across the state, specifically through the Regional Prevention Centers (<http://dbhdid.ky.gov/dbh/sa-pes-alcohol.aspx>).

**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
Description of program: See individual program efforts noted in above section. The state also has a State Epidemiological Outcomes Workgroup that utilizes data to inform programming ( <a href="https://penguin-owl-j7ep.squarespace.com/new-page-68">https://penguin-owl-j7ep.squarespace.com/new-page-68</a> ).	
<i>State collaborates with/participates in media campaigns to prevent underage drinking</i>	Yes
Federal campaigns: Talk They Hear You; Easiest Place	Yes
Regional and local media campaigns: See the Signs KY; Sticker Shock	Yes
Local school district efforts:	Yes
Other:	Not applicable
<i>State collaborates with/participates in SAMHSA's national media campaign, "Talk. They Hear You."</i>	Yes
State officially endorses TTHY efforts	Yes
State commits state resources for TTHY	Yes
State forwards TTHY materials to local areas	Yes
Other:	Not applicable
<i>State procures funding for TTHY</i>	No
Pro bono	No
Donated air time	No
Earned media	No
Other: Local providers procure funding for these efforts.	Yes
<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):	No
Agency(ies) within your state: Regional Prevention Centers	Yes
Nongovernmental agency(ies):	No
Other:	No
Best practice standards description: Kentucky uses evidence-based curriculum only. Assemblies, drunk goggles, and other scare tactic type presentations (i.e., mock crashes) cannot be supported with state and federal pass-through funds.	

**Additional Clarification**

State commits state resources for TTHY through RPCs.

**State Interagency Collaboration**

<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: State Epidemiological Outcomes Workgroup, Patti Clark (Chairwoman)	
Email: <a href="mailto:patti.clark@ky.gov">patti.clark@ky.gov</a>	

Address: 275 E. Main Street 4W-G, Frankfort, KY 40601

Phone: 502-782-2474

*Agencies/organizations represented on the committee:*

- Behavioral Health
- Public Health
- Kentucky Office of Drug Control Policy
- Family Resource and Youth Service Centers
- Kentucky Office of Health Data and Analytics
- Kentucky Violent Death Reporting System
- Kentucky Injury Prevention and Research Center
- REACH of Louisville
- University of Louisville
- University of Kentucky
- Eastern Kentucky University
- Kentucky Agency for Substance Abuse Policy
- Kentucky Suicide Prevention Enhancement Site
- Kentucky Alcohol Prevention Enhancement Site
- Kentucky Regional Prevention Centers
- Child Fatality Review team

*A website or other public source exists to describe committee activities* Yes

URL or other means of access: <https://penguin-owl-j7ep.squarespace.com/new-page-68>

**Underage Drinking Reports**

*State has prepared a plan for preventing underage drinking in the last 3 years* No

Prepared by: Not applicable

Plan can be accessed via: Not applicable

*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**

No data

**State Expenditures for the Prevention of Underage Drinking**

*Compliance checks 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 Not applicable

Estimate based on the 12 months ending Data not available

*K-12 school-based programs to prevent underage drinking:*

Estimate of state funds expended Not applicable

Estimate based on the 12 months ending Data not available

*Programs targeted to institutes of higher learning:*

Estimate of state funds expended Not applicable

Estimate based on the 12 months ending Data not available

*Programs that target youth in the juvenile justice system:*

Estimate of state funds expended Not applicable

Estimate based on the 12 months ending Data not available

*Programs that target youth in the child welfare system:*

Estimate of state funds expended	Not applicable
Estimate based on the 12 months ending	Data not available

<i>Other programs:</i>	
Programs or strategies included:	No data
Estimate of state funds expended:	No data
Estimate based on the 12 months ending:	No data

**Funds Dedicated to Underage Drinking**

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

Taxes	No data
Fines	No data
Fees	No data
Other: No data	No data

<i>Description of funding streams and how they are used:</i>
No data

**Additional Clarification**

No data

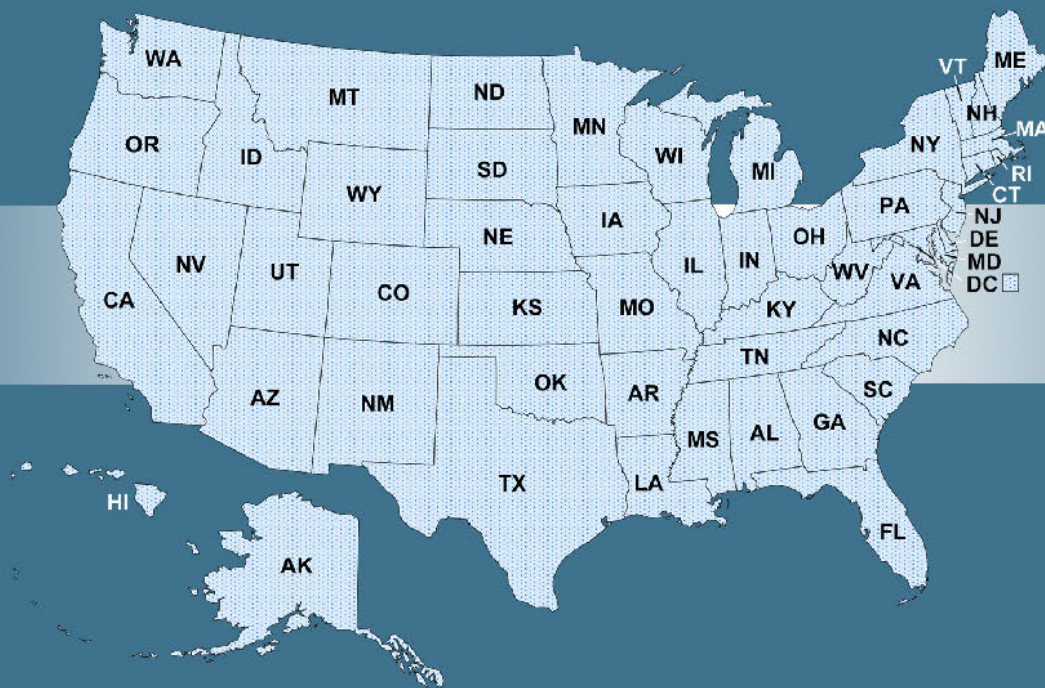


***SAMHSA***  
Substance Abuse and Mental Health  
Services Administration

# MISSISSIPPI STATE REPORT

## Underage Drinking Prevention and Enforcement

2020



**SAMHSA**  
Substance Abuse and Mental Health  
Services Administration

This *State Report* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report “on each State’s performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.” As directed by the STOP Act, the *State Reports* were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

**Time Period Covered by this *State Report*:** This *State Report* primarily includes data from calendar year 2019. Regional and state profile data were drawn from the most recently available federal survey data as of 2018. State legal data reflect the status of the law as of January 1, 2019. State survey data, collected in 2019, were drawn from the most recent 12-month period in which the states maintained the data.

**Source of Data:** For each state, overall population information was taken from 2010 Census data. Data about the portion of each state’s population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2015 through 2018 National Surveys on Drug Use and Health (NSDUH), SAMHSA’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2018). Confidence intervals for these estimates are available from CBHSQ’s Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention’s Alcohol-Related Disease Impact (ARDI) application served as the resource for data about alcohol-attributable deaths from 2006–10 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis’s Fatality Analysis Reporting System (FARS) provided the 2018 data used to present statistics about fatalities among 15-to 20-year-old drivers.

**Recommended Citation:** U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA; 2020). *2020 Mississippi State Report – Underage Drinking Prevention and Enforcement*. Rockville, MD: SAMHSA.

### **Staff Chair and Point of Contact, ICCPUD:**

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### **Mississippi Governor’s Designated Contact for STOP Act State Survey:**

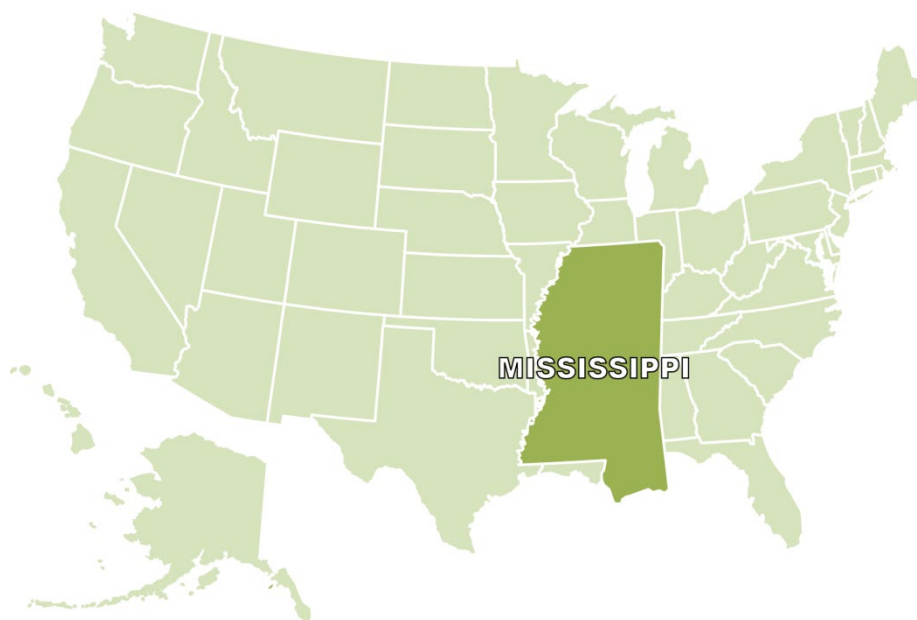
**Chuck Oliphant**

Division Director, Wellness and Recovery

Mississippi Department of Mental Health, Bureau of Alcohol and Drug Service

Phone: (601) 359-6227

Email: Chuck.oliphant@DMH.ms.gov



## Mississippi

**State Population: 2,986,530**

**Population Ages 12–20: 364,500**

Past-Month Alcohol Use Among 12- to 20-Year-Olds	
<b>Ages 12–20</b>	
Past-Month Alcohol Use – Number (Percentage)	53,600 (14.7%)
Past-Month Binge Alcohol Use – Number (Percentage)	30,100 (8.3%)
<b>Ages 12–14</b>	
Past-Month Alcohol Use – Number (Percentage)	4,400 (3.7%)
Past-Month Binge Alcohol Use – Number (Percentage)	2,700 (2.3%)
<b>Ages 15–17</b>	
Past-Month Alcohol Use – Number (Percentage)	16,600 (13.5%)
Past-Month Binge Alcohol Use – Number (Percentage)	8,400 (6.9%)
<b>Ages 18–20</b>	
Past-Month Alcohol Use – Number (Percentage)	32,600 (26.8%)
Past-Month Binge Alcohol Use – Number (Percentage)	18,900 (15.6%)
Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21	
Alcohol-Attributable Deaths (under 21)	65
Years of Potential Life Lost (under 21)	3,926
Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Concentration (BAC) > 0.01% <sup>1</sup>	
Number of Fatalities Involving 15- to 20-Year-Old Driver With BAC > 0.01%	16
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	18%

<sup>1</sup> Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number, however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.

## Behavioral Health System Overview<sup>2</sup>

The State Public Mental Health Service System is administered by the Mississippi Department of Mental Health (DMH), which was created in 1974 by an act of the Mississippi Legislature, Regular Session. The creation, organization, and duties of the DMH are defined in the annotated Mississippi Code of 1972 under Sections 41-4-1 through 41-4-23.

The Service Delivery System is comprised of three major components: (1) state-operated programs and community services programs, (2) regional community mental health centers, and (3) other nonprofit/profit service agencies/organizations.

The Bureau of Alcohol and Drug Services has the responsibility of administering fiscal resources (state and federal) to the public system of prevention, treatment, and recovery supports for persons with substance use disorders. The overall goal of the state's substance use disorder service system is to provide quality care within a continuum of accessible community-based services including: prevention, outpatient, withdrawal management, intensive outpatient, primary and transitional residential treatment, opioid treatment services, and recovery support.

The Bureau of Mental Health is responsible for the planning, development, and supervision of an array of services for individuals served at the state-operated behavioral health programs, which include services for individuals with mental illness, alcohol/drug services, and nursing homes.

### Substance Use Disorders Prevention Service System

Through the Bureau of Alcohol and Drug Services, Mississippi has made great strides in improving the prevention delivery service system during the past 5 years. The Bureau of Alcohol and Drug Services has instituted many new policies for subgrantees funded by the 20 percent prevention set aside of the Substance Abuse Prevention and Treatment Block Grant (SABG). Two examples include: 1) designation of an individual to coordinate prevention services, and 2) requiring each program to implement at least one evidence-based program.

The State Incentive Grant (SIG), awarded to the Bureau of Alcohol and Drug Services in 2001, allowed the Bureau of Alcohol and Drug Services to fund additional programs utilizing evidence-based programs and more than doubling the number of individuals and families served. In October 2006, the Bureau of Alcohol and Drug Services received a Substance Abuse and Mental Health Services Administration (SAMHSA) 5-year incentive grant to meet the following federal goals: (1) build prevention capacity and infrastructure at state and community levels; (2) prevent the onset and reduce the progression of substance use, including childhood and underage drinking; and (3) reduce substance use-related problems in communities.

In 2012, the Bureau of Alcohol and Drug Services was awarded the Partnership for Success II Grant from SAMHSA's Center for Substance Abuse Prevention (CSAP), which will continue to

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<sup>2</sup> Extracted from fiscal year (FY) 2018/2019 – (Mississippi) State Behavioral Health Assessment and Plan, SABG, Center for Substance Abuse Prevention (CSAP), Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.



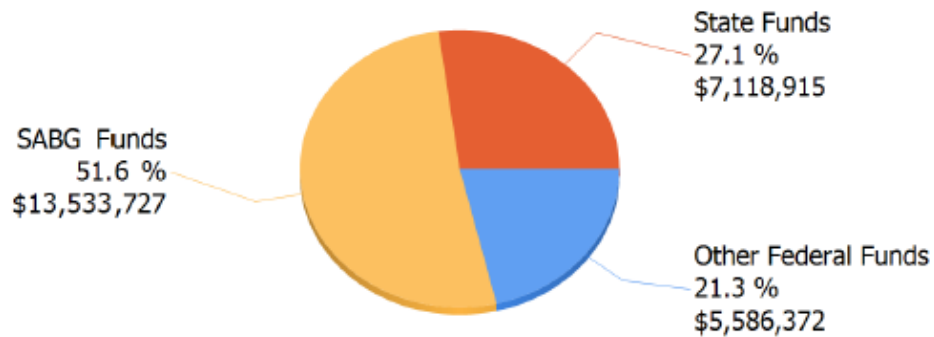
combat underage drinking and related consequences but also target the reduction of prescription drug abuse rates and consequences for youth and young adults.

## Expenditures for Substance Abuse Prevention and Treatment

All states receive federal funds for substance abuse prevention through Substance Abuse Prevention and Treatment Block Grant (SABG) funds administered by SAMHSA. Exhibit 1 shows the sources that Mississippi used for expenditures on substance abuse prevention and treatment in 2019. As indicated, SABG funds and state funds account for the largest sources (51.6 percent and 27.1 percent, respectively).<sup>3</sup>

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2018-2019, Mississippi designated reducing alcohol use and binge drinking among 12- to 25-year-olds as priority number ten for use of SABG funds.<sup>4</sup>

### Exhibit 1: Sources of Mississippi's 2019 Expenditures for Substance Abuse Prevention and Treatment



<sup>3</sup> WebBGAS State Profile, 2019 SABG and Community Mental Health Block Grant (MHBG) Reports – Mississippi 2019.

<sup>4</sup> FY 2018/2019 – (Mississippi) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Table 1: Priority Areas and Annual Performance Indicators.

## State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details Mississippi's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. The following sections address these measures.

***State Laws and Policies:*** These 26 underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into four categories:

1. Laws addressing minors in possession of alcohol;
2. Laws targeting underage drinking and driving;
3. Laws targeting alcohol suppliers; and
4. Laws affecting alcohol pricing.

***STOP Act State Survey Data:*** The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:

1. Enforcement programs to promote compliance with underage drinking laws and regulations.
2. Programs targeted to youth, parents, and caregivers to deter underage drinking.
3. State interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns.
4. State expenditures on the prevention of underage drinking.

## Laws Addressing Minors in Possession of Alcohol

Underage-Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is possession allowed if parent or guardian is present or consents?	Yes
• Is possession allowed if spouse is present or consents?	No
Is there an exception based on location?	Yes, in any private location
Notes: Mississippi's Parent/Guardian exception applies to those persons at least 18 years old and only for possession of light wine or beer. The Location exception is not limited to persons between 18 and 21, and only applies to alcoholic beverages, not including light wine or beer.	

Underage-Consumption	
Is underage consumption of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is consumption allowed if the parent or guardian is present or consents?	N/A
• Is consumption allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A
Notes: Mississippi's Parent/Guardian exception applies to those persons at least 18 years old and only for consumption of light wine or beer.	

Underage-Internal Possession	
Is underage internal possession of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is internal possession allowed if the parent or guardian is present or consents?	N/A
• Is internal possession allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A

Underage-Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	Yes
May youth purchase for law enforcement purposes?	No

Underage-False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor's driver's license suspension?	Yes, through a judicial process
Provisions Targeting Suppliers	
Is the lending or transferring or selling of a false ID prohibited?	No
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	No
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	No

Are state driver's licenses for persons under 21 easily distinguishable from licenses for persons 21 and over?	No
May retailers seize apparently false IDs without fear of prosecution even if the ID is ultimately deemed valid?	No
Does an affirmative defense exist for the retailer?	Yes
<ul style="list-style-type: none"> <li>Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)?</li> </ul>	Yes
<ul style="list-style-type: none"> <li>Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)?</li> </ul>	No
Does the retailer have the right to sue the minor for use of a false ID?	No
May a retailer detain a minor who used a false ID?	No
Notes: Although it appears the Mississippi Department of Public Safety currently still issues distinctive licenses for persons under 21, no codified statute or regulation requiring the issuance of such licenses has been found to exist after December 31, 2004. APIS coding relies only on codified statutes and regulations and not on uncodified administrative decisions or directives, and therefore the check mark for Distinctive Licenses in Mississippi has been removed beginning on January 1, 2005.	

