# Tennessee

| Implied Consent Laws | | |
|---|---|---|
| **Drugs** | 55-10-406(d)(1) | The operator of a motor vehicle in this state is deemed to have given implied consent to breath tests, blood tests, or both tests, for the purpose of determining the alcohol or drug content of that operator's blood. However, no such tests may be administered pursuant to this section unless conducted at the direction of a law enforcement officer having probable cause to believe the operator was in violation of one (1) or more of the offenses set out in subsection (a) and the operator signs a standardized waiver developed by the department of safety and made available to law enforcement agencies. |
| **Blood** | 55-10-406(d)(1) | Only implied consent in certain situations (priors, death, etc.)<br>The operator of a motor vehicle in this state is deemed to have given implied consent to breath tests, blood tests, or both tests, for the purpose of determining the alcohol or drug content of that operator's blood. However, no such tests may be administered pursuant to this section unless conducted at the direction of a law enforcement officer having probable cause to believe the operator was in violation of one (1) or more of the offenses set out in subsection (a) and the operator signs a standardized waiver developed by the department of safety and made available to law enforcement agencies |
| **Urine** | NDA | |
| **Oral Fluids** | NDA | |
| **Other** | NDA | |
| **DUI Statute** | | |
| **DUI Drugs** | 55-10-401 | It is unlawful for any person to drive or to be in physical control of any automobile or other motor driven vehicle on any of the public roads and highways of the state, or on any streets or alleys, or while on the premises of any shopping center, trailer park, or any apartment house complex, or any other premises that is generally frequented by the public at large, while: |

| | | |
|---|---|---|
| | | (1) Under the influence of any intoxicant, marijuana, controlled substance, controlled substance analogue, drug, substance affecting the central nervous system, or combination thereof that impairs the driver's ability to safely operate a motor vehicle by depriving the driver of the clearness of mind and control of oneself that the driver would otherwise possess;<br>(2) The alcohol concentration in the person's blood or breath is eight-hundredths of one percent (0.08 %) or more; or<br>(3) With a blood alcohol concentration of four-hundredths of one percent (0.04%) or more and the vehicle is a commercial motor vehicle as defined in Section 55-50-102. |
| **Combined/ Polysubstance** | 55-10-401 | It is unlawful for any person to drive or to be in physical control of any automobile or other motor driven vehicle on any of the public roads and highways of the state, or on any streets or alleys, or while on the premises of any shopping center, trailer park, or any apartment house complex, or any other premises that is generally frequented by the public at large, while:<br>(1) Under the influence of any intoxicant, marijuana, controlled substance, controlled substance analogue, drug, substance affecting the central nervous system, or combination thereof that impairs the driver's ability to safely operate a motor vehicle by depriving the driver of the clearness of mind and control of oneself that the driver would otherwise possess;<br>(2) The alcohol concentration in the person's blood or breath is eight-hundredths of one percent (0.08 %) or more; or<br>(3) With a blood alcohol concentration of four-hundredths of one percent (0.04%) or more and the vehicle is a commercial motor vehicle as defined in Section 55-50-102. |
| **Refusal Law to Chemical Testing (Not Alcohol)** | | |
| **Penalties** | 55-10-407(a) | (a) If the court finds that the driver violated section 55-10-406, the driver is not considered as having committed a criminal offense; provided, however, that the court shall revoke the license of the driver for a period of:<br>(1) One (1) year, if the person does not have a prior conviction as defined in subsection (e);<br>(2) Two (2) years, if the person does have a prior conviction as defined in subsection (e);<br>(3) Two (2) years, if the court finds that the driver involved in a collision, in which one (1) or more persons suffered serious bodily injury, violated section 55-10-406 by refusing to submit to such a test or tests; and<br>(4) Five (5) years, if the court finds that the driver involved in a collision in which one (1) or more persons are killed, |

| | | |
|---|---|---|
| | | violated section 55-10-406 by refusing to submit to such a test or tests. |
| **Can Refusal Be Used as Evidence** | | |
| **Admin Hearing or Civil Trial** | 55-10-406 (d) | (d)<br>(1) The operator of a motor vehicle in this state is deemed to have given implied consent to breath tests, blood tests, or both tests, for the purpose of determining the alcohol or drug content of that operator's blood. However, no such tests may be administered pursuant to this section unless conducted at the direction of a law enforcement officer having probable cause to believe the operator was in violation of one (1) or more of the offenses set out in subsection (a) and the operator signs a standardized waiver developed by the department of safety and made available to law enforcement agencies.<br>(2) Any law enforcement officer who requests that the operator of a motor vehicle submit to breath tests, blood tests, or both tests, authorized pursuant to subsection (a), shall, prior to conducting the test, advise the operator that refusal to submit to the tests:<br>(A) Will result in the suspension by the court of the operator's driver license; and<br>(B) May result, depending on the operator's prior criminal history, in the operator being required to operate only a motor vehicle equipped with a functioning ignition interlock device, if the operator is convicted of a violation of § 55-10-401, as described in § 55-10-405.<br>(3) If the operator is not advised of the consequences of the refusal to submit to breath tests, blood tests, or both tests, the court having jurisdiction over the offense for which the operator was placed under arrest shall not have the authority to suspend the license of an operator or require the operator to operate only a motor vehicle equipped with a functioning ignition interlock device pursuant to § 55-10-417 for a violation of this subsection (d).<br>(4) Except as may be required by a search warrant or other court order, if the operator is placed under arrest, requested by a law enforcement officer to submit to breath tests, blood tests, or both tests, advised of the consequences for refusing to do so, and refuses to submit, the operator shall be charged with violating subdivision (d)(1). The determination as to whether an operator violated subdivision (d)(1) shall be made: |