## Laws Targeting Underage Drinking and Driving

Youth Blood Alcohol Concentration Limits (Underage Operators of Noncommercial Motor Vehicles)	
What is the maximum blood alcohol concentration (BAC) limit for an underage driver of a motor vehicle?	0.02%
Does a BAC level in excess of limit automatically establish a violation (per se violation)?	Yes
What is the minimum age to which the limit applies?	Not specified
What is the maximum age to which the limit applies?	21

Loss of Driving Privileges for Alcohol Violations by Minors ("Use/Lose" Laws)	
Is there a "use/lose" law that suspends or revokes a minor's driving privileges for alcohol violations?	Yes
What types of violation lead to license suspension or revocation?	
<ul style="list-style-type: none"> <li>Purchase of alcohol</li> </ul>	Yes
<ul style="list-style-type: none"> <li>Possession of alcohol</li> </ul>	Yes
<ul style="list-style-type: none"> <li>Consumption of alcohol</li> </ul>	No
The law applies to people under what age?	21
Is suspension or revocation mandatory or discretionary?	Mandatory
What is the length of suspension/revocation?	
Minimum number of days	Not specified
Maximum number of days	90

Graduated Driver's Licenses	
Learner Stage	
What is the minimum age for permit to drive with parents, guardians, or other adults (other than instructors)?	15
What is the minimum number of months driver must hold learner permit before advancing to intermediate stage?	12

What is the minimum number of hours of driving with parents, guardians, or adults before advancing to intermediate stage?	0
<b>Intermediate Stage</b>	
What is the minimum age for driving without adult supervision?	16 years
For night driving, when does adult supervision requirement begin?	10:00 PM (Sunday through Thursday; 11:30 PM Friday and Saturday.)
Can law enforcement stop a driver for night driving violation as a primary offense?	Yes, officer may stop driver for night driving violation
Are there restrictions on passengers?	No
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	N/A
<b>License Stage</b>	
What is the minimum age for full license privileges and lifting of restrictions?	16 years, 6 months

## Laws Targeting Alcohol Suppliers

<b>Furnishing Alcohol to Minors</b>	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
• Is furnishing allowed if the parent or guardian supplies the alcohol?	Yes
• Is furnishing allowed if the spouse supplies the alcohol?	Yes
Is there an exception based on location?	No
<b>Affirmative Defense for Sellers and Licensees</b>	
Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No
Notes: Mississippi's Parent/Guardian and Spouse exception applies to those persons at least 18 years old and only for furnishing of light wine or beer.	

<b>Compliance Check Protocols</b>	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	Yes
What is the minimum age a decoy may be to participate in a compliance check?	16
What is the maximum age a decoy may be to participate in a compliance check?	19
Are there appearance requirements for the decoy?	Yes. Male: No facial hair and youthful looking.
Does decoy carry ID during compliance check?	Required
May decoy verbally exaggerate his or her actual age?	Prohibited
Is decoy training mandated, recommended, prohibited, or not specified?	Not specified

<b>Penalty Guidelines for Sales to Minors</b>	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	Yes
What is the time period for defining second, third and subsequent offenses?	1 year
What is the penalty for the first offense?	\$500 to \$1,000 fine and/or suspension of license for not more than 3 months
What is the penalty for the second offense?	\$500 to \$2,000 fine and/or suspension of license for not more than 6 months
What is the penalty for the third offense?	\$2,000 to \$5,000 fine and/or suspension or revocation of the permit to sell beer or light wine
What is the penalty for the fourth offense?	\$2,000 to \$5,000 fine and/or suspension or revocation of the permit to sell beer or light wine
Notes: Note that penalties above are for the sale of beer or light wine. Penalties for sale of liquor to minor are: First offense: Fine of \$500 to \$1,000 Second offense: Fine of \$1,000 to \$2,000 or by imprisonment of no more than one year, and automatic and permanent revocation.	

<b>Responsible Beverage Service (RBS)</b>	
Is there a state law pertaining to Beverage Service Training?	No law
If training is mandatory, who must participate?	N/A
If training is voluntary, which of the following incentives are offered?	
• Defense in dram shop liability lawsuits	N/A
• Discounts in dram shop liability insurance, license fees, or other	N/A
• Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons	N/A
• Protection against license revocation for sales to minors or sales to intoxicated persons	N/A
Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	N/A
Does the RBS law apply to new or existing licensees?	N/A

<b>Minimum Ages for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)</b>	
What is the minimum age requirement for off-premises retail establishments?	
Beer	21
Wine	21
Spirits	21
Does a manager or supervisor have to be present?	No

<b>Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)</b>	
What is the minimum age requirement for servers in on-premises establishments?	
Beer	18

Wine	18
Spirits	18
What is the minimum age requirement for bartenders in on-premises establishments?	
Beer	21
Wine	21
Spirits	21
Does a manager or supervisor have to be present?	No

#### Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools

<b>Colleges and Universities</b>	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	Yes, No permits on campus.
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, No permits on campus.
To which alcohol products does requirement apply?	Wine, Spirits ("Alcoholic beverage" does not include wine containing 6.25% ABV or less.)
<b>Primary and Secondary Schools</b>	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	Yes, within 400 feet; within 100 feet in areas zoned commercial or industrial.
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, within 400 feet; within 100 feet in areas zoned commercial or industrial.
To which alcohol products does requirement apply?	Wine, Spirits ("Alcoholic beverage" does not include wine containing 6.25% ABV or less.)
Notes: Exceptions are 1) bed and breakfast inn or historic district listed in the National Register of Historic Places; and 2) qualified resort area located in a municipality having a population greater than 100,000.	

#### Dram Shop Liability

Does a statute create dram shop liability?	No
Does the statute limit damages that may be recovered?	N/A
Does the statute limit who may be sued?	N/A
Does the statute limit elements or standards of proof?	N/A
Does common law dram shop liability exist?	Yes

#### Social Host Liability

Does a statute create social host liability?	No
Does the statute limit damages that may be recovered?	N/A
Does the statute limit who may be sued?	N/A
Does the statute limit elements or standards of proof?	N/A
Does common law social host liability exist?	No

#### Prohibitions Against Hosting Underage Drinking Parties

Does a statute prohibit hosting underage drinking parties?	Yes
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Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	Specific
What action by underage guest triggers a violation?	Possession/Consumption
Property type covered by the law?	Residential/Outdoor/Other
What level of knowledge by the host is required?	Knowledge: Host must have actual knowledge of party
Does host’s preventive action protect him/her from being held liable?	No
Are there any exceptions for underage guests?	Yes – Family members

Retailer Interstate Shipments of Alcohol	
Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Prohibited
Wine	Prohibited
Spirits	Prohibited

Direct Shipments/Sales	
May alcohol producers ship directly to consumers?	No
What alcohol types may be shipped?	N/A
Must purchaser make mandatory trip to producer before delivery is authorized?	N/A
Age verification requirements	
Must the producer/shipper verify purchaser’s age before sale?	N/A
Must the common carrier (deliverer) verify age of recipients?	N/A
State approval/permit requirements	
Must the producer/manufacture obtain state license or permit?	N/A
Must the common carrier (deliverer) be approved by a state agency?	N/A
Recording/reporting requirements	
Must the producer/manufacture record/report purchaser’s name?	N/A
Must the common carrier (deliverer) record/report recipient’s name?	N/A
Shipping label requirements	
Must the label state “Package contains alcohol”?	N/A
Must the label state “Recipient must be 21 years old”?	N/A

Keg Registration	
How is a keg defined (in gallons)?	No law
Prohibitions	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	No law
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	No law
What purchaser information is collected?	
Must the retailer collect the name and address?	No law



Must the retailer collect the ID number, name and address on license or other government information?	No law
Must the retailer collect the address at which keg will be consumed?	No law
Must warning information be given to purchaser?	No law
Is a deposit required?	No law
Does law cover disposable kegs?	No law

Home Delivery	
Is home delivery of alcohol permitted?	
Beer	No law
Wine	No
Spirits	No

High-Proof Grain Alcohol Beverages	
Are there restrictions on the sale of high-proof grain alcohol beverages?	No. However, this state is a control state, and control states may impose additional restrictions on the sale of products that are not reflected in statute or regulation.
Are restrictions based on Alcohol by Volume (ABV)?	N/A
Are there exceptions to restrictions?	N/A

## Laws Affecting Alcohol Pricing

Alcohol Taxes	
<b>Beer</b>	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	\$0.43
Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>General sales tax rate</li> </ul>	Not relevant

<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	
<b>Wine</b>	
Control system for wine?	Yes
Specific excise tax per gallon for 12% alcohol wine	N/A
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	N/A
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	N/A
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	N/A
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	N/A
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	N/A
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	N/A
Additional taxes for 6 – 14% alcohol wine if applicable	
<b>Spirits</b>	
Control system for spirits?	Yes
Specific excise tax per gallon for 40% alcohol spirits	N/A
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	N/A
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	N/A
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	N/A
Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	N/A
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	N/A

• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	N/A
Additional taxes for 15 – 50% alcohol spirits if applicable	

<b>Low-Price, High-Volume Drink Specials</b>	
Are on-premises retailers prohibited from offering the following types of drink specials?	
Free beverages	No
Multiple servings at one time	No
Multiple servings for same price as single serving	No
Reduced price for a specified day or time (i.e., happy hours)	No
Unlimited beverages for fixed price	No
Increased volume without increase in price	No

<b>Wholesaler Pricing Restrictions</b>	
<b>Beer</b>	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
<b>Wine</b>	Control
Are volume discounts to retailers allowed?	N/A
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	N/A
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	N/A
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	N/A
<b>Spirits</b>	Control
Are volume discounts to retailers allowed?	N/A
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	N/A
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	N/A
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	N/A

## Mississippi State Survey Responses

### State Agency Information

Agency with primary responsibility for enforcing underage drinking laws:

The Mississippi Alcoholic Beverage Control, Bureau of Enforcement

### Enforcement Strategies

State law enforcement agencies use:

Cops in Shops	Yes
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol–Related Fatality Investigations	No

Local law enforcement agencies use:

Cops in Shops	Yes
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol–Related Fatality Investigations	No

State has a program to investigate and enforce direct sales/shipment laws	Don't know
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	Not applicable
Such laws are also enforced by local law enforcement agencies	Not applicable

### Enforcement Statistics

State collects data on the number of minors found in possession	Yes
Number of minors found in possession <sup>1</sup> by state law enforcement agencies	456
Number pertains to the 12 months ending	06/30/2019
Data include arrests/citations issued by local law enforcement agencies	No

State conducts underage compliance checks/decoy operations <sup>2</sup> to determine whether alcohol retailers are complying with laws prohibiting sales to minors	Yes
Data are collected on these activities	Yes
Number of retail licensees in state <sup>3</sup>	No data
Number of licensees checked for compliance by state agencies (including random checks)	9,800
Number of licensees that failed state compliance checks	2,629
Numbers pertain to the 12 months ending	06/30/2019
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Both on- and off-sale establishments

State conducts <b>random</b> underage compliance checks/decoy operations	Yes
Number of licensees subject to <b>random</b> state compliance checks/decoy operations	Unknown
Number of licensees that failed <b>random</b> state compliance checks	Not available

Local agencies conduct underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors	Don't know/No answer
Data are collected on these activities	Don't know/No answer
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 to minors	Don't know
Number of fines imposed by the state <sup>4</sup>	Not applicable
Total amount in fines across all licensees	Not applicable
Smallest fine imposed	Not applicable
Largest fine imposed	Not applicable
Numbers pertain to the 12 months ending	Not applicable

<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors</i>	Don't know
Number of suspensions imposed by the state <sup>5</sup>	Not applicable
Total days of suspensions across all licensees	Not applicable
Shortest period of suspension imposed (in days)	Not applicable
Longest period of suspension imposed (in days)	Not applicable
Numbers pertain to the 12 months ending	Not applicable
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing to minors</i>	Don't know
Number of license revocations imposed <sup>6</sup>	Not applicable
Numbers pertain to the 12 months ending	Not applicable

#### Additional Clarification

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

<sup>4</sup> Does not include fines imposed by local agencies.

<sup>5</sup> Does not include suspensions imposed by local agencies.

<sup>6</sup> Does not include revocations imposed by local agencies.

#### Underage Drinking Prevention Programs Operated or Funded by the State

##### **National Council on Alcoholism and Drug Dependence (NCADD)**

Number of youth served	9,089
Number of parents served	6,075
Number of caregivers served	3,412
Program has been evaluated	No
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	No data

**Program Description:** The program uses the Slick Tracy and Amazing Alternatives curriculums from Project Northland by Hazelden Publishing, a nationally recognized alcohol use prevention community. The curriculums invite participation and experiential learning at home, in the classroom, and in the local community. A vital aspect of Project Northland is this multifaceted approach.

##### **DREAM, Inc of Hattiesburg**

Number of youth served	5,697
Number of parents served	714
Number of caregivers served	400
Program has been evaluated	No
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable

**Program Description:** DREAM, Inc of Hattiesburg utilizes prevention programs geared to reduce teen access to alcohol by changing community policies and practices, such as Positive Actions, Project Towards No Drugs, Project Northland, Life Skills, Class Action, and Communities Mobilizing for Change on Alcohol (CMCA). CMCA seeks both to limit youth access to alcohol and to communicate a clear message to the community that underage drinking is inappropriate and unacceptable.

##### **Region 6 Community Mental Health Center**

Number of youth served	649
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No

Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable

**Program Description:** Region 6 Community Mental Health Center implements Guiding Good Choices (GGC), a prevention program that promotes family competency through completion of 10 sessions. The first three sessions are attended only by parents so that parents can provide information about themselves and their children. Children are allowed to attend after third session. This program helps identify risk factors for adolescent substance misuse and how to ensure that protective factors are in place.

**Region 14 Community Mental Health Center**

Number of youth served	5,583
Number of parents served	714
Number of caregivers served	333
Program has been evaluated	No
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	No data

**Program Description:** Region 14 Community Mental Health Center utilizes Project Northland by Hazelden Publishing, a nationally recognized alcohol use prevention program. The curriculum invites participation and experiential learning at home, in the classroom, and in the local community. Parents and caregivers are enlisted to support no-use, alcohol-free messages.

**Choctaw Behavioral Health**

Number of youth served	11,500
Number of parents served	No Data
Number of caregivers served	No Data
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report:	No data
URL for more program information:	Not applicable

**Program Description:** Choctaw Behavioral Health uses Project Northland by Hazelden Publishing, a nationally recognized alcohol use prevention program. The curriculum invites participation and experiential learning at home, in the classroom, and in the local community. A vital aspect of Project Northland is this multifaceted approach. Prevention research shows that addressing alcohol use at multiple levels strengthens outcomes. This curriculum engages students as individuals and addresses family, peer, school, and community influences.

**Region 3 Community Mental Health Center**

Number of youth served	917
Number of parents served	904
Number of caregivers served	No Data
Program has been evaluated	No
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	<a href="http://www.lifeskillstraining.com">http://www.lifeskillstraining.com</a>

**Program Description:** Region 3 Community Mental Health Center uses Life Skills and Protecting You/Protecting Me evidence-based programs. Life Skills is a school-based prevention program for youth grades 7-12 (ages 13-18). This program helps students gain the skills and confidence to make healthy decisions, strengthen relationships with family members and peers, and resist pressure to use drugs, tobacco, and alcohol. Protecting You/Protecting Me is an alcohol use prevention curriculum for children in grades 1-5 that gives students essential knowledge and skills that increase their non-use attitudes and decisions.

**Region 7 Community Mental Health Center**

Number of youth served	918
Number of parents served	446
Number of caregivers served	No data

Program has been evaluated	No
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	<a href="http://www.projectalert.com">http://www.projectalert.com</a>

**Program Description:** Region 7 Community Mental Health Center uses Project ALERT, a substance abuse prevention program for middle school students. It addresses the pro-drug mindset of today's teens and effectively increases their likelihood of remaining drug free. The program focuses on substance abuse prevention for 7th and 8th graders that is proven to reduce the experimental and continued use of drugs through a series of comprehensive lessons.

#### **Region 7 Community Mental Health Center**

Number of youth served	936
Number of parents served	456
Number of caregivers served	Not applicable
Program has been evaluated	No
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	<a href="http://www.projectalert.com">http://www.projectalert.com</a>

**Program Description:** Region 7 Community Mental Health Center utilizes Project ALERT, a substance abuse prevention program for middle school students. It addresses the pro-drug mindset of today's teens and effectively increases their likelihood of remaining drug free. The program focuses on substance abuse prevention for 7th and 8th graders and aims to reduce the experimental and continued use of drugs through a series of comprehensive lessons.

#### **Region 4 Community Mental Health Center**

Number of youth served	400
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	No
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	<a href="http://www.lifeskillstraining.com">http://www.lifeskillstraining.com</a>

**Program Description:** Region 4 Community Mental Health Center uses the Life Skills Training program. This is a school-based prevention program for youth grades 7-12 (ages 13-18) that helps students gain the skills and confidence to make healthy decisions, strengthen relationships with family members and peers, and resist pressure to use alcohol, tobacco, and drugs.

#### **Alcorn State University Prevention Program (ASAPP)**

Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	No
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	<a href="http://www.gettips.com/">http://www.gettips.com/</a>

**Program Description:** Alcorn State University Prevention Program (ASAPP) currently uses Project ALERT and Training for Intervention Procedures (TIPS). Project ALERT addresses the pro-drug mindset of today's teens and effectively increases their likelihood to remain drug-free.