| | | |
|---|---|---|
| | | (A) At the same time and by the same court as the court disposing of the offense for which the operator was placed under arrest, upon an oral or written motion of the state; or<br>(B) At the operator's first appearance or preliminary hearing in the general sessions court, but no later than the case being bound over to the grand jury, if the state does not make a motion pursuant to subdivision (d)(4)(A).<br>(e)<br>(1)<br>(A) If blood tests of the operator of a motor vehicle are authorized pursuant to this section, a qualified practitioner who, acting at the written request of a law enforcement officer, withdraws blood from an operator for the purpose of conducting tests to determine the alcohol or drug content in an operator's blood, will not incur any civil or criminal liability as a result of the withdrawing of the blood, except for any damages that may result from the negligence of the person so withdrawing.<br>(B) Neither the hospital nor other employer of a qualified practitioner listed in subdivision (e)(2) will incur any civil or criminal liability as a result of the act of withdrawing blood from any operator, except in the case of negligence. |
| **Criminal Trial** | 55-10-406 (d) | (d)<br>(1) The operator of a motor vehicle in this state is deemed to have given implied consent to breath tests, blood tests, or both tests, for the purpose of determining the alcohol or drug content of that operator's blood. However, no such tests may be administered pursuant to this section unless conducted at the direction of a law enforcement officer having probable cause to believe the operator was in violation of one (1) or more of the offenses set out in subsection (a) and the operator signs a standardized waiver developed by the department of safety and made available to law enforcement agencies.<br>(2) Any law enforcement officer who requests that the operator of a motor vehicle submit to breath tests, blood tests, or both tests, authorized pursuant to subsection (a), shall, prior to conducting the test, advise the operator that refusal to submit to the tests:<br>(A) Will result in the suspension by the court of the operator's driver license; and<br>(B) May result, depending on the operator's prior criminal history, in the operator being required to operate only a motor vehicle equipped with a functioning ignition interlock device, if the operator is convicted of a violation of § 55-10-401, as described in § 55-10-405.<br>(3) If the operator is not advised of the consequences of the refusal to submit to breath tests, blood tests, or both tests, |

| | | |
|---|---|---|
| | | the court having jurisdiction over the offense for which the operator was placed under arrest shall not have the authority to suspend the license of an operator or require the operator to operate only a motor vehicle equipped with a functioning ignition interlock device pursuant to § 55-10-417 for a violation of this subsection (d).<br>(4) Except as may be required by a search warrant or other court order, if the operator is placed under arrest, requested by a law enforcement officer to submit to breath tests, blood tests, or both tests, advised of the consequences for refusing to do so, and refuses to submit, the operator shall be charged with violating subdivision (d)(1). The determination as to whether an operator violated subdivision (d)(1) shall be made:<br>(A) At the same time and by the same court as the court disposing of the offense for which the operator was placed under arrest, upon an oral or written motion of the state; or<br>(B) At the operator's first appearance or preliminary hearing in the general sessions court, but no later than the case being bound over to the grand jury, if the state does not make a motion pursuant to subdivision (d)(4)(A).<br>(e)<br>(1)<br>(A) If blood tests of the operator of a motor vehicle are authorized pursuant to this section, a qualified practitioner who, acting at the written request of a law enforcement officer, withdraws blood from an operator for the purpose of conducting tests to determine the alcohol or drug content in an operator's blood, will not incur any civil or criminal liability as a result of the withdrawing of the blood, except for any damages that may result from the negligence of the person so withdrawing.<br>(B) Neither the hospital nor other employer of a qualified practitioner listed in subdivision (e)(2) will incur any civil or criminal liability as a result of the act of withdrawing blood from any operator, except in the case of negligence. |
| **ALR Laws** | | |
| **Cannabis** | 55-10-407(a) | (a)<br>(1)<br>(A) A court may order the installation and use of an ignition interlock device for any conviction of § 55-10-401, if the driver's license is no longer suspended or revoked or the driver does not have a prior conviction as defined in § 55-10-405. The restriction may apply for up to one (1) year after the person's license is reinstated.<br>(B) The provisions of this subdivision (a)(1), authorizing the court to order an ignition interlock device for a violation of § |

| | | |
|---|---|---|
| | | 55-10-401, shall only apply when the court is not otherwise required to order an ignition interlock device by this part.<br>(2) If a person is convicted of a first offense of § 55-10-401, and the person is not required to operate only a motor vehicle with an ignition interlock device pursuant to § 55-10-409(b)(2)(B), and the person is otherwise eligible for a restricted license pursuant to § 55-10-409(b)(1)(A)(i), such person may request and the court may order the installation and use of an ignition interlock device in lieu of geographic restrictions or additional limitations on the restricted license. A person so requesting shall pay all costs associated with the ignition interlock device and no funds from the electronic monitoring indigency fund shall be used to pay any cost associated with the device, regardless of whether or not the person is indigent.<br>(3) If a person is ordered to install and use the device due to the requirements of § 55-10-409 or subdivision (a)(1), subdivision (a)(2), or subsection (k) due to a violation of either § 55-10-401 or § 55-10-406, the restriction shall be a condition of probation or supervision for the entire period of the restriction. |
| **Length/Time of Restriction** | 55-10-407(a) | (a)<br>(1)<br>(A) A court may order the installation and use of an ignition interlock device for any conviction of § 55-10-401, if the driver's license is no longer suspended or revoked or the driver does not have a prior conviction as defined in § 55-10-405. The restriction may apply for up to one (1) year after the person's license is reinstated.<br>(B) The provisions of this subdivision (a)(1), authorizing the court to order an ignition interlock device for a violation of § 55-10-401, shall only apply when the court is not otherwise required to order an ignition interlock device by this part.<br>(2) If a person is convicted of a first offense of § 55-10-401, and the person is not required to operate only a motor vehicle with an ignition interlock device pursuant to § 55-10-409(b)(2)(B), and the person is otherwise eligible for a restricted license pursuant to § 55-10-409(b)(1)(A)(i), such person may request and the court may order the installation and use of an ignition interlock device in lieu of geographic restrictions or additional limitations on the restricted license. A person so requesting shall pay all costs associated with the ignition interlock device and no funds from the electronic monitoring indigency fund shall be used to pay any cost associated with the device, regardless of whether or not the person is indigent.<br>(3) If a person is ordered to install and use the device due to the requirements of § 55-10-409 or subdivision (a)(1), |

| | | |
|---|---|---|
| | | subdivision (a)(2), or subsection (k) due to a violation of either § 55-10-401 or § 55-10-406, the restriction shall be a condition of probation or supervision for the entire period of the restriction. |
| **Hardship License Available** | 55-10-407(a) | (a)<br>(1)<br>(A) A court may order the installation and use of an ignition interlock device for any conviction of § 55-10-401, if the driver's license is no longer suspended or revoked or the driver does not have a prior conviction as defined in § 55-10-405. The restriction may apply for up to one (1) year after the person's license is reinstated.<br>(B) The provisions of this subdivision (a)(1), authorizing the court to order an ignition interlock device for a violation of § 55-10-401, shall only apply when the court is not otherwise required to order an ignition interlock device by this part.<br>(2) If a person is convicted of a first offense of § 55-10-401, and the person is not required to operate only a motor vehicle with an ignition interlock device pursuant to § 55-10-409(b)(2)(B), and the person is otherwise eligible for a restricted license pursuant to § 55-10-409(b)(1)(A)(i), such person may request and the court may order the installation and use of an ignition interlock device in lieu of geographic restrictions or additional limitations on the restricted license. A person so requesting shall pay all costs associated with the ignition interlock device and no funds from the electronic monitoring indigency fund shall be used to pay any cost associated with the device, regardless of whether or not the person is indigent.<br>(3) If a person is ordered to install and use the device due to the requirements of § 55-10-409 or subdivision (a)(1), subdivision (a)(2), or subsection (k) due to a violation of either § 55-10-401 or § 55-10-406, the restriction shall be a condition of probation or supervision for the entire period of the restriction. |
| **Random Drug Testing or Ignition Interlock Requirements** | | |
| **Cannabis** | 55-10-407(a)<br>(Only optional, not required for drugs-only DUI's). | (a)<br>(1)<br>(A) A court may order the installation and use of an ignition interlock device for any conviction of § 55-10-401, if the driver's license is no longer suspended or revoked or the driver does not have a prior conviction as defined in § 55-10-405. The restriction may apply for up to one (1) year after the person's license is reinstated.<br>(B) The provisions of this subdivision (a)(1), authorizing the court to order an ignition interlock device for a violation of § |

| | | |
|---|---|---|
| | | 55-10-401, shall only apply when the court is not otherwise required to order an ignition interlock device by this part.<br>(2) If a person is convicted of a first offense of § 55-10-401, and the person is not required to operate only a motor vehicle with an ignition interlock device pursuant to § 55-10-409(b)(2)(B), and the person is otherwise eligible for a restricted license pursuant to § 55-10-409(b)(1)(A)(i), such person may request and the court may order the installation and use of an ignition interlock device in lieu of geographic restrictions or additional limitations on the restricted license. A person so requesting shall pay all costs associated with the ignition interlock device and no funds from the electronic monitoring indigency fund shall be used to pay any cost associated with the device, regardless of whether or not the person is indigent.<br>(3) If a person is ordered to install and use the device due to the requirements of § 55-10-409 or subdivision (a)(1), subdivision (a)(2), or subsection (k) due to a violation of either § 55-10-401 or § 55-10-406, the restriction shall be a condition of probation or supervision for the entire period of the restriction. |
| **Other Drugs** | 55-10-407(a)<br>(Only optional, not required for drugs-only DUI's). | (a)<br>(1)<br>(A) A court may order the installation and use of an ignition interlock device for any conviction of § 55-10-401, if the driver's license is no longer suspended or revoked or the driver does not have a prior conviction as defined in § 55-10-405. The restriction may apply for up to one (1) year after the person's license is reinstated.<br>(B) The provisions of this subdivision (a)(1), authorizing the court to order an ignition interlock device for a violation of § 55-10-401, shall only apply when the court is not otherwise required to order an ignition interlock device by this part.<br>(2) If a person is convicted of a first offense of § 55-10-401, and the person is not required to operate only a motor vehicle with an ignition interlock device pursuant to § 55-10-409(b)(2)(B), and the person is otherwise eligible for a restricted license pursuant to § 55-10-409(b)(1)(A)(i), such person may request and the court may order the installation and use of an ignition interlock device in lieu of geographic restrictions or additional limitations on the restricted license. A person so requesting shall pay all costs associated with the ignition interlock device and no funds from the electronic monitoring indigency fund shall be used to pay any cost associated with the device, regardless of whether or not the person is indigent.<br>(3) If a person is ordered to install and use the device due to the requirements of § 55-10-409 or subdivision (a)(1), |