#### **Additional Underage Drinking Prevention Programs Operated or Funded by the State**

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>	Yes
Description of collaboration: We collaborate with the tribe in our state (Choctaw Behavioral Health); the tribe is a SABG sub-grantee.	
<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 collaborates with/participates in media campaigns to prevent underage drinking</i>	Yes
Federal campaigns:	No
Regional and local media campaigns:	Yes
Local school district efforts: Regions 7, 10, and 13, as well as three universities (Alcorn State University, Jackson State University, and Mississippi State University)	Yes
Other:	No
<i>State collaborates with/participates in SAMHSA’s national media campaign, “Talk. They Hear You.”</i>	No
State officially endorses TTHY efforts	Not applicable
State commits state resources for TTHY	Not applicable
State forwards TTHY materials to local areas	Not applicable
Other:	Not applicable
<i>State procures funding for TTHY</i>	Not applicable
Pro bono	Not applicable
Donated air time	Not applicable
Earned media	Not applicable
Other:	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):	No
Agency(ies) within your state: Not applicable	Yes
Nongovernmental agency(ies):	Yes
Other:	No
Best practice standards description: Not applicable	

**Additional Clarification**

Not applicable

**State Interagency Collaboration**

*A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities* Yes

*Committee contact information:*  
 Name: Daisy Carter  
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*Agencies/organizations represented on the committee:*  
 Mississippi Department of Mental Health  
 Choctaw Behavioral Health  
 Vicksburg Family Development  
 National Council on Alcoholism and Drug Dependence Central Mississippi Area, Inc. (NCADD)  
 Mississippi Attorney General's Office  
 Mississippi Department of Public Safety



A website or other public source exists to describe committee activities URL or other means of access: <a href="http://www.dmh.ms.gov/">http://www.dmh.ms.gov/</a>	Yes
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**Underage Drinking Reports**

State has prepared a plan for preventing underage drinking in the last 3 years Prepared by: Not applicable Plan can be accessed via: Not applicable	No
State has prepared a report on preventing underage drinking in the last 3 years Prepared by: Not applicable Report can be accessed via: Not applicable	No

**Additional Clarification**

Not applicable

**State Expenditures for the Prevention of Underage Drinking**

<i>Compliance checks in retail outlets:</i>	
Estimate of state funds expended	Unknown
Estimate based on the 12 months ending	No data
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	\$116,317
Estimate based on the 12 months ending	06/30/2019
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	06/30/2019
<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	06/30/2019
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	06/30/2019
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	06/30/2019
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	06/30/2019
<i>Other programs:</i>	
Programs or strategies included:	Data not available
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 data
Fines	No data
Fees	No data
Other: No data	No data
<i>Description of funding streams and how they are used:</i>	
Not applicable	

**Additional Clarification**

Not applicable

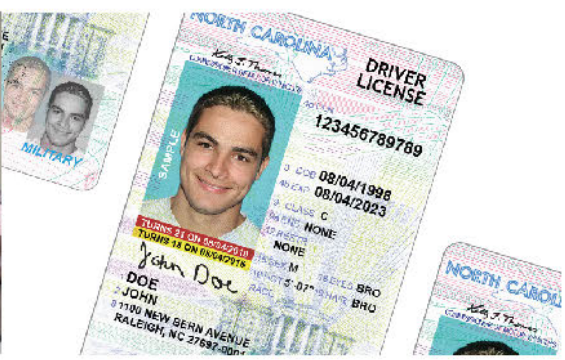
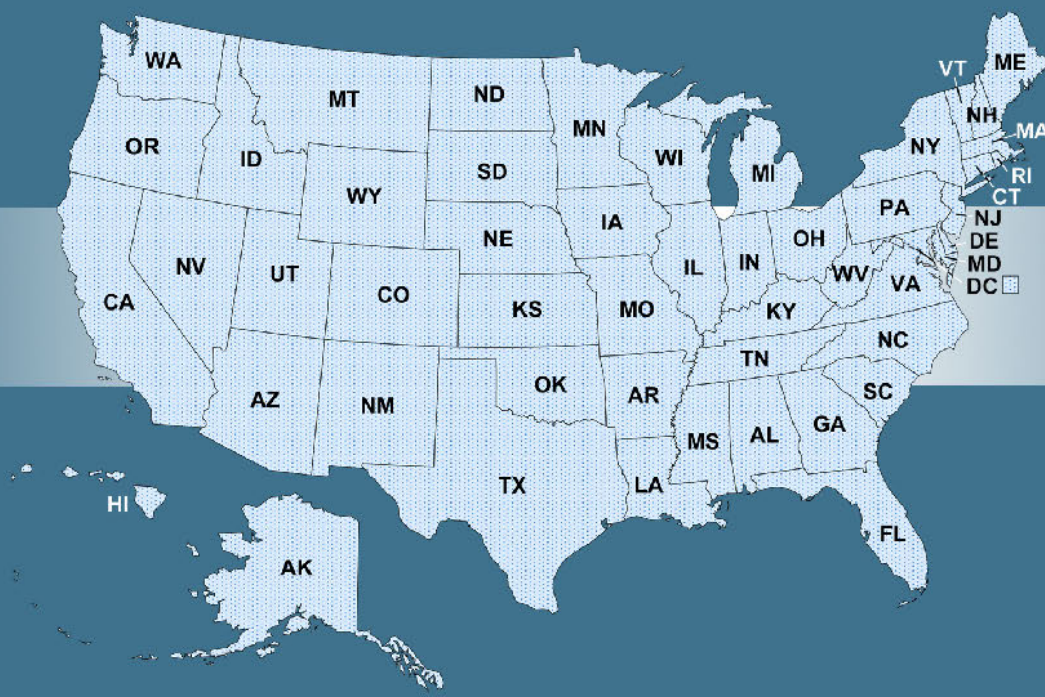


***SAMHSA***  
Substance Abuse and Mental Health  
Services Administration

# NORTH CAROLINA STATE REPORT

## Underage Drinking Prevention and Enforcement

2020



**SAMHSA**  
Substance Abuse and Mental Health  
Services Administration

This *State Report* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report “on each State’s performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.” As directed by the STOP Act, the *State Reports* were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

**Time Period Covered by this *State Report*:** This *State Report* primarily includes data from calendar year 2019. Regional and state profile data were drawn from the most recently available federal survey data as of 2018. State legal data reflect the status of the law as of January 1, 2019. State survey data, collected in 2019, were drawn from the most recent 12-month period in which the states maintained the data.

**Source of Data:** For each state, overall population information was taken from 2010 Census data. Data about the portion of each state’s population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2015 through 2018 National Surveys on Drug Use and Health (NSDUH), SAMHSA’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2018). Confidence intervals for these estimates are available from CBHSQ’s Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention’s Alcohol-Related Disease Impact (ARDI) application served as the resource for data about alcohol-attributable deaths from 2006–10 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis’s Fatality Analysis Reporting System (FARS) provided the 2018 data used to present statistics about fatalities among 15-to 20-year-old drivers.

**Recommended Citation:** U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA; 2020). *2020 North Carolina State Report – Underage Drinking Prevention and Enforcement*. Rockville, MD: SAMHSA.

### **Staff Chair and Point of Contact, ICCPUD:**

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### **North Carolina Governor’s Designated Contact for STOP Act State Survey:**

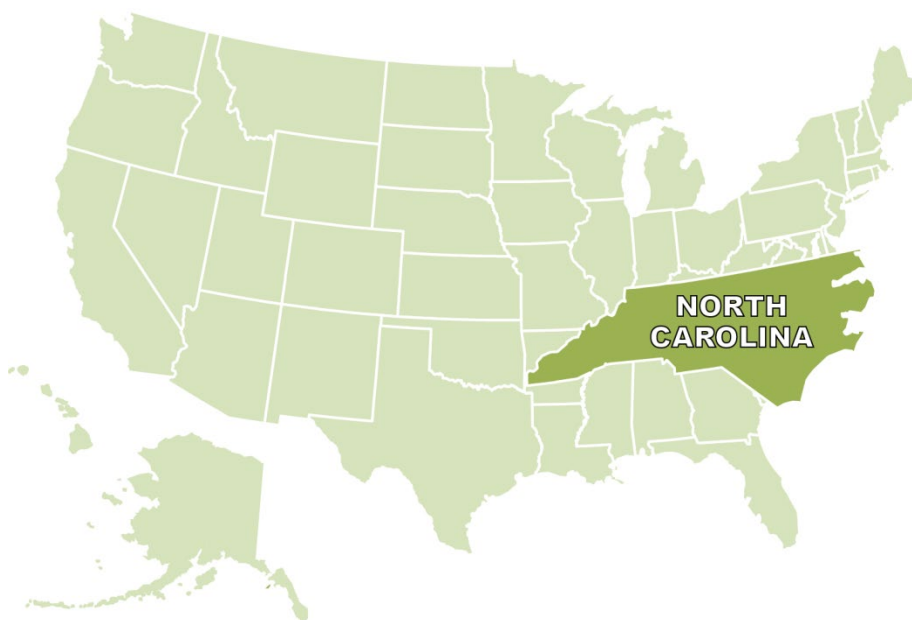
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## North Carolina

**State Population: 10,383,620**

**Population Ages 12–20: 1,170,700**

Past-Month Alcohol Use Among 12- to 20-Year-Olds	
<b>Ages 12–20</b>	
Past-Month Alcohol Use – Number (Percentage)	193,300 (16.5%)
Past-Month Binge Alcohol Use – Number (Percentage)	131,200 (11.2%)
<b>Ages 12–14</b>	
Past-Month Alcohol Use – Number (Percentage)	13,800 (3.5%)
Past-Month Binge Alcohol Use – Number (Percentage)	6,400 (1.6%)
<b>Ages 15–17</b>	
Past-Month Alcohol Use – Number (Percentage)	50,000 (12.6%)
Past-Month Binge Alcohol Use – Number (Percentage)	35,800 (9.0%)
<b>Ages 18–20</b>	
Past-Month Alcohol Use – Number (Percentage)	129,500 (33.8%)
Past-Month Binge Alcohol Use – Number (Percentage)	89,100 (23.3%)
Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21	
Alcohol-Attributable Deaths (under 21)	145
Years of Potential Life Lost (under 21)	8,786
Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Concentration (BAC) > 0.01% <sup>1</sup>	
Number of Fatalities Involving 15- to 20-Year-Old Driver With BAC > 0.01%	40
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	23%

<sup>1</sup> Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number, however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.

## Behavioral Health Services Overview<sup>2</sup>

The Division of Mental Health, Developmental Disabilities and Substance Abuse Services (DMH/DD/SAS) of the North Carolina Department of Health and Human Services is the Single State Agency (SSA) for the Substance Abuse Prevention and Treatment Block Grant (SABG) and the State Mental Health Agency for the Community Mental Health Services (CMHS) Block Grant. The Division consists of the Director's Office and six sections, each of which contains one or more teams.

Within DMH/DD/SAS, the substance abuse primary prevention services are currently housed in the Community Wellness, Prevention and Health Integration Team. This team is comprised of the Section Chief and ten staff that are responsible for substance abuse prevention including underage drinking, the Partnership for Success 2013 grant focusing on prescription drug use/misuse, prevention components of the Opioid STR grant, Strategic Prevention Framework (SPF) - prescription drugs, tobacco prevention and cessation/FDA compliance and mental health promotion/early intervention including suicide prevention. The SABG Manager is responsible for overseeing the overall management of the SABG, including programmatic and financial compliance, monitoring and reporting, training and technical assistance, interagency relationships, coordination and planning, needs assessment, and the utilization of evidence-based programs, policies, and practices.

The Addictions and Management Operations team is primarily responsible for substance use treatment (SUD) treatment and recovery services. It is comprised of the Section Chief, the Women's Services Coordinator, the State Opioid Treatment Authority Administrator, two field staff (who provide technical assistance and monitoring of the more than 60 opioid treatment programs in North Carolina), a recovery-oriented systems of care specialist, and an adolescent services specialist. Additional staff function as Project Directors for several federal discretionary grants, such as Access to Recovery, Medication-Assisted Treatment-Prescription Drug and Opioid Abuse, and the Opioid State Targeted Response/Cures grant.

SUD treatment and prevention and mental health services were formerly provided directly by service providers (individuals) employed by area/county programs. With the 2001 Mental Health Reform legislation passed by the NC General Assembly, the focus of area programs shifted from direct service provision to the management of the local service delivery system. These local management entities (LMEs) began contracting with providers for the delivery of services in their catchment areas. Between 2001 and 2010, the number of LMEs was incrementally reduced from 48 to 23. In April 2005, the state piloted the 1915 (b) Freedom of Choice Waiver/(c) Innovations Home and Community-Based Services (HCBS) Managed Care Waiver with one LME. Under these waivers, Medicaid services are funded through capitated Pre-paid Inpatient Health Plans (PIHP) that allow the MCO to have more flexibility in service delivery. Due to the success of the pilot, in December 2009, HHS submitted a waiver amendment to CMS designed to expand the 1915 (b)/(c) waiver statewide over a period of several years. Numerous mergers between LMEs have occurred since then, resulting to date in

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<sup>2</sup> Extracted from fiscal year (FY) 2018/2019 – (North Carolina) State Behavioral Health Assessment and Plan, SABG, Center for Substance Abuse Prevention (CSAP), Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.

seven LME/MCOs covering all 100 counties. DMH/DD/SAS and the Division of Medical Assistance (the state Medicaid agency) jointly administer the LME/MCOs. The Division is primarily responsible for the oversight of services delivered by LME/MCOs, as they are the Division's intermediaries at the local level.

The SSA supports a comprehensive system of care to enable individuals that it serves to live in communities of their choosing and avoid inpatient hospitalization and institutionalization to the greatest extent possible. The array of available services includes basic outpatient services (assessment, individual therapy, group therapy, family therapy), enhanced services (substance abuse intensive outpatient program, substance abuse comprehensive outpatient treatment, community support team, intensive in-home, adolescent day treatment), opioid/medication-assisted therapies, halfway house and supported housing services, Work First services, and Treatment Accountability for Safer Communities (TASC) for people involved in the criminal justice system.

A robust array of gender-specific/gender-responsive services are available for women, including women who are pregnant and/or have dependent children. In addition, mobile and walk-in crisis services, various levels of detoxification, and residential and inpatient treatment services are available throughout the state. Over the last few years, the Division has focused on more fully developing and implementing its recovery-oriented system of care philosophy. Funding is provided for a recovery community organization that works with several funded and grass-roots recovery community centers and collegiate recovery programs. Utilization of peer supports, recovery coaching, and mentoring are becoming more embedded in services as integral components of treatment and recovery success.

## Expenditures for Substance Abuse Prevention and Treatment

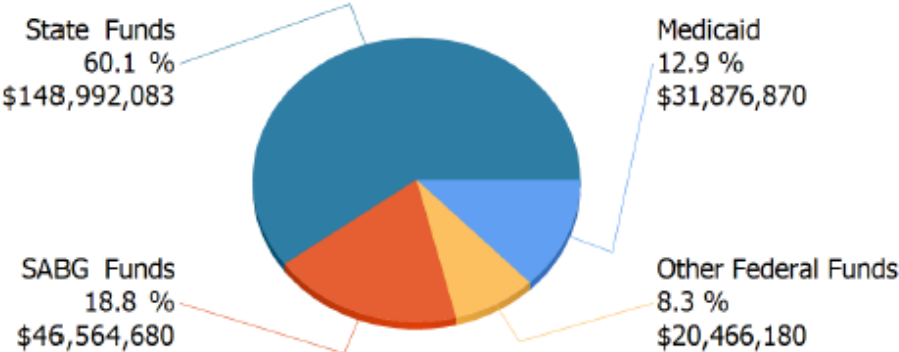
All states receive federal funds for substance abuse prevention through SABG funds administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). Exhibit 1 shows the sources that North Carolina used for expenditures on substance abuse prevention and treatment in 2019. As indicated, state funds and SABG funds account for the largest sources (60.1 percent and 18.8 percent, respectively).<sup>3</sup>

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2018-2019, North Carolina designated treatment of juvenile justice-involved youth for substance abuse as priority number two for use of SABG funds.<sup>4</sup>

<sup>3</sup> WebBGAS State Profile, 2019 SABG and MHBG Reports – North Carolina 2019.

<sup>4</sup> FY 2018/2019 – (North Carolina) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Table 1: Priority Areas and Annual Performance Indicators.

**Exhibit 1: Sources of North Carolina’s 2019 Expenditures for Substance Abuse Prevention and Treatment**





## State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details North Carolina's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. The following sections address these measures.

***State Laws and Policies:*** These 26 underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into four categories:

1. Laws addressing minors in possession of alcohol;
2. Laws targeting underage drinking and driving;
3. Laws targeting alcohol suppliers; and
4. Laws affecting alcohol pricing.

***STOP Act State Survey Data:*** The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:

1. Enforcement programs to promote compliance with underage drinking laws and regulations.
2. Programs targeted to youth, parents, and caregivers to deter underage drinking.
3. State interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns.
4. State expenditures on the prevention of underage drinking.