| | | |
|---|---|---|
| | | subdivision (a)(2), or subsection (k) due to a violation of either § 55-10-401 or § 55-10-406, the restriction shall be a condition of probation or supervision for the entire period of the restriction. |
| **Zero Tolerance Under 21 for Cannabis and Other Drugs** | | |
| 55-10-701 | | (a) When a person, younger than eighteen (18) years of age, but thirteen (13) years of age or older, commits any offense or engages in any prohibited conduct described in this subsection (a), then at the time the person is convicted of the offense, or adjudicated a delinquent child, unruly child or status offender, the court in which the conviction or adjudication occurs shall prepare and send to the department of safety, driver control division, within five (5) working days of the conviction or adjudication, an order of denial of driving privileges for the offender. This section applies to any criminal offense, status offense, violation, infraction or other prohibited conduct involving the possession, use, sale, or consumption of any alcoholic beverage, wine or beer, or any controlled substance as defined and enumerated in title 39, chapter 17, part 4, or involving the possession or carrying of a weapon on school property, as defined and enumerated in § 39-17-1309(b) or (c). The denial of driving privileges authorized by this section applies when the prohibited conduct occurs before the offender is eighteen (18) years of age, regardless of when a conviction or determination occurs. The department shall promulgate a form "order of denial" for use by the courts.<br>(b) If a court has issued an order of denial of driving privileges pursuant to this section, the court, upon motion of the offender, may review the order and may withdraw the order at any time the court deems appropriate, except as provided in the following:<br>(1) A court may not withdraw an order for a period of ninety (90) days after the issuance of the order if it is the first order issued by any court with respect to the petitioning person;<br>(2) A court may not withdraw an order for a period of one (1) year after the issuance of the order if it is the second or subsequent such order issued by any court with respect to the petitioning person; and<br>(3) A court may not withdraw an order involving a violation of part 4 of this chapter, concerning the operation of a motor vehicle while intoxicated or impaired.<br>(c) For a motion for withdrawal under this section to be properly before a court for consideration, the local district attorney general must have received at least ten (10) days' prior notice of the motion, together with the time and place where it will be considered. The motion must be joined in by a custodial parent or legal guardian of the offender, if the offender is an unemancipated juvenile at the time the motion is made. A custodial parent or legal guardian must appear in court with the offender if the offender is an unemancipated juvenile at the time the motion is made. The motion shall state whether any prior orders of |

| | |
|---|---|
| | denial have been issued by any court and shall include as exhibits any prior orders of denial so issued.<br>(d) The local district attorney general or assistant district attorney general has the right to appear, present evidence and be heard at proceedings under this section. |
| **Cannabis Per Se Statute** | |
| 55-10-701 | (a) When a person, younger than eighteen (18) years of age, but thirteen (13) years of age or older, commits any offense or engages in any prohibited conduct described in this subsection (a), then at the time the person is convicted of the offense, or adjudicated a delinquent child, unruly child or status offender, the court in which the conviction or adjudication occurs shall prepare and send to the department of safety, driver control division, within five (5) working days of the conviction or adjudication, an order of denial of driving privileges for the offender. This section applies to any criminal offense, status offense, violation, infraction or other prohibited conduct involving the possession, use, sale, or consumption of any alcoholic beverage, wine or beer, or any controlled substance as defined and enumerated in title 39, chapter 17, part 4, or involving the possession or carrying of a weapon on school property, as defined and enumerated in § 39-17-1309(b) or (c). The denial of driving privileges authorized by this section applies when the prohibited conduct occurs before the offender is eighteen (18) years of age, regardless of when a conviction or determination occurs. The department shall promulgate a form "order of denial" for use by the courts.<br>(b) If a court has issued an order of denial of driving privileges pursuant to this section, the court, upon motion of the offender, may review the order and may withdraw the order at any time the court deems appropriate, except as provided in the following:<br>(1) A court may not withdraw an order for a period of ninety (90) days after the issuance of the order if it is the first order issued by any court with respect to the petitioning person;<br>(2) A court may not withdraw an order for a period of one (1) year after the issuance of the order if it is the second or subsequent such order issued by any court with respect to the petitioning person; and<br>(3) A court may not withdraw an order involving a violation of part 4 of this chapter, concerning the operation of a motor vehicle while intoxicated or impaired.<br>(c) For a motion for withdrawal under this section to be properly before a court for consideration, the local district attorney general must have received at least ten (10) days' prior notice of the motion, together with the time and place where it will be considered. The motion must be joined in by a custodial parent or legal guardian of the offender, if the offender is an unemancipated juvenile at the time the motion is made. A custodial parent or legal guardian must appear in court with the |

| | |
|---|---|
| | offender if the offender is an unemancipated juvenile at the time the motion is made. The motion shall state whether any prior orders of denial have been issued by any court and shall include as exhibits any prior orders of denial so issued.<br>(d) The local district attorney general or assistant district attorney general has the right to appear, present evidence and be heard at proceedings under this section. |

| | | | |
|---|---|---|---|
| **Threshold** | NA | **Nanogram Limit** | NA |

| | |
|---|---|
| **DUI Standards**<br>55-10-401 | It is unlawful for any person to drive or to be in physical control of any automobile or other motor driven vehicle on any of the public roads and highways of the state, or on any streets or alleys, or while on the premises of any shopping center, trailer park, or apartment house complex, or any other premises that is generally frequented by the public at large, while:<br>(1) Under the influence of any intoxicant, marijuana, controlled substance, controlled substance analogue, drug, substance affecting the central nervous system, or combination thereof that impairs the driver's ability to safely operate a motor vehicle by depriving the driver of the clearness of mind and control of oneself that the driver would otherwise possess;<br>(2) The alcohol concentration in the person's blood or breath is eight-hundredths of one percent (0.08%) or more; or<br>(3) With a blood alcohol concentration of four-hundredths of one percent (0.04%) or more and the vehicle is a commercial motor vehicle as defined in § 55-50-102. |

**Provisions for Screening Cannabis/Assessment/Education/Treatment**

| | |
|---|---|
| 55-50-338 | 55-50-338. Renewals — Drug and alcohol educational pamphlets.<br>(a)<br>(1) Every license shall be renewable on or before its expiration upon application, payment of required fees, and satisfactory completion of any examination required by state law or rules promulgated by the commissioner.<br>(2) Any person whose driver license expires or who applies for a renewal of the license after thirty (30) days, but less than six (6) months, from the date the original license expired shall pay a penalty of five dollars ($5.00), and any unpaid renewal license fees since the last renewal before the license shall be renewed. For applicants with licenses that have been expired for six (6) months or more, the penalty shall be ten dollars ($10.00). The department may waive the paying of the fine if the department deems the delay in renewing the license was unavoidable.<br>(3) Notwithstanding any other law to the contrary, any applicant for renewal of a driver license, whose license has been expired for more than one (1) renewal cycle, shall be required to successfully complete all appropriate examinations, which shall include all tests required upon original application. |

| | |
|---|---|
| | (4) A Tennessee driver license held by any person who is in or who enters into the United States armed forces shall continue in effect for so long as the person's service continues and the person is stationed outside this state, notwithstanding the fact that this person may be temporarily in this state on furlough, leave, or delay en route, and for a period not to exceed sixty (60) days following the date on which the person is honorably discharged or separated from service or returns to this state on reassignment to a duty station in this state, unless the license is sooner suspended, cancelled or revoked for cause as provided by law. The license is valid only when in the immediate possession of the licensee while driving and the licensee has in the licensee's immediate possession the licensee's discharge or separation papers, if the licensee has been discharged or separated from service.<br>(5) Any person who is now in a foreign country in the employ of a religious or charitable organization, or who may hereafter be in a foreign country in such employ, who is a holder of a driver license in this state, and of the family of such person any member who is or who may be in a foreign country with such person and who is a holder of a driver license in this state, may, without additional examination in Tennessee, have this driver license renewed after its expiration by submitting to the department a certificate issued by a doctor of medicine certifying that the person is physically qualified to drive a motor vehicle.<br>(6)<br>(A) Any person renewing a chauffeur or special chauffeur license, or any applicant for an original Class A, B, or C license or any endorsement, or any person applying for reinstatement of a chauffeur or special chauffeur license, shall, at the time of renewal or application, appear at a driver testing station and make certification declaring the type of vehicle operated, the class license and endorsement or endorsements for which the person is making application, and shall be required to pay the appropriate fee or fees, in addition to successfully completing the required tests as may be required by 49 CFR Part 383 and adopted by the commissioner, pertaining to drivers of commercial motor vehicles.<br>(B) Operators of commercial motor vehicles who:<br>(i) Are employed by a governmental entity of this state or a private motor carrier not involved in interstate commerce;<br>(ii) Operate commercial motor vehicles solely intrastate;<br>(iii) Do not transport materials required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. § 5101 et seq.); and<br>(iv) Meet the requirements of 49 CFR § 383.77 concerning the waiver of skills tests;<br>shall be required only to appear at a driver license station, make the appropriate application and certification concerning the issuance of Class A, B, and C licenses, and pay the appropriate fees.<br>(C) Subdivision (a)(6)(B) does not apply to new applicants, or to persons applying for reinstatement of a driver license.<br>(D)<br>(i) Subdivision (a)(6)(B) shall be automatically repealed on December 31, 1991, for those persons who at that time are not exempted from the requirements |

| | |
|---|---|
| | of the Commercial Motor Vehicle Safety Act of 1986 (Title XII, Public Law 99-570) (49 U.S.C. § 31101 et seq.), and/or 49 CFR Parts 383 and 391.<br>(ii) Persons who are not exempted by December 31, 1991, shall appear at a driver testing station prior to April 1, 1992, and successfully complete all required knowledge tests to maintain their Class A, B, or C license and any special endorsements issued to them in accordance with this provision.<br>(b) In the event 49 CFR Part 383 authorizes the "grandfathering" of drivers of commercial motor vehicles, persons who are applying for renewal in accordance with this section shall be required only to appear, meet the specified requirements, pay the appropriate fee or fees, and take only those tests required by 49 CFR Part 383.<br>(c) The department shall make available at all driver license stations and shall include in general or routine mailings to drivers pursuant to this part, when the department deems it appropriate to the nature of the correspondence, an educational pamphlet or insert explaining the effects of drugs and alcohol on a person's ability to operate a vehicle and the applicable Tennessee laws pertaining to the operation of a vehicle while under the influence of alcohol and drugs. The insert or pamphlet must include a chart depicting "blood alcohol concentration percentage within one (1) hour based on body weight" and an explanation of the state's laws and penalties regarding driving while intoxicated. |
| **Blood**<br>**55-10-406** | 55-10-406. Breath and blood tests to determine alcohol or drug content of a motor vehicle operator's blood. |
| | (a) A law enforcement officer who has probable cause to believe that the operator of a motor vehicle is driving while under the influence of any intoxicant, controlled substance, controlled substance analogue, drug, substance affecting the central nervous system, or combination thereof as prohibited by § 55-10-401, or committing the offense of vehicular assault under § 39-13-106, aggravated vehicular assault under § 39-13-115, vehicular homicide under § 39-13-213(a)(2), or aggravated vehicular homicide under § 39-13-218, may request that the operator of the vehicle submit to test or tests for the purpose of determining the alcohol or drug content, or both, of that operator's blood.<br>(b)<br>(1) Breath tests may be administered under the following circumstances:<br>(A) The operator's implied consent to submit to breath tests pursuant to subdivision (d)(1);<br>(B) The operator's consent to submit to breath tests;<br>(C) A search warrant;<br>(D) Incident to a lawful arrest for any of the offenses set out in subsection (a); or<br>(E) When breath tests are required to be administered pursuant to subdivision (c)(1). |