## Laws Addressing Minors in Possession of Alcohol

Underage-Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is possession allowed if parent or guardian is present or consents?	No
• Is possession allowed if spouse is present or consents?	No
Is there an exception based on location?	No

Underage-Consumption	
Is underage consumption of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is consumption allowed if the parent or guardian is present or consents?	No
• Is consumption allowed if the spouse is present or consents?	No
Is there an exception based on location?	No

Underage-Internal Possession	
Is underage internal possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is internal possession allowed if the parent or guardian is present or consents?	No
• Is internal possession allowed if the spouse is present or consents?	No
Is there an exception based on location?	No

Underage-Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	Yes
May youth purchase for law enforcement purposes?	No

Underage-False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor's driver's license suspension?	Yes, through a judicial process
Provisions Targeting Suppliers	
Is the lending or transferring or selling of a false ID prohibited?	Yes
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	No
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	Yes
Are state driver's licenses for persons under 21 easily distinguishable from licenses for persons 21 and over?	Yes
May retailers seize apparently false IDs without fear of prosecution even if the ID is ultimately deemed valid?	Yes
Does an affirmative defense exist for the retailer?	Yes

• Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)?	Yes
• Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)?	No
Does the retailer have the right to sue the minor for use of a false ID?	No
May a retailer detain a minor who used a false ID?	No

## Laws Targeting Underage Drinking and Driving

Youth Blood Alcohol Concentration Limits (Underage Operators of Noncommercial Motor Vehicles)	
What is the maximum blood alcohol concentration (BAC) limit for an underage driver of a motor vehicle?	0.00%
Does a BAC level in excess of limit automatically establish a violation (per se violation)?	Yes
What is the minimum age to which the limit applies?	Not specified
What is the maximum age to which the limit applies?	21

Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose” Laws)	
Is there a “use/lose” law that suspends or revokes a minor’s driving privileges for alcohol violations?	Yes
What types of violation lead to license suspension or revocation?	
• Purchase of alcohol	Yes
• Possession of alcohol	No
• Consumption of alcohol	No
The law applies to people under what age?	21
Is suspension or revocation mandatory or discretionary?	Mandatory
What is the length of suspension/revocation?	
Minimum number of days	365
Maximum number of days	365

Graduated Driver’s Licenses	
Learner Stage	
What is the minimum age for permit to drive with parents, guardians, or other adults (other than instructors)?	15
What is the minimum number of months driver must hold learner permit before advancing to intermediate stage?	12
What is the minimum number of hours of driving with parents, guardians, or adults before advancing to intermediate stage?	60 (10 of which must be at night; to obtain full license, driver must log 12 hours of driving in intermediate stage, 6 of which is at night)
Intermediate Stage	
What is the minimum age for driving without adult supervision?	16
For night driving, when does adult supervision requirement begin?	9:00 PM

Can law enforcement stop a driver for night driving violation as a primary offense?	Yes, officer may stop driver for night driving violation
Are there restrictions on passengers?	Yes, no more than one passenger under 21 who is not a member of immediate family or household; however, if there is a passenger under 21 who is an immediate family or household member, then no unrelated passengers under 21
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	Yes, officer may stop driver for passenger restrictions violation
<b>License Stage</b>	
What is the minimum age for full license privileges and lifting of restrictions?	16 years, 6 months

### Laws Targeting Alcohol Suppliers

<b>Furnishing Alcohol to Minors</b>	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
<ul style="list-style-type: none"> <li>Is furnishing allowed if the parent or guardian supplies the alcohol?</li> </ul>	No
<ul style="list-style-type: none"> <li>Is furnishing allowed if the spouse supplies the alcohol?</li> </ul>	No
Is there an exception based on location?	No
<b>Affirmative Defense for Sellers and Licensees</b>	
Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No

<b>Compliance Check Protocols</b>	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	Yes
What is the minimum age a decoy may be to participate in a compliance check?	16
What is the maximum age a decoy may be to participate in a compliance check?	20
Are there appearance requirements for the decoy?	Yes, must look under 21
Does decoy carry ID during compliance check?	Not specified
May decoy verbally exaggerate his or her actual age?	Prohibited
Is decoy training mandated, recommended, prohibited, or not specified?	Mandated

<b>Penalty Guidelines for Sales to Minors</b>	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	Yes
What is the time period for defining second, third and subsequent offenses?	3 years
What is the penalty for the first offense?	\$500 or license suspension
What is the penalty for the second offense?	Up to \$750 or license suspension

What is the penalty for the third offense?	Up to \$1,000 or license suspension
What is the penalty for the fourth offense?	Not specified

<b>Responsible Beverage Service (RBS)–Mandatory</b>	
Is there a state law pertaining to Beverage Service Training?	Yes–Mandatory
If training is mandatory, who must participate?	Licensees
If training is voluntary, which of the following incentives are offered?	
• Defense in dram shop liability lawsuits	N/A
• Discounts in dram shop liability insurance, license fees, or other	N/A
• Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons	N/A
• Protection against license revocation for sales to minors or sales to intoxicated persons	N/A
Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	Both
Does the RBS law apply to new or existing licensees?	New

<b>Minimum Ages for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)</b>	
What is the minimum age requirement for off-premises retail establishments?	
Beer	None
Wine	None
Spirits	18
Does a manager or supervisor have to be present?	No

<b>Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)</b>	
What is the minimum age requirement for servers in on-premises establishments?	
Beer	18
Wine	18
Spirits	18
What is the minimum age requirement for bartenders in on-premises establishments?	
Beer	18
Wine	18
Spirits	21
Does a manager or supervisor have to be present?	No
Notes: Effective August 18, 2015, the minimum age of 18 does not apply to sale of alcoholic beverages at the point-of-sale for off-premises consumption.	

<b>Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools</b>	
Colleges and Universities	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	Yes, No permits on campus.

Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, No permits on campus.
To which alcohol products does requirement apply?	Beer, Wine
Notes: Exceptions are 1) Regional sports and entertainment facilities for public use, except for public school or college function; 2) performing arts centers; 3) hotels; 4) nonprofit alumni organizations; and 5) restaurants, eating establishments, food businesses, or retail businesses on the property.	
<b>Primary and Secondary Schools</b>	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	Yes, No permits on campus.
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, No permits on campus.
To which alcohol products does requirement apply?	Beer, Wine
Notes: Exceptions are 1) regional sports and entertainment facilities for public use, except for public school or college function; 2) performing arts centers; 3) hotels; 4) nonprofit alumni organizations; and 5) restaurants, eating establishments, food businesses, or retail businesses on the property.	

<b>Dram Shop Liability</b>	
Does a statute create dram shop liability?	Yes
Does the statute limit damages that may be recovered?	Yes (\$500,000 total award to all injured parties per occurrence.)
Does the statute limit who may be sued?	No
Does the statute limit elements or standards of proof?	Yes (Injury must be a proximate result of the negligence of an underage driver's negligent operation of a vehicle while intoxicated.)
Does common law dram shop liability exist?	No
Notes: Although North Carolina courts may recognize third party common law liability under certain fact patterns where a retailer furnishes an intoxicated minor, they do not recognize a distinct cause of action for furnishing alcohol to minors without regard to the minor's intoxication at the time of sale. Estate of Mullins by Dixon. North Carolina is therefore coded as not recognizing common law negligence regarding furnishing to minors. N.C. Gen. Stat. § 18B-122 includes a responsible beverage server defense.	

<b>Social Host Liability</b>	
Does a statute create social host liability?	No
Does the statute limit damages that may be recovered?	N/A
Does the statute limit who may be sued?	N/A
Does the statute limit elements or standards of proof?	N/A
Does common law social host liability exist?	No
Notes: Although North Carolina courts may recognize third party liability under certain fact patterns where an intoxicated minor is furnished by a social host, they do not recognize a distinct cause of action for furnishing alcohol to minors without regard to the minor's intoxication at the time of sale. Camalier v. Jeffries; Hart v. Ivey. North Carolina is therefore coded as not recognizing common law negligence regarding furnishing to minors.	

Prohibitions Against Hosting Underage Drinking Parties	
Does a statute prohibit hosting underage drinking parties?	No law
Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	N/A
What action by underage guest triggers a violation?	N/A
Property type covered by the law?	N/A
What level of knowledge by the host is required?	N/A
Does host's preventive action protect him/her from being held liable?	N/A
Are there any exceptions for underage guests?	N/A

Retailer Interstate Shipments of Alcohol	
Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Prohibited
Wine	Prohibited
Spirits	Prohibited

Direct Shipments/Sales	
May alcohol producers ship directly to consumers?	Yes
What alcohol types may be shipped?	Wine
Must purchaser make mandatory trip to producer before delivery is authorized?	No
Age verification requirements	
Must the producer/shipper verify purchaser's age before sale?	No
Must the common carrier (deliverer) verify age of recipients?	Yes
State approval/permit requirements	
Must the producer/manufacture obtain state license or permit?	Yes
Must the common carrier (deliverer) be approved by a state agency?	Yes
Recording/reporting requirements	
Must the producer/manufacture record/report purchaser's name?	No
Must the common carrier (deliverer) record/report recipient's name?	No
Shipping label requirements	
Must the label state "Package contains alcohol"?	Yes
Must the label state "Recipient must be 21 years old"?	Yes

Keg Registration	
How is a keg defined (in gallons)?	Equal to or more than 7.75
Prohibitions	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	Yes (Maximum fine/jail, discretionary fine/45 days)
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	No
What purchaser information is collected?	

Must the retailer collect the name and address?	Yes
Must the retailer collect the ID number, name and address on license or other government information?	Yes
Must the retailer collect the address at which keg will be consumed?	Yes
Must warning information be given to purchaser?	Yes, active (requires an action by purchaser)
Is a deposit required?	No
Does law cover disposable kegs?	No

Home Delivery	
Is home delivery of alcohol permitted?	
Beer	Yes
Wine	Yes
Spirits	No law

High-Proof Grain Alcohol Beverages	
Are there restrictions on the sale of high-proof grain alcohol beverages?	Yes. In addition, this state is a control state, and control states may impose additional restrictions on the sale of products that are not reflected in statute or regulation.
Are restrictions based on Alcohol by Volume (ABV)?	Yes (more than 75.5%)
Are there exceptions to restrictions?	No
Notes: The State of North Carolina Alcoholic Beverage Control (ABC) Commission issued a written statement on November 30, 2010, that the highest proof liquor sold in North Carolina ABC stores will be 151 proof, which is equivalent to 75.5% alcohol by volume.	

## Laws Affecting Alcohol Pricing

Alcohol Taxes	
<b>Beer</b>	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	\$0.62
Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A



If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	
<b>Wine</b>	
Control system for wine?	No
Specific excise tax per gallon for 12% alcohol wine	\$1.00
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 6 – 14% alcohol wine if applicable	
<b>Spirits</b>	
Control system for spirits?	Yes
Specific excise tax per gallon for 40% alcohol spirits	N/A
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	N/A
• General sales tax rate	N/A
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	N/A
Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A

If retail tax rate applies, is there an exemption from general sales tax?	N/A
• General sales tax rate	N/A
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	N/A
Additional taxes for 15 – 50% alcohol spirits if applicable	

<b>Low-Price, High-Volume Drink Specials</b>	
Are on-premises retailers prohibited from offering the following types of drink specials?	
Free beverages	No
Multiple servings at one time	Yes
Multiple servings for same price as single serving	Yes
Reduced price for a specified day or time (i.e., happy hours)	Yes (Full Day Price Reductions not banned)
Unlimited beverages for fixed price	No
Increased volume without increase in price	No

<b>Wholesaler Pricing Restrictions</b>	
<b>Beer</b>	
Are volume discounts to retailers allowed?	Banned
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
<b>Wine</b>	
Are volume discounts to retailers allowed?	Banned
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
<b>Spirits</b>	Control
Are volume discounts to retailers allowed?	N/A
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	N/A
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	N/A
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	N/A

## North Carolina State Survey Responses

### State Agency Information

Agency with primary responsibility for enforcing underage drinking laws:

Alcohol Law Enforcement

### Enforcement Strategies

State law enforcement agencies use:

Cops in Shops	Yes
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes

Local law enforcement agencies use:

Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol-Related Fatality Investigations	No

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

Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors Alcohol Law Enforcement Branch, State Bureau of Investigation

Such laws are also enforced by local law enforcement agencies No data

### Enforcement Statistics

State collects data on the number of minors found in possession No

Number of minors found in possession<sup>1</sup> by state law enforcement agencies Not applicable

Number pertains to the 12 months ending Not applicable

Data include arrests/citations issued by local law enforcement agencies Not applicable

State conducts underage compliance checks/decoy operations<sup>2</sup> to determine whether alcohol retailers are complying with laws prohibiting sales to minors Yes

Data are collected on these activities No

Number of retail licensees in state<sup>3</sup> No data

Number of licensees checked for compliance by state agencies (including random checks) Not applicable

Number of licensees that failed state compliance checks Not applicable

Numbers pertain to the 12 months ending Not applicable

Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments Not applicable

State conducts **random** underage compliance checks/decoy operations Not applicable

Number of licensees subject to **random** state compliance checks/decoy operations Not applicable

Number of licensees that failed **random** state compliance checks Not applicable

Local agencies conduct underage compliance checks/decoy operations to determine whether 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 to minors Yes

Number of fines imposed by the state<sup>4</sup> No data

Total amount in fines across all licensees No data

Smallest fine imposed No data

Largest fine imposed	No data
Numbers pertain to the 12 months ending	No data
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors</i>	
Number of suspensions imposed by the state <sup>5</sup>	Not applicable
Total days of suspensions across all licensees	Not applicable
Shortest period of suspension imposed (in days)	Not applicable
Longest period of suspension imposed (in days)	Not applicable
Numbers pertain to the 12 months ending	Not applicable
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing to minors</i>	
Number of license revocations imposed <sup>6</sup>	Not applicable
Numbers pertain to the 12 months ending	Not applicable

**Additional Clarification**

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

<sup>4</sup> Does not include fines imposed by local agencies.

<sup>5</sup> Does not include suspensions imposed by local agencies.

<sup>6</sup> Does not include revocations imposed by local agencies.

**Underage Drinking Prevention Programs Operated or Funded by the State**

**North Carolina Preventing Underage Drinking Initiative (NC-PUDI)**

Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	No
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information: <a href="http://www.ncpudi.org">www.ncpudi.org</a>	

**Program Description:** The North Carolina Preventing Underage Drinking Initiative (NC-PUDI) focuses on community-based approaches that emphasize environmental management strategies to prevent underage drinking. As the National Research Council/Institute of Medicine (NRC/IOM, 2004) report, “Reducing Underage Drinking: A Collective Responsibility” states “Underage drinking cannot be addressed by focusing on youth alone. Youth drink within the context of a society in which alcohol use is normative behavior, and images about alcohol are pervasive. They usually obtain alcohol—either directly or indirectly—from adults. Efforts to reduce underage drinking, therefore, need to focus on adults and must engage the society at large.”

NC-PUDI offers technical assistance to Community Collaboratives addressing the issue of underage alcohol use. Collaboratives work within their communities to implement strategies that prevent underage drinking and create a sustainable movement to stop practices that make underage drinking both easy and acceptable. The Collaboratives’ primary strategies focus on decreasing underage access to alcohol; changing community norms that promote underage and excessive alcohol consumption; and addressing policies pertaining to underage drinking. NC-PUDI is administered by the North Carolina Department of Health and Human Services/Division of Mental Health, Developmental Disabilities and Substance Abuse Services, and is supported by the SAMHSA SABG. NC-PUDI continues the initiatives originally funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Enforcing Underage Drinking Laws program, which supported and enhanced efforts by states and local jurisdictions to prohibit the sale, purchase, and consumption of alcoholic beverages to and by minors (minors are defined as individuals under 21 years old).

**Talk It Out: Start the conversation. Stop underage drinking.**

Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	No
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information: <a href="http://www.talkitoutnc.org">www.talkitoutnc.org</a>	

**Program Description:** Talk It Out is a statewide campaign administered by the North Carolina Alcoholic Beverage Control Commission to reduce underage drinking through TV ads and social media as well as a website that hosts resources to help parents talk to youth about underage drinking.

**Additional Underage Drinking Prevention Programs Operated or Funded by the State**

**Program description:** Preventing and reducing underage drinking through retail compliance is one of the most effective strategies available, according to the 1999 Pacific Institute for Research and Evaluation [PIRE]/OJJDP publication, “Regulatory Strategies for Preventing Youth Access to Alcohol: Best Practices.” Alcohol purchase surveys, unlike compliance checks, can be performed without the assistance of law enforcement as long as the youth attempting to purchase are at least 21 years old. Purchase surveys are designed to facilitate a dialogue between the community and its retailers. Any strong prevention program incorporates citizens, retailers, the media, and law enforcement—alcohol purchase surveys accomplish all four tasks. Specifically, alcohol purchase surveys are used to:

1. Assess community needs and collect data on which retailers in the community are potentially selling to underage youth;
2. Raise community awareness and build support for efforts to prevent sales to minors;
3. Inform merchants that they are being monitored and motivate them to change non-compliant practices;
4. Inform law enforcement officials with important information; and
5. Measure the impact of prevention strategies, so that communities can assess the effectiveness of the strategies they implement (PIRE, 1999).

Community Collaboratives return to every retail establishment surveyed to inform store management that the community cares about the issue of underage drinking and is conducting alcohol purchase surveys as a way to monitor alcohol sales practices. At that time, store management also is informed about how their store performed in the alcohol purchase survey and where they can get responsible alcohol sales training for their employees. Following each round of purchase surveys, funded Community Collaboratives submit a press release to local media and a detailed statistical report/complaint to law enforcement. Several studies have shown that generating publicity around underage alcohol sale surveys is an effective way to increase the success of local law enforcement efforts (PIRE, 1999). Therefore, results of the surveys are used for educational purposes including warning letters, congratulatory letters, and use in the media.

Community Collaboratives also provide a summary report to local law enforcement. For Community Collaboratives to effectively serve their “community watch” role, collected data from alcohol purchase surveys must be shared with local law enforcement agencies. Community Collaboratives disseminate the report summarizing the purchase survey findings after each round of surveys. From October 1, 2017 to September 30, 2018, the state conducted 1,156 alcohol purchase surveys. Of those surveys, which included targeting problem establishments, 73.5 percent asked for the mock buyer’s identification and passed the survey; 850 establishments refused to sell. These can be further broken down into the following types:

- 870 Comprehensive Alcohol Purchase Surveys with a combined pass rate of 78.4%, 682 merchants refusing to sell.
- 277 Targeted Alcohol Purchase Surveys with a combined pass rate of 57.4%, 159 merchants refusing to sell.
- 518 Alcopop-Specific Alcohol Purchase Surveys with a combined pass rate of 71.8%, 372 merchants refusing to sell.

- 58 ABC Store-Specific Alcohol Purchase Surveys with a combined pass rate of 72.4%, 42 merchants refusing to sell.
- 78 On-Premises Alcohol Purchase Surveys with a combined pass rate of 79.5%, 62 servers refusing to sell.

In addition, the state conducted 1,050 follow up and merchant education visits with retailers, partnered with more than 35 different law enforcement agencies, and collectively worked with more than 600 organizations and/or agencies. Also, Community Collaboratives involved youth in their efforts to prevent underage drinking, foster development, and encourage the expansion of an underage drinking prevention youth empowerment movement in their community.

**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
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 collaborates with/participates in media campaigns to prevent underage drinking</i>	Yes
Federal campaigns:	No
Regional and local media campaigns:	No
Local school district efforts:	No
Other: (Statewide): Talk It Out: Start the conversation. Stop underage drinking.	Yes
<i>State collaborates with/participates in SAMHSA’s national media campaign, “Talk. They Hear You.”</i>	Yes
State officially endorses TTHY efforts	No
State commits state resources for TTHY	No
State forwards TTHY materials to local areas	Yes
Other:	No
<i>State procures funding for TTHY</i>	No
Pro bono	No
Donated air time	No
Earned media	No
Other:	No
<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): Community Preventive Services Task Force; OJJDP; Centers for Disease Control and Prevention; NRC/IOM, Health and Human Services, Office of the Surgeon General, SAMHSA	Yes
Agency(ies) within your state: NC Department of Health and Human Services	Yes
Nongovernmental agency(ies):	No
Other:	No
Best practice standards description: The North Carolina Preventing Underage Drinking Initiative (NC-PUDi) uses and continues to develop innovative strategies to help achieve the long-term goal of preventing underage drinking. This continuing effort is designed to further support and develop Community Collaboratives working to implement environmental management strategies to prevent underage drinking. This objective is responsive to the recommendations outlined in “Strategies to Reduce Underage Alcohol Use” (PIRE, 1999); the National Institute of Medicine/National Academy of Sciences (IOM/NAS) report, “Reducing Underage Drinking: A Collective Responsibility” (NRC/IOM, 2004), the Surgeon General’s “Call to Action to Prevent and Reduce Underage Drinking” (Office of the Surgeon General, 2007), the Guide to Community Preventive Services; and the North Carolina Institute of Medicine Substance Abuse Services Task Force Report.	