| | |
|---|---|
| | (2) Blood tests may be administered under the following circumstances:<br>(A) The operator's implied consent to submit to blood tests pursuant to subdivision (d)(1);<br>(B) The operator's consent to submit to blood tests;<br>(C) A search warrant;<br>(D) Without the consent of the operator if exigent circumstances to the search warrant requirement exist; or<br>(E) When blood tests are required to be administered pursuant to subdivision (c)(2) and with a search warrant or without a warrant, if exigent circumstances to the search warrant requirement exist.<br>(c)<br>(1)<br>(A) A law enforcement officer shall administer or cause to be administered breath tests for the purpose of determining the alcohol content of the operator's blood if the officer has appropriate testing equipment available and has probable cause to believe that one (1) or more of the events in subdivision (c)(2)(A) have occurred;<br>(B) A law enforcement officer shall administer or cause to be administered blood tests for the purpose of determining the alcohol or drug content of the operator's blood if one (1) or more of the requirements for blood tests set out in subdivision (b)(2) are present and the officer has probable cause to believe that one (1) or more of the events in subdivision (c)(2)(A) have occurred; and<br>(C) A law enforcement officer administering breath or blood tests shall decide whether to administer or cause to be administered breath tests, blood tests, or both tests, for determining the alcohol or drug content of the operator's blood.<br>(2)<br>(A) A law enforcement officer shall administer or cause to be administered breath tests, blood tests, or both tests, pursuant to subdivision (c)(1) if the operator:<br>(i) Has been involved in a collision resulting in the injury or death of another and the operator of the vehicle has committed a violation of § 39-13-106, § 39-13-115, § 39-13-213(a)(2), § 39-13-218, or § 55-10-401;<br>(ii) Has committed a violation of § 39-13-106, § 39-13-115, § 39-13-213(a)(2), § 39-13-218, or § 55-10-401; and a passenger in the motor vehicle is a child under eighteen (18) years of age; or<br>(iii) Has committed a violation of § 39-13-106, § 39-13-115, § 39-13-213(a)(2), § 39-13-218, or § 55-10-401; and has a prior conviction of a violation of § 39-13-106, § 39-13-115, § 39-13-213(a)(2), § 39-13-218, or § 55-10-401; or an offense committed in another state or territory that, if committed in this state, would constitute the offense of vehicular assault under § 39-13-106, aggravated vehicular assault under § 39-13-115, vehicular homicide under § 39-13-213(a)(2), aggravated vehicular homicide under § 39-13-218, or driving under the influence of an intoxicant under § 55-10-401. |

| | |
|---|---|
| | (B) The blood tests required to be administered under subdivision (c)(1)(B) shall be performed in accordance with the procedure set forth in this section and § 55-10-408, and shall be performed, pursuant to a search warrant as described in subdivision (b)(2)(C) or if exigent circumstances to the search warrant requirement exist as described in subdivision (b)(2)(D), regardless of whether the operator consents to the tests.<br>(C) The results of breath or blood tests required by subdivision (c)(2)(A) may be offered as evidence by either the state or the operator of the vehicle in any court, administrative hearing, or official proceeding relating to the collision or offense, subject to the Tennessee Rules of Evidence.<br>(d)<br>(1) The operator of a motor vehicle in this state is deemed to have given implied consent to breath tests, blood tests, or both tests, for the purpose of determining the alcohol or drug content of that operator's blood. However, no such tests may be administered pursuant to this section unless conducted at the direction of a law enforcement officer having probable cause to believe the operator was in violation of one (1) or more of the offenses set out in subsection (a) and the operator signs a standardized waiver developed by the department of safety and made available to law enforcement agencies.<br>(2) Any law enforcement officer who requests that the operator of a motor vehicle submit to breath tests, blood tests, or both tests, authorized pursuant to subsection (a), shall, prior to conducting the test, advise the operator that refusal to submit to the tests:<br>(A) Will result in the suspension by the court of the operator's driver license; and<br>(B) May result, depending on the operator's prior criminal history, in the operator being required to operate only a motor vehicle equipped with a functioning ignition interlock device, if the operator is convicted of a violation of § 55-10-401, as described in § 55-10-405.<br>(3) If the operator is not advised of the consequences of the refusal to submit to breath tests, blood tests, or both tests, the court having jurisdiction over the offense for which the operator was placed under arrest shall not have the authority to suspend the license of an operator or require the operator to operate only a motor vehicle equipped with a functioning ignition interlock device pursuant to § 55-10-417 for a violation of this subsection (d).<br>(4) Except as may be required by a search warrant or other court order, if the operator is placed under arrest, requested by a law enforcement officer to submit to breath tests, blood tests, or both tests, advised of the consequences for refusing to do so, and refuses to submit, the operator shall be charged with violating subdivision (d)(1). The determination as to whether an operator violated subdivision (d)(1) shall be made: |

| | |
|---|---|
| | (A) At the same time and by the same court as the court disposing of the offense for which the operator was placed under arrest, upon an oral or written motion of the state; or<br>(B) At the operator's first appearance or preliminary hearing in the general sessions court, but no later than the case being bound over to the grand jury, if the state does not make a motion pursuant to subdivision (d)(4)(A).<br>(e)<br>(1)<br>(A) If blood tests of the operator of a motor vehicle are authorized pursuant to this section, a qualified practitioner who, acting at the written request of a law enforcement officer, withdraws blood from an operator for the purpose of conducting tests to determine the alcohol or drug content in an operator's blood, will not incur any civil or criminal liability as a result of the withdrawing of the blood, except for any damages that may result from the negligence of the person so withdrawing.<br>(B) Neither the hospital nor other employer of a qualified practitioner listed in subdivision (e)(2) will incur any civil or criminal liability as a result of the act of withdrawing blood from any operator, except in the case of negligence.<br>(2) For purposes of this section, a “qualified practitioner” is a:<br>(A) Physician;<br>(B) Registered nurse;<br>(C) Licensed practical nurse;<br>(D) Clinical laboratory technician;<br>(E) Licensed paramedic;<br>(F) Licensed emergency medical technician approved to establish intravenous catheters;<br>(G) Technologist;<br>(H) A trained phlebotomist who is operating under a hospital protocol, has completed phlebotomy training through an educational entity providing such training, or has been properly trained by a current or former employer to draw blood; or<br>(I) Physician assistant.<br>(f) Any operator who is unconscious as a result of a collision, is unconscious at the time of arrest or apprehension, or is otherwise in a condition rendering the operator incapable of refusal, shall not be subjected to blood tests unless law enforcement has obtained a search warrant or exigent circumstance exceptions to a search warrant apply.<br>(g) Provided probable cause exists for criminal prosecution for any of the offenses specified in subsection (a), nothing in this section affects the admissibility into evidence in a criminal prosecution of any analysis of the alcohol or drug content of the defendant's blood that was not compelled by law enforcement but was obtained while the defendant was hospitalized or otherwise receiving medical care in the ordinary course of medical treatment. |

| | |
|---|---|
| | (h) Nothing in this section affects the admissibility in evidence, in criminal prosecutions for vehicular assault under § 39-13-106, vehicular homicide under § 39-13-213(a)(2), aggravated vehicular assault under § 39-13-115, or aggravated vehicular homicide under § 39-13-218, of any analysis of the alcohol or drug content of the defendant's blood that has been obtained in accordance with this section and tested according to § 55-10-408.<br>(i) Nothing in this section affects the admissibility in evidence, in criminal prosecutions for any of the offenses set out in subsection (a), of any analysis of the alcohol or drug content of the defendant's blood that has been obtained by consent and tested according to § 55-10-408.<br>(j) The results of blood tests or breath tests authorized and conducted in accordance with this section and § 55-10-408:<br>(1) Shall be reported in writing by the person making the analysis, shall have noted on the report the time at which the sample analyzed was obtained from the operator, and shall be made available to the operator, upon request; and<br>(2) Shall be admissible in evidence at the trial of any person charged with an offense specified in subsection (a).<br>(k) The fact that a law enforcement officer failed to request that the operator charged with an offense specified in subsection (a) submit to blood or breath tests is admissible as evidence at the trial of the charged offense.<br>(l) As used in this section, "operator" means any person driving or in physical control of any automobile or other motor-driven vehicle as described and prohibited by § 55-10-401. |
| **Additional Penalties** | NDA |
| **Cannabis-Impaired Driving Penalties** | |
| 55-10-402<br>55-10-403<br>55-10-404 | 55-10-402. Penalty for violations of § 55-10-401 — Alternative facilities for incarceration — Public service work — Monitoring — Inpatient alcohol and drug treatment.<br>(a)<br>(1)<br>(A) Any person violating § 55-10-401, shall, upon conviction for the first offense, be sentenced to serve in the county jail or workhouse not less than forty-eight (48) consecutive hours nor more than eleven (11) months and twenty-nine (29) days.<br>(B) Any person violating § 55-10-401, upon conviction for the first offense with a blood alcohol concentration of twenty-hundredths of one percent (0.20%) or more, shall serve a minimum of seven (7) consecutive days rather than forty-eight (48) hours. |