Although many of the recommended components of the NRC/IOM and the North Carolina Institute of Medicine Substance Abuse Services Task Force reports require significant action at the national and/or state level, the reports specify several areas in which local communities can play significant complementary and reinforcing roles. Not surprisingly, several of the recommendations are consistent with strategies recommended in “Strategies to Reduce Underage Alcohol Use” (PIRE, 1999). According to the NRC/IOM report, two evidence-based strategic actions that can occur at the community level are community mobilization and restricting access. Community Collaboratives aimed at preventing underage drinking are valuable adjuncts to state and local government interventions. Such Collaboratives, which include people with diverse perspectives, interests, and responsibilities, can provide the political will and organizational support for implementing strategies that have proven effective at preventing underage drinking. They also place emphasis on a local culture in which underage drinking is considered a serious and unacceptable problem. Such local norms lend support to heightened enforcement of laws against underage drinking. By providing a context that supports recommended interventions, community mobilization efforts increase the overall likelihood that such interventions will be successful.

To effectively implement this comprehensive approach, the NRC/IOM committee recommended the following 3 strategies:

1. Community leaders assess their community’s particular problems and resources and—using effective approaches including community organizing, building Community Collaboratives, and strategic use of the mass media to support policy changes and enforcement—tailor their efforts to combat underage drinking accordingly.
2. Include colleges and universities in collaboration and implementation efforts for a range of interventions.
3. Elementary, secondary, and high school education programs should be evidence-based and should avoid interventions that rely on provision of information alone or fear tactics.

Listed below are the critical elements of effective interventions as summarized in the report:

- Be multicomponent and integrated
- Be sufficient in “dose” and follow-up
- Establish norms that support non-use
- Stress parental monitoring and supervision
- Be interactive
- Be implemented with fidelity
- Include limitations in access
- Be institutionalized
- Avoid an exclusive focus on information
- Avoid congregating high-risk youth
- Promote social and emotional skill development among elementary school students

By urging greater emphasis on restricted access, the report offers a wake-up call for adults from whom youth generally obtain alcohol (parents who allow drinking parties in their homes, adults who have alcohol in the home that is not monitored and secured, strangers who buy alcohol for teenagers waiting outside stores, or sales clerks and bartenders who sell alcohol to minors). State and local communities can work to not only create and enforce laws, but also to explain the reasons why compliance is important and elicit public support for limiting access. Recommended strategy urges that states and localities, working with law enforcement as appropriate, restrict youth access by:

1. Targeting servers and sellers, by:
  - a. Increasing compliance checks, supported by media campaigns and license revocation to increase deterrence
  - b. Implementing responsible beverage service programs as a condition of retail outlet licensing
  - c. Developing new or strengthened server and seller liability laws

- d. Regulating Internet sales and home delivery of alcohol to prevent/reduce underage purchases
- 2. Targeting parents and other adults to promote compliance with youth access restrictions through:
  - a. Keg registration laws
  - b. “Shoulder tap” or other prevention programs targeting adults who purchase alcohol for minors
  - c. Stronger anti-loitering measures
  - d. Measures to hold retailers accountable for loitering
  - e. Securing and monitoring alcohol in the home
- 3. Targeting youth through:
  - a. Sobriety checkpoints with swift and certain sanctions for young drunk drivers
  - b. Graduated license programs
  - c. Modified laws to allow passive breath testing, streamlined administrative procedures, and administrative penalties, such as immediate driver’s license revocation
  - d. Media campaigns to publicize enforcement and encourage compliance
  - e. Identifying and breaking up teen drinking parties and holding relevant adults and youth accountable
  - f. Making it more difficult to use false identification (ID) by issuing scannable IDs, allowing retailers to confiscate licenses, and implementing administrative penalties for false ID use
  - g. Increasing access to treatment services for young drinkers who need clinical treatment

NC-PUDi has the overall goal of focusing on community mobilization centered on implementation of environmental management strategies and restricting access through increased collaboration with law enforcement agencies. Strengthening the bridges that Community Collaboratives have built with law enforcement in previous rounds of funding remains a top priority. With emphasis on alcohol purchase surveys, followed by the dissemination of survey results to law enforcement, retailers, and local media, Community Collaboratives directly assess and influence community norms and retail practices related to alcohol access in their communities.

**Additional Clarification**

No data

**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

*Additional Agencies/organizations:*

*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* No

Prepared by: Not applicable

Plan can be accessed via: Not applicable

*State has prepared a report on preventing underage drinking in the last 3 years* No

Prepared by: Not applicable

Report can be accessed via: Not applicable



**Additional Clarification**

No data

**State Expenditures for the Prevention of Underage Drinking**

*Compliance checks 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	\$0
Estimate based on the 12 months ending	12/31/2018

*K–12 school-based programs to prevent underage drinking:*

Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2018

*Programs targeted to institutes of higher learning:*

Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2018

*Programs that target youth in the juvenile justice system:*

Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2018

*Programs that target youth in the child welfare system:*

Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2018

*Other programs:*

Programs or strategies included: Talk It Out NC. The ABC Commission campaign is funded by revenue from state-controlled liquor stores.

Estimate of state funds expended:	\$2 million
Estimate based on the 12 months ending:	12/31/2018

**Funds Dedicated to Underage Drinking**

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

Taxes	No
Fines	No
Fees	No
Other: 1. Revenue from state-controlled liquor store (Talk It Out NC campaign); 2. Seven percent (7%) of sales from distilled spirits sold at the ABC stores	Yes

*Description of funding streams and how they are used:*

1. Talk It Out NC—The ABC Commission campaign is funded by revenue from state-controlled liquor stores. Talk it Out is the theme of the North Carolina ABC Commission campaign developed for broadcast, print, and social media markets across North Carolina. Advertising materials provide links to a website (Talkitoutnc.org) that provides information and resources geared toward helping parents and teens to have important conversations about alcohol and why children should not drink until they are adults. The campaign is part of the larger ABC Commission’s Initiative to Reduce Underage Drinking that includes outreach with the public safety and public health communities, as well as partnership with the alcohol industry to address underage drinking issues head-on.
2. Seven percent (7%) of sales from distilled spirits sold at ABC stores are dedicated to training and education and are determined locally through ABC boards and/or county commissioners.

**Additional Clarification**

The North Carolina Department of Health and Human Services Preventing Underage Drinking Initiative (NC-PUDI) and additional complementary efforts are federally funded. No state funds are specifically dedicated to the prevention of underage alcohol use.

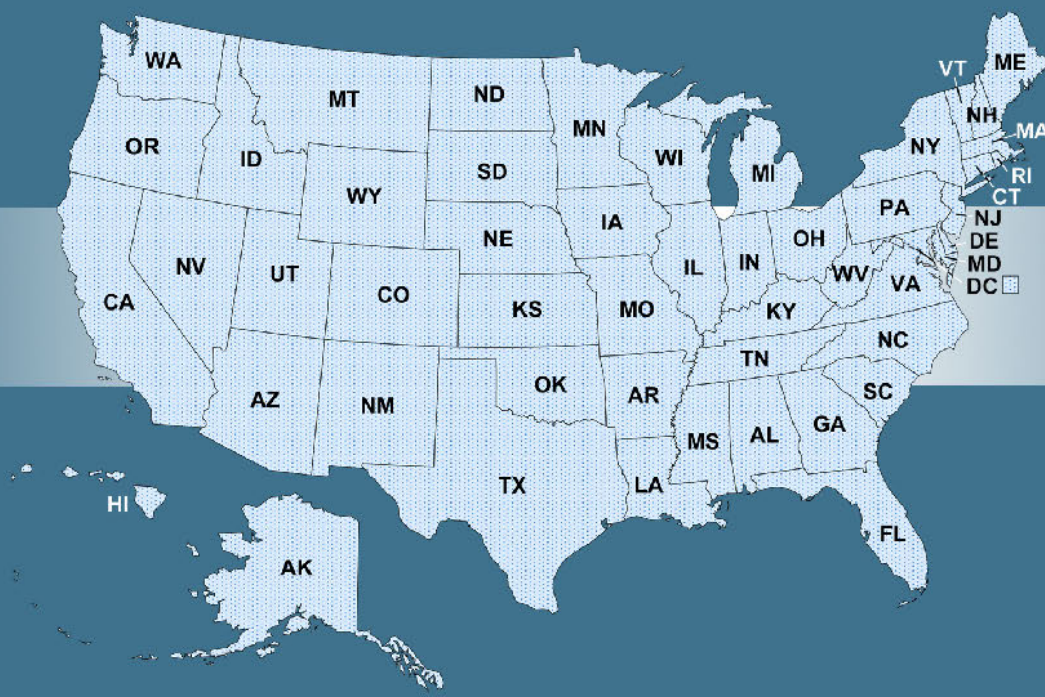


***SAMHSA***  
Substance Abuse and Mental Health  
Services Administration

# SOUTH CAROLINA STATE REPORT

## Underage Drinking Prevention and Enforcement

2020



**SAMHSA**  
Substance Abuse and Mental Health  
Services Administration

This *State Report* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report “on each State's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.” As directed by the STOP Act, the *State Reports* were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

**Time Period Covered by this *State Report*:** This *State Report* primarily includes data from calendar year 2019. Regional and state profile data were drawn from the most recently available federal survey data as of 2018. State legal data reflect the status of the law as of January 1, 2019. State survey data, collected in 2019, were drawn from the most recent 12-month period in which the states maintained the data.

**Source of Data:** For each state, overall population information was taken from 2010 Census data. Data about the portion of each state’s population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2015 through 2018 National Surveys on Drug Use and Health (NSDUH), SAMHSA’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2018). Confidence intervals for these estimates are available from CBHSQ’s Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention’s Alcohol-Related Disease Impact (ARDI) application served as the resource for data about alcohol-attributable deaths from 2006–10 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis’s Fatality Analysis Reporting System (FARS) provided the 2018 data used to present statistics about fatalities among 15-to 20-year-old drivers.

**Recommended Citation:** U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA; 2020). *2020 South Carolina State Report – Underage Drinking Prevention and Enforcement*. Rockville, MD: SAMHSA.

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## South Carolina

State Population: 5,084,127

Population Ages 12–20: 574,600

Past-Month Alcohol Use Among 12- to 20-Year-Olds	
<b>Ages 12–20</b>	
Past-Month Alcohol Use – Number (Percentage)	103,400 (18.0%)
Past-Month Binge Alcohol Use – Number (Percentage)	70,100 (12.2%)
<b>Ages 12–14</b>	
Past-Month Alcohol Use – Number (Percentage)	6,600 (3.6%)
Past-Month Binge Alcohol Use – Number (Percentage)	3,900 (2.1%)
<b>Ages 15–17</b>	
Past-Month Alcohol Use – Number (Percentage)	24,300 (13.2%)
Past-Month Binge Alcohol Use – Number (Percentage)	12,800 (7.0%)
<b>Ages 18–20</b>	
Past-Month Alcohol Use – Number (Percentage)	72,400 (35.5%)
Past-Month Binge Alcohol Use – Number (Percentage)	53,400 (26.2%)
Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21	
Alcohol-Attributable Deaths (under 21)	83
Years of Potential Life Lost (under 21)	4,999
Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Concentration (BAC) > 0.01% <sup>1</sup>	
Number of Fatalities Involving 15- to 20-Year-Old Driver With BAC > 0.01%	19
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	14%

<sup>1</sup> Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number, however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.

## Substance Abuse Prevention Services Overview<sup>2</sup>

The South Carolina DAODAS is the Single State Authority (SSA) for the Substance Abuse Prevention and Treatment Block Grant (SABG) that is administered by the U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Administration (SAMHSA), Center for Substance Abuse Treatment (CSAT), and Center for Substance Abuse Prevention (CSAP).

DAODAS is organized into 33 county alcohol and drug abuse authorities that have incorporated themselves as Behavioral Health Services Association of South Carolina Inc. (BHSA). The 33 county authorities have offices in each of the state's 46 counties, thereby ensuring the availability of core substance use services to all South Carolina residents. These services include traditional group, individual, and family outpatient counseling, post-discharge; Alcohol and Drug Safety Action Program (ADSAP), the state's DUI program; youth and adolescent services; and primary prevention/education programs. Service delivery emphasizes evidence-based practices and is supported by DAODAS quality assurance efforts. DAODAS has recently embraced implementation science frameworks for service-quality improvement efforts designed to encourage the provider system to measure clinician fidelity to evidence-based models.

DAODAS reviews and approves the county authorities' yearly priorities through the submission of county plans, which aid in the collection of information able to describe county-level need and local provider efforts. These plans are structured in the SPF framework and focus on communicating county-level initiatives that influence priorities included in the state's block grant application. County authorities develop their priorities with input from local surveys, focus groups, advisory councils, and/or political entities that oversee them (either county governments or specially appointed commissions). All county authorities are required to develop and submit to DAODAS for approval at least one Primary Prevention Strategic Work Plan for each of the six CSAP-established primary prevention strategy areas. Development of the prevention work plan occurs through incorporation of the SPF model.

During the needs assessment process, the local county gathers data to demonstrate the needs of various populations, including diverse racial, ethnic, and sexual gender minorities, as well as the American Indian/Alaskan Native and military populations that encompass the fabric of the county. Cultural competency is also addressed in the development of the local prevention work plan to ensure it will be effective for the populations served throughout the county. A county planning team reviews the plans for identification of statewide priorities. Approval is granted by the DAODAS Director.

### Prevention

Prevention is a priority for South Carolina and DAODAS, as demonstrated by the comprehensive nature of the state's prevention infrastructure and the diverse funding streams for prevention, including both state and federal funding. DAODAS will continue to spend a minimum of 20

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<sup>2</sup> Extracted from fiscal year (FY) 2018/2019 – (South Carolina) State Behavioral Health Assessment and Plan, SABG, Center for Substance Abuse Prevention (CSAP), Division of State Programs, CSAT, Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.

percent set aside from the SABG to ensure that alcohol, tobacco, and other drug (ATOD) primary prevention services are available throughout the state's 46 counties. DAODAS also receives general state revenue that is earmarked for prevention. This funding has ranged from \$500,000 to \$1.6 million (as available) in previous budget years.

In 2010, South Carolina received approximately \$10.6 million over a 5-year period to implement the SPF State Incentive Grant (SIG) awarded by SAMHSA/CSAP. The SPF SIG in South Carolina ended implementation funding to the 18 community sites as of September 30, 2014, and the grant ended in June 2015. The state has begun to infuse the SPF planning model into the SABG primary prevention set-aside by offering training and technical assistance to the other 28 counties that were not funded with the SPF SIG to increase training opportunities for community needs-assessment activities. DAODAS is continuing the implementation of the SPF process and will focus on the second step (capacity), building upon needs assessment trainings conducted during State Fiscal Year 2015. There is tremendous value in these capacity-building activities. The process will be guided by DAODAS and Regional Capacity Coaches to provide guidance, technical assistance, training, materials, and resources.

## Expenditures for Substance Abuse Prevention and Treatment

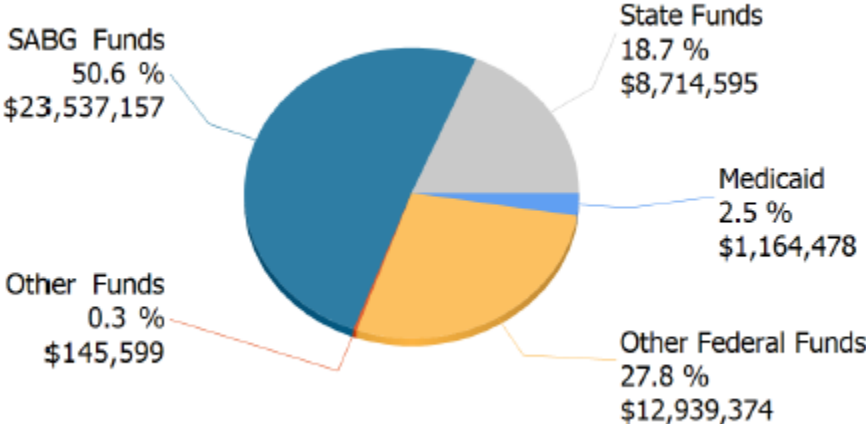
All states receive federal funds for substance abuse prevention through SABG funds administered by SAMHSA. Exhibit 1 shows the sources that South Carolina used for expenditures on substance abuse prevention and treatment in 2019. As indicated, SABG funds and other federal funds account for the largest sources (50.6 percent and 27.8 percent, respectively).<sup>3</sup>

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2018-2019, South Carolina designated reducing underage alcohol use as the number one priority for use of SABG funds.<sup>4</sup>

<sup>3</sup> WebBGAS State Profile, 2019 SABG and Community Mental Health Block Grant (MHBG) Reports – South Carolina 2019.

<sup>4</sup> FY 2018/2019 – (South Carolina) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, CSAT, Division of State and Community Assistance: Table 1: Priority Areas and Annual Performance Indicators.

**Exhibit 1: Sources of South Carolina’s 2019 Expenditures for Substance Abuse Prevention and Treatment**





## State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details South Carolina's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. The following sections address these measures.

**State Laws and Policies:** These 26 underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into four categories:

1. Laws addressing minors in possession of alcohol;
2. Laws targeting underage drinking and driving;
3. Laws targeting alcohol suppliers; and
4. Laws affecting alcohol pricing.

**STOP Act State Survey Data:** The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:

1. Enforcement programs to promote compliance with underage drinking laws and regulations.
2. Programs targeted to youth, parents, and caregivers to deter underage drinking.
3. State interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns.
4. State expenditures on the prevention of underage drinking.

## Laws Addressing Minors in Possession of Alcohol

Underage-Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is possession allowed if parent or guardian is present or consents?	No
• Is possession allowed if spouse is present or consents?	No
Is there an exception based on location?	Yes, in parent/guardian’s home only

Underage-Consumption	
Is underage consumption of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is consumption allowed if the parent or guardian is present or consents?	No
• Is consumption allowed if the spouse is present or consents?	No
Is there an exception based on location?	Yes, in parent/guardian’s home only

Underage-Internal Possession	
Is underage internal possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is internal possession allowed if the parent or guardian is present or consents?	No
• Is internal possession allowed if the spouse is present or consents?	No
Is there an exception based on location?	Yes, in parent/guardian’s home

Underage-Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	Yes
May youth purchase for law enforcement purposes?	Yes

Underage-False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor’s driver’s license suspension?	Yes, through a judicial process
Provisions Targeting Suppliers	
Is the lending or transferring or selling of a false ID prohibited?	No
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	No
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	No
Are state driver’s licenses for persons under 21 easily distinguishable from licenses for persons 21 and over?	Yes
May retailers seize apparently false IDs without fear of prosecution even if the ID is ultimately deemed valid?	No

Does an affirmative defense exist for the retailer?	No
• Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)?	N/A
• Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)?	N/A
Does the retailer have the right to sue the minor for use of a false ID?	No
May a retailer detain a minor who used a false ID?	No
Notes: See also Affirmative Defense: Minor Not Charged in the Furnishing Alcohol to Minors policy topic.	

## Laws Targeting Underage Drinking and Driving

Youth Blood Alcohol Concentration Limits (Underage Operators of Noncommercial Motor Vehicles)	
What is the maximum blood alcohol concentration (BAC) limit for an underage driver of a motor vehicle?	0.02%
Does a BAC level in excess of limit automatically establish a violation (per se violation)?	Yes
What is the minimum age to which the limit applies?	Not specified
What is the maximum age to which the limit applies?	21

Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose” Laws)	
Is there a “use/lose” law that suspends or revokes a minor’s driving privileges for alcohol violations?	Yes
What types of violation lead to license suspension or revocation?	
• Purchase of alcohol	Yes
• Possession of alcohol	Yes
• Consumption of alcohol	Yes
The law applies to people under what age?	21
Is suspension or revocation mandatory or discretionary?	Mandatory
What is the length of suspension/revocation?	
Minimum number of days	120
Maximum number of days	120

Graduated Driver’s Licenses	
Learner Stage	
What is the minimum age for permit to drive with parents, guardians, or other adults (other than instructors)?	15
What is the minimum number of months driver must hold learner permit before advancing to intermediate stage?	6
What is the minimum number of hours of driving with parents, guardians, or adults before advancing to intermediate stage?	40 (10 of which must be at night)
Intermediate Stage	

What is the minimum age for driving without adult supervision?	15 years, 6 months
For night driving, when does adult supervision requirement begin?	6:00 PM (May only drive unsupervised during daylight hours; nighttime is defined as starting at 6:00 PM EST or 8:00 PM EDT)
Can law enforcement stop a driver for night driving violation as a primary offense?	Yes, officer may stop driver for night driving violation
Are there restrictions on passengers?	Yes, no more than 2 nonfamily passengers under 21 unless supervised by driver at least 21 years (unless transporting students to school)
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	Yes, officer may stop driver for passenger restrictions violation
<b>License Stage</b>	
What is the minimum age for full license privileges and lifting of restrictions?	16 years, 6 months

### Laws Targeting Alcohol Suppliers

<b>Furnishing Alcohol to Minors</b>	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
<ul style="list-style-type: none"> <li>Is furnishing allowed if the parent or guardian supplies the alcohol?</li> </ul>	Yes, in specified locations
<ul style="list-style-type: none"> <li>Is furnishing allowed if the spouse supplies the alcohol?</li> </ul>	Yes, in specified locations
Is there an exception based on location?	Yes, in any private residence if parent/guardian/spouse supplies alcohol
<b>Affirmative Defense for Sellers and Licensees</b>	
Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	Yes
Notes: South Carolina's Parent / Guardian and Spouse exceptions apply when the alcohol is furnished in the home of the spouse or in the home of the parent or guardian. See S.C. Code Ann. §§ 61-4-90, 61-6-4070 and 61-6-4075.	

<b>Compliance Check Protocols</b>	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	Yes
What is the minimum age a decoy may be to participate in a compliance check?	16
What is the maximum age a decoy may be to participate in a compliance check?	19
Are there appearance requirements for the decoy?	Yes, no facial hair, no heavy make-up, no inappropriate clothing
Does decoy carry ID during compliance check?	Required
May decoy verbally exaggerate his or her actual age?	Prohibited

Is decoy training mandated, recommended, prohibited, or not specified?	Not Specified
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Penalty Guidelines for Sales to Minors	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	No data
What is the time period for defining second, third and subsequent offenses?	N/A
What is the penalty for the first offense?	N/A
What is the penalty for the second offense?	N/A
What is the penalty for the third offense?	N/A
What is the penalty for the fourth offense?	N/A

Responsible Beverage Service (RBS)	
Is there a state law pertaining to Beverage Service Training?	No law
If training is mandatory, who must participate?	N/A
If training is voluntary, which of the following incentives are offered?	
• Defense in dram shop liability lawsuits	N/A
• Discounts in dram shop liability insurance, license fees, or other	N/A
• Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons	N/A
• Protection against license revocation for sales to minors or sales to intoxicated persons	N/A
Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	N/A
Does the RBS law apply to new or existing licensees?	N/A
Notes: South Carolina has a limited server training law that applies only to on-premises sales of beer at breweries. APIS does not include laws limited to breweries, wineries, or distilleries for purposes of this policy topic.	

Minimum Ages for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)	
What is the minimum age requirement for off-premises retail establishments?	
Beer	None
Wine	None
Spirits	21
Does a manager or supervisor have to be present?	No
Notes: Although no minimum age is specified to sell beer and wine at off-sale establishments licensed to sell beer and wine, an employee of a retail liquor establishment must be at least 21 years of age.	

Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)	
What is the minimum age requirement for servers in on-premises establishments?	
Beer	18

Wine	18
Spirits	18
What is the minimum age requirement for bartenders in on-premises establishments?	
Beer	21
Wine	21
Spirits	21
Does a manager or supervisor have to be present?	No

Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools	
<b>Colleges and Universities</b>	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A
<b>Primary and Secondary Schools</b>	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	Yes, within 300 feet if school is within a municipality; within 500 feet if school is outside of a municipality.
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, within 300 feet if school is within a municipality; within 500 feet if school is outside of a municipality.
To which alcohol products does requirement apply?	Beer, Wine, Spirits

Dram Shop Liability	
Does a statute create dram shop liability?	No
Does the statute limit damages that may be recovered?	N/A
Does the statute limit who may be sued?	N/A
Does the statute limit elements or standards of proof?	N/A
Does common law dram shop liability exist?	Yes

Social Host Liability	
Does a statute create social host liability?	No
Does the statute limit damages that may be recovered?	N/A
Does the statute limit who may be sued?	N/A
Does the statute limit elements or standards of proof?	N/A
Does common law social host liability exist?	Yes

Prohibitions Against Hosting Underage Drinking Parties	
Does a statute prohibit hosting underage drinking parties?	Yes
Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	General

What action by underage guest triggers a violation?	Possession/Consumption
Property type covered by the law?	Other
What level of knowledge by the host is required?	Overt act: Host must have actual knowledge and commit act that contributes to party's occurrence
Does host's preventive action protect him/her from being held liable?	No
Are there any exceptions for underage guests?	No
<b>Retailer Interstate Shipments of Alcohol</b>	
Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Prohibited
Wine	Prohibited
Spirits	Prohibited

<b>Direct Shipments/Sales</b>	
May alcohol producers ship directly to consumers?	Yes
What alcohol types may be shipped?	Wine
Must purchaser make mandatory trip to producer before delivery is authorized?	No
<b>Age verification requirements</b>	
Must the producer/shipper verify purchaser's age before sale?	No
Must the common carrier (deliverer) verify age of recipients?	No
<b>State approval/permit requirements</b>	
Must the producer/manufacture obtain state license or permit?	Yes
Must the common carrier (deliverer) be approved by a state agency?	No
<b>Recording/reporting requirements</b>	
Must the producer/manufacture record/report purchaser's name?	No
Must the common carrier (deliverer) record/report recipient's name?	No
<b>Shipping label requirements</b>	
Must the label state "Package contains alcohol"?	Yes
Must the label state "Recipient must be 21 years old"?	Yes

<b>Keg Registration</b>	
How is a keg defined (in gallons)?	Equal to or more than 5.16
<b>Prohibitions</b>	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	Yes (Maximum fine/jail, \$500/30 days)
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	Yes (Maximum fine/jail, \$500/30 days)
<b>What purchaser information is collected?</b>	
Must the retailer collect the name and address?	Yes

Must the retailer collect the ID number, name and address on license or other government information?	Yes
Must the retailer collect the address at which keg will be consumed?	No
Must warning information be given to purchaser?	Yes, active (requires an action by purchaser)
Is a deposit required?	No
Does law cover disposable kegs?	No

Home Delivery	
Is home delivery of alcohol permitted?	
Beer	No law
Wine	No law
Spirits	No law

High-Proof Grain Alcohol Beverages	
Are there restrictions on the sale of high-proof grain alcohol beverages?	No
Are restrictions based on Alcohol by Volume (ABV)?	N/A
Are there exceptions to restrictions?	N/A

## Laws Affecting Alcohol Pricing

Alcohol Taxes	
<b>Beer</b>	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	\$0.77
Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	



<b>Wine</b>	
Control system for wine?	No
Specific excise tax per gallon for 12% alcohol wine	\$1.08
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Additional taxes for 6 – 14% alcohol wine if applicable	
<b>Spirits</b>	
Control system for spirits?	No
Specific excise tax per gallon for 40% alcohol spirits	\$2.96
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	5.00%
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	5.00%
Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant

Additional taxes for 15 – 50% alcohol spirits if applicable	
Notes: Base tax rate is \$2.72 per gallon plus a 9% surtax of \$0.24 added to the base rate, for a total of \$2.96 per gallon.	

Low-Price, High-Volume Drink Specials	
Are on-premises retailers prohibited from offering the following types of drink specials?	
Free beverages	No
Multiple servings at one time	No
Multiple servings for same price as single serving	Yes
Reduced price for a specified day or time (i.e., happy hours)	Restricted (Permitted 4 PM – 8 PM)
Unlimited beverages for fixed price	No
Increased volume without increase in price	No

Wholesaler Pricing Restrictions	
Beer	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
Wine	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
Spirits	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No

## South Carolina State Survey Responses

### State Agency Information

Agency with primary responsibility for enforcing underage drinking laws:

South Carolina Law Enforcement Division (SLED)

### Enforcement Strategies

State law enforcement agencies use:

Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol–Related Fatality Investigations	Yes

Local law enforcement agencies use:

Cops in Shops	No
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol–Related Fatality Investigations	Yes

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

Yes

Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors

SLED

Such laws are also enforced by local law enforcement agencies

No

### Enforcement Statistics

State collects data on the number of minors found in possession

No

Number of minors found in possession<sup>1</sup> by state law enforcement agencies

Not applicable

Number pertains to the 12 months ending

Not applicable

Data include arrests/citations issued by local law enforcement agencies

Not applicable

State conducts underage compliance checks/decoy operations<sup>2</sup> to determine whether alcohol retailers are complying with laws prohibiting sales to minors

Yes

Data are collected on these activities

Yes

Number of retail licensees in state<sup>3</sup>

17,040

Number of licensees checked for compliance by state agencies

6,200

**(including random checks)**

Number of licensees that failed state compliance checks

515

Numbers pertain to the 12 months ending

03/30/2019

Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments

Both on- and off-sale establishments

State conducts **random** underage compliance checks/decoy operations

Yes

Number of licensees subject to **random** state compliance checks/decoy operations

Compliance checks are conducted randomly AND, as a result of complaints, are not recorded separately.

Number of licensees that failed **random** state compliance checks

Compliance checks are conducted randomly AND, as a result of complaints, are not recorded separately.

Local agencies conduct underage compliance checks/decoy operations to determine whether 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 local agencies

5,100

Number of licensees that failed local compliance checks

406

Numbers pertain to the 12 months ending

04/30/2019

Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish to minors</i>	Yes
Number of fines imposed by the state <sup>4</sup>	524
Total amount in fines across all licensees	\$264,450
Smallest fine imposed	\$400
Largest fine imposed	\$4,000
Numbers pertain to the 12 months ending	6/30/2019
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of suspensions imposed by the state <sup>5</sup>	8
Total days of suspensions across all licensees	No data
Shortest period of suspension imposed (in days)	0 Days and payment of \$4,000 fine ordered by Administrative Law Court
Longest period of suspension imposed (in days)	25 days
Numbers pertain to the 12 months ending	06/30/2019
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of license revocations imposed <sup>6</sup>	3
Numbers pertain to the 12 months ending	06/30/2019

**Additional Clarification**

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

<sup>4</sup> Does not include fines imposed by local agencies.

<sup>5</sup> Does not include suspensions imposed by local agencies.

<sup>6</sup> Does not include revocations imposed by local agencies.

**Underage Drinking Prevention Programs Operated or Funded by the State**

**South Carolina Alcohol Enforcement Teams (AETs) - Enforcement Efforts**

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report:	<a href="http://ncweb.pire.org/scdocuments/">http://ncweb.pire.org/scdocuments/</a>
URL for more program information:	<a href="http://scoutoftheirhands.org/index.html">http://scoutoftheirhands.org/index.html</a>

**Program Description:** South Carolina Alcohol Enforcement Teams (AETs) are a statewide network of local and state law enforcement agencies that have built a partnership with prevention agencies. Each of the 16 judicial circuits has an AET that conducts best-practice law enforcement operations while offering prevention activities and raising community awareness. Typical enforcement strategies include compliance checks, public safety checkpoints, and controlled party dispersals. The program is separated into two parts (enforcement and education) for the purposes of this report to distinguish the numbers served by each type of effort. Given the population-level impact of strategies conducted by AETs (with no individual directly "served"), the state considers the affected population to be almost its entire population of 14 to 20-year-olds. In FY18, there were 6,287 alcohol compliance checks with a 6.9% percent buy-rate (non-compliance rate). There were 207 bar checks. Bar checks are not compliance checks (where an undercover youth attempts to purchase alcohol); rather, they are law enforcement officers looking for general violations, conducting a sweep of patrons for fake IDs, and/or providing retailer education about alcohol sale/use. There were eight shoulder tap operations with 77 individuals who were

approached. This resulted in one adult purchase for the youth undercover. There were 530 public safety checkpoints and 190 saturation patrols resulting in 5,038 violations and arrests. There were 129 underage alcohol parties dispersed in FY18 in gatherings involving 3,253 people resulting in 175 citations and arrests.

**South Carolina Alcohol Enforcement Teams - AET Training for Community Partners**

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report: <a href="http://ncweb.pire.org/scdocuments/">http://ncweb.pire.org/scdocuments/</a>	
URL for more program information: <a href="http://scoutoftheirhands.org/scaet-training.html">http://scoutoftheirhands.org/scaet-training.html</a>	

**Program Description:** A key component of the AET model utilized in South Carolina involves developing and maintaining local law enforcement support for underage drinking prevention and enforcement efforts. Some of this support takes the form of continued training opportunities for law enforcement officers in topics such as fake IDs, public safety checkpoints, source investigation, special alcohol events management, current alcohol trends and fads, alcohol screener devices and others to increase capacity of law enforcement officers, prevention specialists, and other community partners to enforce underage drinking laws and educate citizens in the value of enforcing those laws.

In FY18, 20 regional training sessions were conducted in 11 counties in South Carolina. Sessions were attended by 277 individuals, including 214 law enforcement officers. Among those participants were 35 "youth and adult actors" who participated as role-players in mock party dispersal training. This training module was combined with primary training topics, such as the two-day AET Training, AET Activities Training, and Fake ID Training.

**Alcohol Merchant Education (Responsible Beverage Service Education)**

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report: <a href="http://ncweb.pire.org/scdocuments/">http://ncweb.pire.org/scdocuments/</a>	/
URL for more program information: <a href="http://www.daodas.sc.gov/prevention/merchant-initiatives/prep/">http://www.daodas.sc.gov/prevention/merchant-initiatives/prep/</a>	

**Program Description:** Efforts to enforce laws regarding underage purchases of alcohol or tobacco are strengthened by efforts to help educate and train those who sell alcohol or tobacco products with appropriate information and proper techniques. Several merchant education curricula are in use nationally and in South Carolina, though the county authorities are now exclusively using the Palmetto Retailers Education Program (PREP) curriculum. In FY18, 1,411 retail staff were served. Thirty-five of the 46 counties served at least one retailer in PREP, and Beaufort (378) served the most. There is a standardized PREP post-test used across the system that allows standardization of outcomes. Primarily, the test is graded as pass or fail. Among those who passed in FY18, the average score was 94.9 percent.

**Substance Abuse Curricula Programs**

Number of youth served	4,156
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report: <a href="http://ncweb.pire.org/scdocuments/">http://ncweb.pire.org/scdocuments/</a>	
URL for more program information: <a href="http://www.daodas.sc.gov/prevention/community-based-services/">http://www.daodas.sc.gov/prevention/community-based-services/</a>	

**Program Description:** Local prevention providers deliver one or more substance abuse curriculum programs to youth, mostly to middle school youth, throughout the state. In the provider network, 13 different programs were implemented across the state in FY18.

*Alcohol-Drug True Stories* (hosted by Matt Damon) is a movie with testimonials by real people about their experiences with alcohol and drugs. When used together with its accompanying discussion guide, this program is considered an evidence-based practice. The program was implemented with 417 matched youths at one site. A standard pre/post-test is administered before and after the program. There was a statistically significant positive change in perceived risk and perceived peer norms. The DAODAS Standard survey of middle and high-school-age participants of a prevention program that is delivered during at least four sessions over a period of at least 30 days is compatible with the National Outcome Measures to include: perceived risk/harm; disapproval of substance use; perceived parental and peer attitudes; decision-making; 30-day substance use; past 2-week binge drinking; and parent communication. The pre-test is linked to the post-test by assigning each student a unique ID number.

*All Stars* is a comprehensive, evidence-based alcohol, tobacco, and other drug (ATOD) prevention curriculum. This program was used by one site with a total of 183 matched participants. There was a statistically significant positive change in perceived risk, decision making and favorable attitudes.

*Class Action* is a comprehensive, evidence-based ATOD prevention curriculum. This program was used by two sites with a total of 92 matched participants. There were no statistically significant changes in risk factors or substances.

*Keepin' It Real*, an evidence-based, video-enhanced intervention for youth ages 10 to 17 that uses a culturally-grounded resiliency model that incorporates traditional ethnic values and practices to protect against drug use, was used by one site with a total of 60 matched participants. There were no statistically significant changes in risk factors or substances.

*LifeSkills Training*, a skill-and evidence-based ATOD prevention curriculum, was the most commonly implemented program with eight sites and 2730 matched participants. There were desired changes on two of the five risk factors (perceived risk, decision making). There were statistically significant desirable changes in the percentages of cigarette and alcohol use.

*Operation Prevention Rx* is an evidence-based program. The mission is to educate students about the true impacts of opioids and kick-start lifesaving conversations in the home and classroom. It was used by one site with a total of 249 matched participants. There were statistically significant desirable changes on three of the five risk factors (perceived risk, decision making, and perceived peer norms).

*Prime for Life: Exploring* is an evidence-based motivational prevention, intervention, and pretreatment program specifically designed for people who might be making high-risk choices. It was used by one site with a total of 61 matched participants. There were statistically significant desired changes on two of the five risk factors (perceived risk and perceived favorable attitudes).

*Project Alert*, a comprehensive, evidence-based ATOD prevention curriculum for middle school students, was delivered at two sites to 57 matched participants.

*Project Northland* is an evidence-based prevention curriculum with a strong focus on alcohol and influencing the environment. It was used by one site with 16 matched participants.

*Project Towards No Drug Abuse (TND)*, a prevention curriculum intended for high school students, was used by one site with 56 total matched participants. There was a significant decrease in the use of alcohol.

*Too Good for Drugs* is an evidence-based program with specific lessons for middle and high school students. Three sites with a total of 207 matched participants used this program. There were statistically significant changes in four of the five risk factors.

*Why Try* is a comprehensive, evidence-based ATOD prevention curriculum that was implemented at 2 sites with 25 matched participants. The results show a statistically significant improvement in perceived risk, decision making, favorable attitudes, and perceived peer norms.

**South Carolina AETs Public Education Efforts**

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data

Program has been evaluated Yes  
 Evaluation report is available Yes  
 URL for evaluation report: <http://ncweb.pire.org/scdocuments/>  
 URL for more program information: <http://www.scoutoftheirhands.org/index.html>

**Program Description:** AET awareness activities included town hall meetings, educational sessions for youth or adults, local media campaigns, and casual contacts (typically law enforcement officers making community contacts with youth or merchants to keep a high visibility presence and warn them of upcoming enforcement efforts). AETs reported 87 media placements (articles, TV stories, etc.) during FY18. There were 88 presentations and media events occurring during Out of Their Hands, which was conducted during the entire month of April 2018. During that month, an estimated 1.1 million South Carolinians received information about underage drinking through Out of Their Hands media activities. Media included television, radio, and social media, as well as presentations conducted at schools, colleges, and universities. Of note, there was a considerable increase in the number of AETs using social media, such as Facebook and Twitter, during FY18 and during the Out of Their Hands event. While the AETs noted the social media presence, data analytics were not transmitted to the reporting system, so the media reach is difficult to measure. On the two Facebook pages maintained at the state level, the Out of Their Hands Facebook page reached a daily average of 139 likes and 14,756 posts reaching 31,267 impressions (views). The Parents Who Host, Lose the Most Facebook page had a daily average of 454 likes and 11,929 posts reaching 23,449 impressions (views).

**Additional Underage Drinking Prevention Programs Operated or Funded by the State**

**Program description:** No data

**Additional Clarification**

No data

**Additional Information Related to Underage Drinking Prevention Programs**

*State collaborates with federally recognized tribal governments in the prevention of underage drinking* No

Description of collaboration: Not applicable

*State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing* No

Description of program: Not applicable

*State collaborates with/participates in media campaigns to prevent underage drinking* Yes

Federal campaigns: Talk. They Hear You. Yes

Regional and local media campaigns: South Carolina Out of Their Hands and Parents Who Host, Lose the Most Yes

Local school district efforts: No

Other: Many of the local counties and coalitions have campaigns Yes

*State collaborates with/participates in SAMHSA’s national media campaign, “Talk. They Hear You.”* Yes

State officially endorses TTHY efforts No

State commits state resources for TTHY No

State forwards TTHY materials to local areas Yes

Other: Forwards information about Town Hall Meetings Yes

*State procures funding for TTHY* No

Pro bono No

Donated air time No

Earned media No

Other: No

*State has adopted or developed best practice standards for underage drinking prevention programs* Yes

Agencies/organizations that established best practices standards:

Federal agency(ies): No

Agency(ies) within your state: South Carolina Department of Alcohol and Other Drug Abuse Services (DAODAS) Yes  
 Nongovernmental agency(ies): No  
 Other: Pacific Institute for Research and Evaluation Yes  
 Best practice standards description: South Carolina relies on previous "training of trainer" training from the Underage Drinking Enforcement Training Center, which is funded through the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. The South Carolina DAODAS formed a cadre of state and local instructors, who in turn coordinated regional trainings. Training sessions involve discussions about best practice standards concerning enforcement and public education about underage drinking issues. DAODAS has a Toolkit for Evidence-Based Programs and Strategies that includes an environmental prevention section on underage drinking prevention that defines the effectiveness of a range of strategies.

**Additional Clarification**

No data

**State Interagency Collaboration**

A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities Yes

*Committee contact information:*

Name: Michael George, Ph.D.  
 Email: mgeorge@daodas.sc.gov  
 Address: Post Office Box 1948, Columbia, SC 29202  
 Phone: 803-479-3628

*Agencies/organizations represented on the committee:*

South Carolina Department of Alcohol and Other Drug Abuse Services  
 South Carolina State Law Enforcement Division  
 The Phoenix Center  
 University of South Carolina  
 Clemson University  
 South Carolina Department of Public Safety, Office of Highway Safety  
 Lexington/Richland Alcohol and Drug Abuse Commission  
 Mothers Against Drunk Driving (MADD South Carolina)  
 Pacific Institute for Research and Evaluation  
 The Forrester Center (Spartanburg)

A website or other public source exists to describe committee activities No  
 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 No  
 Prepared by: Not applicable  
 Plan can be accessed via: Not applicable

State has prepared a report on preventing underage drinking in the last 3 years Yes  
 Prepared by: South Carolina Department of Alcohol and Other Drug Abuse Services  
 Report can be accessed via: <http://ncweb.pire.org/scdocuments/>

**Additional Clarification**

South Carolina recognizes underage alcohol use as a priority for the state and addresses this issue through the Substance Abuse Prevention and Treatment (SAPT) Block Grant application and plan each year. Each judicial circuit (16 that cover the 46 counties) in South Carolina is provided with funding to address the coordination of environmental strategies to reduce underage alcohol use. AETs are intended to implement evidence-based environmental strategies to reduce underage alcohol use and its harmful consequences coupled with an active public education and prevention strategy. Teams impact the goal established by South Carolina to



reduce underage alcohol use at the state and local level, and they are funded based on the total population of the counties contained in the judicial circuits.

Funding levels correspond to population tiers: small=\$35,000; medium=\$40,000, and large=\$50,000. Funds can be used to support the salary of a coordinator, supplies and materials for data reporting, and other costs related to the implementation of prevention strategies, such as information dissemination; community events/presentations on underage drinking (e.g., MADD Power of Youth/Parents); education: underage drinking education/Alive at 25; alternative events: events hosted in the community to provide alcohol-free events to those under 21 in the community (e.g., Prom Promise); and community-based process: participation in community groups/meetings to plan prevention activities to reduce underage drinking (coalition, key officer, AET Circuit, and state and national AET meetings/conferences that focus on underage drinking prevention).

At the beginning of each state fiscal year, every county agency submits a county plan for DAODAS approval. The county plan incorporates the SPF approach and includes primary prevention services. To assist the state in fulfilling federal expectations and mandates, counties use the SPF to demonstrate how primary prevention outcome-focused activities and services incorporate activities that fall under each of the strategies designated by CSAP and as indicated by local needs assessment. Through the use of the SPF model, South Carolina identified the following priority areas being addressed throughout the state using SAPT Block Grant primary prevention funding:

- Reducing underage alcohol use and the consequences of use;
- Reducing alcohol-related car crashes (including youth crashes);
- Reducing youth tobacco use (including smokeless tobacco use); and
- Preventing substance abuse and improving the well-being of youth and families in South Carolina.

Goal of the Priority Area: To reduce underage alcohol use in South Carolina.

Objectives:

- To decrease past-month alcohol use (30-day use) among South Carolina high school students to 30 percent or less.
- To reduce the underage alcohol buy rate for South Carolina to 12 percent or less.

Strategies to attain the objective:

- County prevention providers will provide information to youth and adults in South Carolina about the dangers, laws, consequences, and harms of underage alcohol use through the dissemination of information.
- County prevention providers in South Carolina will work in collaboration with local law enforcement through the South Carolina AET program. AETs will focus on environmental prevention activities to reduce youth access to alcohol through both social and retail sources. Specific environmental prevention activities could include alcohol compliance checks, merchant education, controlled party dispersals, and shoulder taps.
- County prevention providers will work in collaboration with community coalitions to create and/or revise local policies that may positively impact underage drinking.
- Training will be provided to all key stakeholders on evidence-based practices to reduce underage drinking.

### State Expenditures for the Prevention of Underage Drinking

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

**Funds Dedicated to Underage Drinking**

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

Taxes	No
Fines	No
Fees	No
Other: Not applicable	No

*Description of funding streams and how they are used:*

Not applicable

**Additional Clarification**

No data



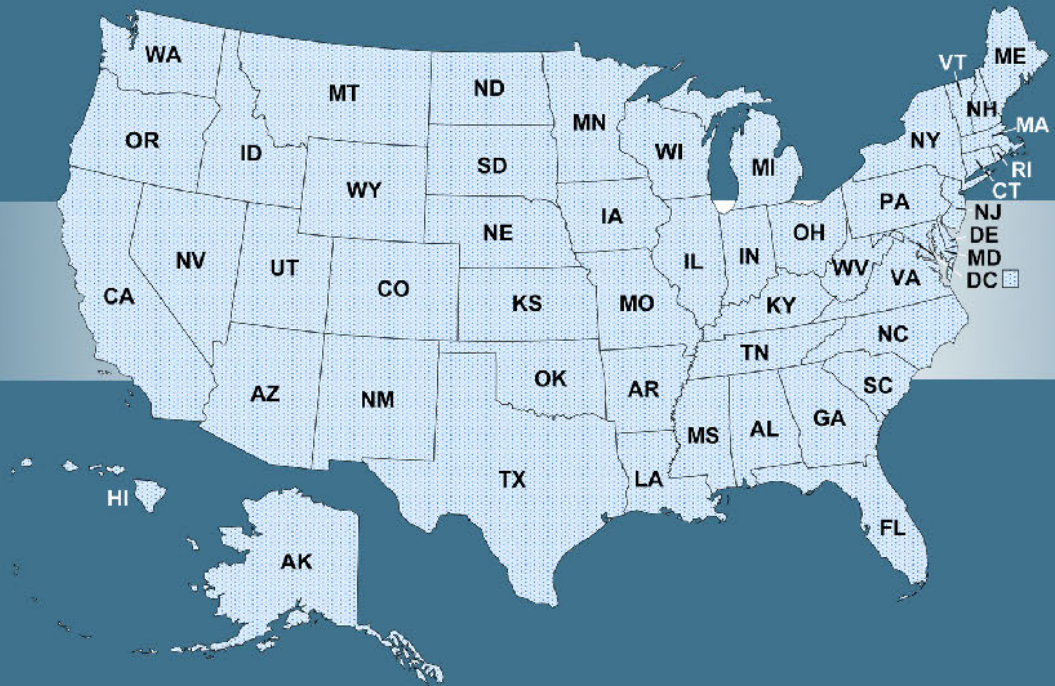


***SAMHSA***  
Substance Abuse and Mental Health  
Services Administration

# TENNESSEE STATE REPORT

## Underage Drinking Prevention and Enforcement

2020



**SAMHSA**  
Substance Abuse and Mental Health  
Services Administration

This *State Report* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report “on each State's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.” As directed by the STOP Act, the *State Reports* were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

**Time Period Covered by this *State Report*:** This *State Report* primarily includes data from calendar year 2019. Regional and state profile data were drawn from the most recently available federal survey data as of 2018. State legal data reflect the status of the law as of January 1, 2019. State survey data, collected in 2019, were drawn from the most recent 12-month period in which the states maintained the data.

**Source of Data:** For each state, overall population information was taken from 2010 Census data. Data about the portion of each state’s population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2015 through 2018 National Surveys on Drug Use and Health (NSDUH), SAMHSA’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2018). Confidence intervals for these estimates are available from CBHSQ’s Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention’s Alcohol-Related Disease Impact (ARDI) application served as the resource for data about alcohol-attributable deaths from 2006–10 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis’s Fatality Analysis Reporting System (FARS) provided the 2018 data used to present statistics about fatalities among 15-to 20-year-old drivers.

**Recommended Citation:** U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA; 2020). *2020 Tennessee State Report – Underage Drinking Prevention and Enforcement*. Rockville, MD: SAMHSA.

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### **Tennessee Governor’s Designated Contact for STOP Act State Survey:**

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## Tennessee

**State Population: 6,770,010**

**Population Ages 12–20: 778,000**

Past-Month Alcohol Use Among 12- to 20-Year-Olds	
<b>Ages 12–20</b>	
Past-Month Alcohol Use – Number (Percentage)	120,100 (15.4%)
Past-Month Binge Alcohol Use – Number (Percentage)	73,100 (9.4%)
<b>Ages 12–14</b>	
Past-Month Alcohol Use – Number (Percentage)	2,600 (1.1%)
Past-Month Binge Alcohol Use – Number (Percentage)	300 (0.1%)
<b>Ages 15–17</b>	
Past-Month Alcohol Use – Number (Percentage)	38,300 (13.8%)
Past-Month Binge Alcohol Use – Number (Percentage)	25,900 (9.3%)
<b>Ages 18–20</b>	
Past-Month Alcohol Use – Number (Percentage)	79,300 (29.6%)
Past-Month Binge Alcohol Use – Number (Percentage)	46,900 (17.5%)
Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21	
Alcohol-Attributable Deaths (under 21)	109
Years of Potential Life Lost (under 21)	6,551
Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Concentration (BAC) > 0.01% <sup>1</sup>	
Number of Fatalities Involving 15- to 20-Year-Old Driver With BAC > 0.01%	17
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	16%

<sup>1</sup> Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number, however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.

## Behavioral Health Services Overview<sup>2</sup>

The Department of Mental Health and Substance Abuse Services (TDMHSAS) serves as Tennessee's substance use disorders (SUD), mental health, and opioid authority. TDMHSAS is responsible for system planning; setting policy and quality standards; licensing personal support services agencies, substance abuse and mental health services and facilities; system monitoring and evaluation; and disseminating public information and advocacy for persons of all ages who have a substance use, mental, or co-occurring disorder, including serious emotional disturbance. TDMHSAS also provides inpatient psychiatric services for adults, including acute, subacute, and secure forensic beds, through its operation of four fully accredited Regional Mental Health Institutes (RMHIs).

The Division of Substance Abuse Services (DSAS) serves as the Single State Authority (SSA) for receiving and administering federal block grant and state funding for substance abuse services. Our mission is to improve the quality of life of Tennessee citizens by providing an integrated network of comprehensive SUD services, fostering self-sufficiency, and protecting those who are at risk of substance abuse, dependence, and addiction. One of DSAS' strengths is its integrated behavioral health substance abuse system. This system consists of providers, state departments, state agencies, judicial courts, grassroots organizations and faith-based organizations that are collaborating to provide effective and efficient delivery of mental health and substance abuse services to Tennesseans.

### Prevention Services

The DSAS prevention structure has three service components to address the prevention needs of individuals, communities, regions, and the state. This structure provides the essential framework and resources necessary to reach Tennessee's high-need communities. Prevention service components include provider agencies, prevention coalitions, and regional workgroups. Within this system, high-need communities and populations are identified by a State Epidemiological and Outcomes Workgroup (SEOW) assessment. Provider agencies deliver culturally appropriate, selected and indicated programs per an assessment through the Tennessee Prevention Network program, which is comprised of county-level coalitions focused on the prevention needs of individuals, communities, regions, and the state. The Strategic Prevention Framework (SPF) is the cornerstone of the prevention structure. The Network works to reduce underage alcohol use, underage tobacco use, and prescription drug use across the lifespan by working within their home communities to implement data-based plans that endeavor to solve the problems in their community through environmental- and community-based strategies.

Additionally, the Coalition for Healthy and Safe Campus Communities serves higher education institutions in Tennessee, a population known to be at great risk for alcohol and drug misuse. Regional workgroups deliver universal indirect interventions, which leverage the efforts of individual coalitions and program providers by implementing environmental strategies in all areas of the state, including those areas without direct funding or a stand-alone program or

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<sup>2</sup> Extracted from fiscal year (FY) 2018/2019 – (Tennessee) State Behavioral Health Assessment and Plan, Substance Abuse Prevention and Treatment Block Grant (SABG), Center for Substance Abuse Prevention (CSAP), Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.



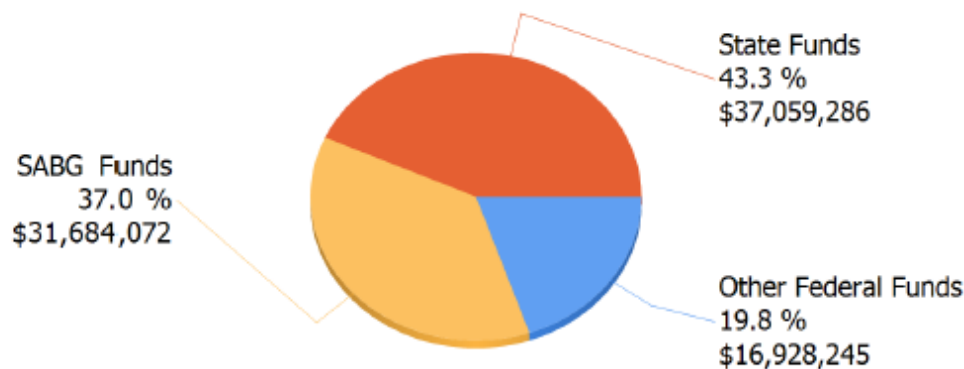
coalition. All prevention providers are contractually required to take part in their respective Regional Prevention Council. The Regional Prevention Councils are responsible for leveraging and broadening the activities of community coalitions in their area. Councils meet quarterly to discuss implementation of approved Regional Prevention Plans and to identify and address specific prevention needs of the region.

## Expenditures for Substance Abuse Prevention and Treatment

All states receive federal funds for substance abuse prevention through Substance Abuse Prevention and Treatment Block Grant (SABG) funds administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). Exhibit 1 shows the sources that Tennessee used for expenditures on substance abuse prevention and treatment in 2019. As indicated, state funds and SABG funds account for the largest sources (43.3 percent and 37.0 percent, respectively).<sup>3</sup>

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2018-2019, Tennessee did not specifically identify underage drinking as a prevention priority for use of SABG funds.<sup>4</sup>

### Exhibit 1: Sources of Tennessee's 2019 Expenditures for Substance Abuse Prevention and Treatment



<sup>3</sup> WebBGAS State Profile, 2019 SABG and Community Mental Health Block Grant (MHBG) Reports – Tennessee 2019.

<sup>4</sup> FY 2018/2019 – (Tennessee) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Table 1: Priority Areas and Annual Performance Indicators.

## State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details Tennessee’s performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. The following sections address these measures.

***State Laws and Policies:*** These 26 underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into four categories:

1. Laws addressing minors in possession of alcohol;
2. Laws targeting underage drinking and driving;
3. Laws targeting alcohol suppliers; and
4. Laws affecting alcohol pricing.

***STOP Act State Survey Data:*** The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:

1. Enforcement programs to promote compliance with underage drinking laws and regulations.
2. Programs targeted to youth, parents, and caregivers to deter underage drinking.
3. State interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns.
4. State expenditures on the prevention of underage drinking.

## Laws Addressing Minors in Possession of Alcohol

Underage-Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is possession allowed if parent or guardian is present or consents?	No
• Is possession allowed if spouse is present or consents?	No
Is there an exception based on location?	No

Underage-Consumption	
Is underage consumption of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
• Is consumption allowed if the parent or guardian is present or consents?	No
• Is consumption allowed if the spouse is present or consents?	No
Is there an exception based on location?	No

Underage-Internal Possession	
Is underage internal possession of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
• Is internal possession allowed if the parent or guardian is present or consents?	N/A
• Is internal possession allowed if the spouse is present or consents?	N/A
Is there an exception based on location?	N/A

Underage-Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	Yes
May youth purchase for law enforcement purposes?	Yes

Underage-False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor's driver's license suspension?	Yes, through a judicial process
Provisions Targeting Suppliers	
Is the lending or transferring or selling of a false ID prohibited?	No
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	No
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	No
Are state driver's licenses for persons under 21 easily distinguishable from licenses for persons 21 and over?	Yes
May retailers seize apparently false IDs without fear of prosecution even if the ID is ultimately deemed valid?	No
Does an affirmative defense exist for the retailer?	Yes

• Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)?	Yes
• Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)?	No
Does the retailer have the right to sue the minor for use of a false ID?	No
May a retailer detain a minor who used a false ID?	No
<p>Notes: In Tennessee, APIS bases coding for the Specific Affirmative Defense afforded to retailers on Tenn. Code Ann. § 57-5-108. This statute provides that no permit or license shall be revoked on the grounds that the operator or any person working for the operator sells beer to a minor over the age of 18 years if such minor exhibits an identification, false or otherwise, indicating the minor's age to be 21 or over, if the minor's appearance as to maturity is such that the minor might reasonably be presumed to be of such age and is unknown to such person making the sale. As of July 1, 2006, it is also an affirmative defense to criminal prosecution if any person accused of giving or buying alcoholic beverages or beer for a minor acted upon a reasonably held belief that the minor was of legal age. Tenn. Code Ann. § 39-15-404. APIS does not rely on this statute for coding of a General Affirmative Defense because § 57-5-108 applies more specifically to retailers.</p>	

## Laws Targeting Underage Drinking and Driving

Youth Blood Alcohol Concentration Limits (Underage Operators of Noncommercial Motor Vehicles)	
What is the maximum blood alcohol concentration (BAC) limit for an underage driver of a motor vehicle?	0.02%
Does a BAC level in excess of limit automatically establish a violation (per se violation)?	Yes
What is the minimum age to which the limit applies?	16
What is the maximum age to which the limit applies?	21

Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose” Laws)—For Ages 17 and Under	
Is there a “use/lose” law that suspends or revokes a minor’s driving privileges for alcohol violations?	Yes
What types of violation lead to license suspension or revocation?	
• Purchase of alcohol	Yes
• Possession of alcohol	Yes
• Consumption of alcohol	Yes
The law applies to people under what age?	18
Is suspension or revocation mandatory or discretionary?	Mandatory
What is the length of suspension/revocation?	
Minimum number of days	365
Maximum number of days	365
<p>Notes: In Tennessee, the driving privileges of an offender shall be suspended for 1 year, or until the offender reaches 17 years of age, whichever is longer.</p>	

Graduated Driver’s Licenses	
Learner Stage	

What is the minimum age for permit to drive with parents, guardians, or other adults (other than instructors)?	15
What is the minimum number of months driver must hold learner permit before advancing to intermediate stage?	6
What is the minimum number of hours of driving with parents, guardians, or adults before advancing to intermediate stage?	50 (10 of which must be at night)
<b>Intermediate Stage</b>	
What is the minimum age for driving without adult supervision?	16
For night driving, when does adult supervision requirement begin?	11:00 PM
Can law enforcement stop a driver for night driving violation as a primary offense?	Yes, officer may stop driver for night driving violation
Are there restrictions on passengers?	Yes, no more than one passenger, unless passengers are household members being transported to school or accompanied by parent or licensed driver 21 or older
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	Yes, officer may stop driver for passenger restrictions violation
<b>License Stage</b>	
What is the minimum age for full license privileges and lifting of restrictions?	17

## Laws Targeting Alcohol Suppliers

<b>Furnishing Alcohol to Minors</b>	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
• Is furnishing allowed if the parent or guardian supplies the alcohol?	No
• Is furnishing allowed if the spouse supplies the alcohol?	No
Is there an exception based on location?	No
<b>Affirmative Defense for Sellers and Licensees</b>	
Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No

<b>Compliance Check Protocols</b>	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	Yes
What is the minimum age a decoy may be to participate in a compliance check?	No data
What is the maximum age a decoy may be to participate in a compliance check?	20

Are there appearance requirements for the decoy?	Yes, shall not purposely disguise appearance so as to misrepresent the person's actual age
Does decoy carry ID during compliance check?	Required
May decoy verbally exaggerate his or her actual age?	Prohibited
Is decoy training mandated, recommended, prohibited, or not specified?	Not specified

<b>Penalty Guidelines for Sales to Minors</b>	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	Yes
What is the time period for defining second, third and subsequent offenses?	2 years
What is the penalty for the first offense?	\$1,500 fine
What is the penalty for the second offense?	\$5,000 fine
What is the penalty for the third offense?	\$10,000 fine, possibility of suspension or revocation of license
What is the penalty for the fourth offense?	Not specified
Notes: The commission may, upon finding that a licensee has violated subdivision (d)(1) two (2) or more times during any two-year period, and for good cause shown, fine the licensee not more than ten thousand dollars (\$10,000) and require retraining of all employees of the licensee under the supervision of the commission in lieu of suspending or revoking the license of the licensee.	

<b>Responsible Beverage Service (RBS)–Voluntary</b>	
Is there a state law pertaining to Beverage Service Training?	Yes–Voluntary
If training is mandatory, who must participate?	N/A
If training is voluntary, which of the following incentives are offered?	
• Defense in dram shop liability lawsuits	No
• Discounts in dram shop liability insurance, license fees, or other	No
• Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons	Yes
• Protection against license revocation for sales to minors or sales to intoxicated persons	Yes
Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	Off-Premises
Does the RBS law apply to new or existing licensees?	Not specified
Notes: Although the approval date of Tennessee's enacting legislation establishing a voluntary beverage service training program applicable to off-premises sale of beer was June 5, 2006, the program did not become fully implemented and enforceable until July 1, 2007. Note that prior to June 5, 2006, Tennessee had only a mandatory beverage service training program applicable to on-premises sales of alcoholic beverages.	

<b>Minimum Ages for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)</b>	
What is the minimum age requirement for off-premises retail establishments?	
Beer	18
Wine	18
Spirits	18
Does a manager or supervisor have to be present?	No

<b>Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)</b>	
What is the minimum age requirement for servers in on-premises establishments?	
Beer	18
Wine	18
Spirits	18
What is the minimum age requirement for bartenders in on-premises establishments?	
Beer	18
Wine	18
Spirits	18
Does a manager or supervisor have to be present?	No

<b>Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools</b>	
<b>Colleges and Universities</b>	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A
<b>Primary and Secondary Schools</b>	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A

<b>Dram Shop Liability</b>	
Does a statute create dram shop liability?	Yes
Does the statute limit damages that may be recovered?	No
Does the statute limit who may be sued?	No
Does the statute limit elements or standards of proof?	Yes (Fact finder must determine that retailer knew customer was a minor beyond a reasonable doubt.)
Does common law dram shop liability exist?	No

Social Host Liability	
Does a statute create social host liability?	No
Does the statute limit damages that may be recovered?	N/A
Does the statute limit who may be sued?	N/A
Does the statute limit elements or standards of proof?	N/A
Does common law social host liability exist?	No
Notes: 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.	

Prohibitions Against Hosting Underage Drinking Parties	
Does a statute prohibit hosting underage drinking parties?	Yes
Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	General
What action by underage guest triggers a violation?	Consumption
Property type covered by the law?	Residential/Outdoor/Other
What level of knowledge by the host is required?	Knowledge: Host must have actual knowledge of party
Does host's preventive action protect him/her from being held liable?	No
Are there any exceptions for underage guests?	No
Notes: 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 of age but less than 21 years of age. See Tenn. Code Ann. § 39-15-404	

Retailer Interstate Shipments of Alcohol	
Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Prohibited
Wine	Prohibited
Spirits	Prohibited

Direct Shipments/Sales	
May alcohol producers ship directly to consumers?	Yes
What alcohol types may be shipped?	Wine
Must purchaser make mandatory trip to producer before delivery is authorized?	No
Age verification requirements	
Must the producer/shipper verify purchaser's age before sale?	No
Must the common carrier (deliverer) verify age of recipients?	Yes
State approval/permit requirements	
Must the producer/manufacture obtain state license or permit?	Yes
Must the common carrier (deliverer) be approved by a state agency?	No



<b>Recording/reporting requirements</b>	
Must the producer/manufacture record/report purchaser's name?	Yes
Must the common carrier (deliverer) record/report recipient's name?	Yes
<b>Shipping label requirements</b>	
Must the label state "Package contains alcohol"?	Yes
Must the label state "Recipient must be 21 years old"?	Yes

<b>Keg Registration</b>	
How is a keg defined (in gallons)?	No law
<b>Prohibitions</b>	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	No law
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	No law
<b>What purchaser information is collected?</b>	
Must the retailer collect the name and address?	No law
Must the retailer collect the ID number, name and address on license or other government information?	No law
Must the retailer collect the address at which keg will be consumed?	No law
Must warning information be given to purchaser?	No law
Is a deposit required?	No law
Does law cover disposable kegs?	No law

<b>Home Delivery</b>	
Is home delivery of alcohol permitted?	
Beer	Yes
Wine	Yes
Spirits	Yes

<b>High-Proof Grain Alcohol Beverages</b>	
Are there restrictions on the sale of high-proof grain alcohol beverages?	No
Are restrictions based on Alcohol by Volume (ABV)?	N/A
Are there exceptions to restrictions?	N/A

## Laws Affecting Alcohol Pricing

<b>Alcohol Taxes</b>	
<b>Beer</b>	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	\$1.29
Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A

Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	
<b>Wine</b>	
Control system for wine?	No
Specific excise tax per gallon for 12% alcohol wine	\$1.21
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	15.00%
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	15.00%
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Additional taxes for 6 – 14% alcohol wine if applicable	
<b>Spirits</b>	
Control system for spirits?	No
Specific excise tax per gallon for 40% alcohol spirits	\$4.40
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A

Retail tax rate (if applicable)	15.00%
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	15.00%
Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	N/A
Retail tax rate (if applicable)	N/A
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 15 – 50% alcohol spirits if applicable	

#### Low-Price, High-Volume Drink Specials

Are on-premises retailers prohibited from offering the following types of drink specials?	
Free beverages	Yes
Multiple servings at one time	Yes
Multiple servings for same price as single serving	No
Reduced price for a specified day or time (i.e., happy hours)	Restricted (Permitted before 10 PM)
Unlimited beverages for fixed price	Yes
Increased volume without increase in price	Yes
Notes: After 10 PM, on-premises retailers may not offer multiple servings at one time, reduced price drinks, or drinks with increased volume for the same price as regular-sized drinks.	

#### Wholesaler Pricing Restrictions

<b>Beer</b>	
Are volume discounts to retailers allowed?	Banned
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	Post and Hold (360 days)
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
<b>Wine</b>	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law

Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (10 days)
<b>Spirits</b>	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (10 days)

## Tennessee State Survey Responses

### State Agency Information

Agency with primary responsibility for enforcing underage drinking laws:

Tennessee Alcoholic Beverage Commission State Law Enforcement

### Enforcement Strategies

State law enforcement agencies use:

Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol-Related Fatality Investigations	Yes

Local law enforcement agencies use:

Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol-Related Fatality Investigations	Yes

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

Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors TN Alcoholic Beverage Commission

Such laws are also enforced by local law enforcement agencies No

### Enforcement Statistics

State collects data on the number of minors found in possession<sup>1</sup> Yes

Number of minors found in possession<sup>1</sup> by state law enforcement agencies 422

Number pertains to the 12 months ending 12/31/2018

Data include arrests/citations issued by local law enforcement agencies No

State conducts underage compliance checks/decoy operations<sup>2</sup> to determine whether alcohol retailers are complying with laws prohibiting sales to minors Yes

Data are collected on these activities Yes

Number of retail licensees in state<sup>3</sup> 5,930

Number of licensees checked for compliance by state agencies (including random checks) 2,465

Number of licensees that failed state compliance checks 413

Numbers pertain to the 12 months ending 12/31/2017

Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments Both on- and off-sale establishments

State conducts **random** underage compliance checks/decoy operations Yes

Number of licensees subject to **random** state compliance checks/decoy operations 2,285

Number of licensees that failed **random** state compliance checks 397

Local agencies conduct underage compliance checks/decoy operations to determine whether 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 to minors Yes

Number of fines imposed by the state<sup>4</sup> 378

Total amount in fines across all licensees \$603,630

Smallest fine imposed \$1,000

Largest fine imposed \$10,000

Numbers pertain to the 12 months ending 12/31/2017

<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of suspensions imposed by the state <sup>5</sup>	41
Total days of suspensions across all licensees	362
Shortest period of suspension imposed (in days)	3
Longest period of suspension imposed (in days)	30
Numbers pertain to the 12 months ending	12/31/2017
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of license revocations imposed <sup>6</sup>	2
Numbers pertain to the 12 months ending	12/31/2017

**Additional Clarification**

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

<sup>4</sup> Does not include fines imposed by local agencies.

<sup>5</sup> Does not include suspensions imposed by local agencies.

<sup>6</sup> Does not include revocations imposed by local agencies.

**Underage Drinking Prevention Programs Operated or Funded by the State**

**Tennessee Prevention Network**

Number of youth served	7,000
Number of parents served	130
Number of caregivers served	40
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 which include programs and practices that are 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 which include 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. 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**

**Program description:** No data

**Additional Clarification**

No data

**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

Description of program: The State of Tennessee Department of Mental Health and Substance Abuse Services; Division of Substance Abuse Services; Office of Prevention funds 46 community coalitions using Block Grant, discretionary, and state dollars. These coalitions use environmental strategies intended to reduce or counter alcohol advertising or marketing.

<i>State collaborates with/participates in media campaigns to prevent underage drinking</i>	Yes
Federal campaigns:	No
Regional and local media campaigns: TN Together and regional campaigns led by regional partners	Yes
Local school district efforts:	No
Other:	No
<i>State collaborates with/participates in SAMHSA's national media campaign, "Talk. They Hear You."</i>	Yes
State officially endorses TTHY efforts	Yes
State commits state resources for TTHY	No
State forwards TTHY materials to local areas	Yes
Other:	No
<i>State procures funding for TTHY</i>	No
Pro bono	No
Donated air time	No
Earned media	No
Other:	No
<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):	No
Agency(ies) within your state: TN Dept. of Mental Health and Substance Abuse Services; Division of Substance Abuse Services	Yes
Nongovernmental agency(ies):	No
Other: Tennessee Evidence-Based Practice Workgroup	Yes
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:	
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:	
<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.	

#### Additional Clarification

No data

#### State Interagency Collaboration

*A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities* Yes

**Committee contact information:**

Name: Anthony Jackson  
 Email: anthony.jackson@tn.gov  
 Address: 500 Deaderick St, 5th floor, Nashville, TN 37243  
 Phone: 615-532-3914

**Agencies/organizations represented on the committee:**

TDMHSAS-funded community coalitions and providers that participate in the Tennessee Prevention Advisory Council

**Additional Agencies/organizations:**

A website or other public source exists to describe committee activities No  
 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: Tennessee State Epidemiological and Outcomes Workgroup  
 Plan can be accessed via: No data

State has prepared a report on preventing underage drinking in the last 3 years Yes  
 Prepared by: An analysis of the TN Together Student Survey - Project Evaluator - Evaluation, Management and Training  
 Report can be accessed via: No data

**Additional Clarification**

No data

**State Expenditures for the Prevention of Underage Drinking**

**Compliance checks 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 \$1,050,000  
 Estimate based on the 12 months ending 06/30/2019

**K-12 school-based programs to prevent underage drinking:**

Estimate of state funds expended \$1,700,000  
 Estimate based on the 12 months ending 06/30/2019

**Programs targeted to institutes of higher learning:**

Estimate of state funds expended \$147,922  
 Estimate based on the 12 months ending 06/30/2019

**Programs that target youth in the juvenile justice system:**

Estimate of state funds expended \$350,000  
 Estimate based on the 12 months ending 06/30/2019

**Programs that target youth in the child welfare system:**

Estimate of state funds expended \$250,000  
 Estimate based on the 12 months ending 06/30/2019

**Other programs:**

Programs or strategies included: Other programs include educational programs that target youth that are economically disadvantaged.  
 Estimate of state funds expended: \$750,000  
 Estimate based on the 12 months ending: 06/30/2019



**Funds Dedicated to Underage Drinking**

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

Taxes	No
Fines	No
Fees	No
Other: Not applicable	No

*Description of funding streams and how they are used:*

Not applicable

**Additional Clarification**

No data

SAMHSA Publication  
No. PEP21-03-11-006 Released 2021  
Substance Abuse and Mental Health Services Administration



**SAMHSA**  
Substance Abuse and Mental Health  
Services Administration