| | |
|---|---|
| | (2)<br>(A) Any person violating § 55-10-401, shall, upon conviction for second offense, be sentenced to serve in the county jail or workhouse not less than forty-five (45) consecutive days nor more than eleven (11) months and twenty-nine (29) days.<br>(B) After sentencing the person to a period of confinement pursuant to subdivision (a)(2)(A), as a condition of probation, the judge may order the person to participate in a substance abuse treatment program, which includes any aftercare recommended by the treatment program, licensed or certified by the department of mental health and substance abuse services, which includes a certified drug court or DUI court, if the person first:<br>(i) Completes a clinical substance abuse assessment conducted pursuant to subsection (h); and<br>(ii) Serves at least twenty-five (25) days of the period of incarceration imposed in the county jail or workhouse.<br>(3)<br>(A) Any person violating § 55-10-401, shall, upon conviction for third offense, be sentenced to serve in the county jail or workhouse not less than one hundred twenty (120) consecutive days nor more than eleven (11) months and twenty-nine (29) days.<br>(B) After sentencing the person to a period of confinement pursuant to subdivision (a)(3)(A), as a condition of probation the judge may order the person to participate in a substance abuse treatment program, which includes any aftercare recommended by the treatment program, licensed or certified by the department of mental health and substance abuse services, which includes a certified drug court or DUI court, if the person first:<br>(i) Completes a clinical substance abuse assessment conducted pursuant to subsection (h); and<br>(ii) Serves at least sixty-five (65) days of the period of incarceration imposed in the county jail or workhouse.<br>(4) Any person violating § 55-10-401, upon conviction for a fourth offense, shall be sentenced as a felon to serve not less than one hundred fifty (150) consecutive days nor more than the maximum punishment authorized for the appropriate range of a Class E felony.<br>(5)<br>(A) Any person violating § 55-10-401, upon conviction for a fifth offense, shall be sentenced as a Class D felon and shall be sentenced to serve not less than the minimum sentence of imprisonment established in subdivision (a)(4) for a fourth offender, and not more than the maximum punishment authorized for the appropriate range of a Class D felony. This subdivision (a)(5) applies if the person:<br>(i) Has at least four (4) previous convictions for violations of § 55-10-401, or any other applicable prior conviction as described in § 55-10-405(c);<br>(ii) Commits a fifth violation of § 55-10-401; and<br>(iii) Commits the fifth violation on or after July 1, 2019.<br>(B) In addition to the required term of imprisonment for a fifth offense, all of the collateral consequences of a violation of § 55-10-401, including a fine, forfeiture, driver license suspension or revocation, interlock, transdermal, and |

| | |
|---|---|
| | other monitoring devices, substance abuse assessments, in-patient or out-patient treatment, drug court or DUI court, and conditions of probation shall also apply to a fifth offender.<br>(6)<br>(A) A sixth or subsequent conviction for violating § 55-10-401, or any other applicable prior conviction as described in § 55-10-405(c), is a Class C felony and any person sentenced under this subdivision (a)(6) shall be sentenced to serve no less than the minimum sentence of imprisonment established in subdivision (a)(4) for a fourth offender, and not more than the maximum punishment authorized for the appropriate range of a Class C felony. For this subdivision (a)(6) to be applicable, the person shall:<br>(i) Have at least five (5) previous convictions for violations of § 55-10-401, or any other applicable prior conviction as described in § 55-10-405(c);<br>(ii) Commit a sixth or subsequent violation of § 55-10-401; and<br>(iii) Commit the sixth or subsequent violation on or after July 1, 2016.<br>(B) In addition to the required term of imprisonment for a sixth or subsequent offense, all of the collateral consequences of a violation of § 55-10-401, including a fine, forfeiture, driver license suspension or revocation, interlock, transdermal, and other monitoring devices, substance abuse assessments, in-patient or out-patient treatment, drug court or DUI court, and conditions of probation shall also apply to a sixth or subsequent offender.<br>(b)<br>(1) If a person is convicted of a violation of § 55-10-401, and at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, the person's sentence shall be enhanced by a mandatory minimum period of incarceration of thirty (30) days. The incarceration enhancement shall be served in addition to any period of incarceration received for the violation of § 55-10-401.<br>(2) Notwithstanding subsection (a), if, at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, and the child suffers serious bodily injury as the proximate result of the violation of § 55-10-401, the person commits a Class D felony and shall be punished as provided in § 39-13-106, for vehicular assault.<br>(3) Notwithstanding subsection (a), if, at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, and the child is killed as the proximate result of the violation of § 55-10-401, the person commits a Class B felony and shall be punished as provided in § 39-13-213(b)(2), for vehicular homicide involving intoxication.<br>(c) Subdivisions (b)(1)-(3) constitute an enhanced sentence, not a new offense.<br>(d)<br>(1) After service of at least the minimum sentence day for day, the judge has the discretion to require an individual convicted of a violation of § 55-10-401 to remove litter from the state highway system, public playgrounds, public parks or other appropriate locations for any prescribed period or to work in a recycling center or other appropriate location for any prescribed period of time in lieu of or in addition to any of the penalties otherwise provided in this section; provided, that any person sentenced to remove litter from the state highway system, public playgrounds, public parks or other appropriate |

| | |
|---|---|
| | locations or to work in a recycling center shall be allowed to do so at a time other than the person's regular hours of employment.<br>(2)<br>(A) The court may order any person convicted of a violation of § 55-10-401 to be subject to monitoring using one (1) or more of the following:<br>(i) Transdermal monitoring device or other alternative alcohol or drug monitoring device;<br>(ii) Electronic monitoring with random alcohol or drug testing;<br>(iii) Global positioning monitoring system, as defined in § 40-11-152. If the court determines that the person is indigent, the court shall order the person to pay any portion of the costs of such a system for which the person has the ability to pay, as determined by the court. Any portion of the costs of such a system that the person is unable to pay shall come from the electronic monitoring indigency fund established pursuant to § 55-10-419, subject to the availability of funds; or<br>(iv) Any other monitoring device the court believes necessary to ensure the person complies with the conditions of probation and, if applicable, the results of the clinical substance abuse assessment.<br>(B) If the court orders a person to be subject to monitoring as provided in subdivision (d)(2)(A), the court, the department of correction, or any other agency, department, program, group, private entity, or association that is responsible for the supervision of such person shall:<br>(i) Require periodic reporting by the person for verification of the proper operation of the monitoring device;<br>(ii) Require the person to have the device monitored for proper use and accuracy by an entity approved by the supervising entity at least every thirty (30) days, or more frequently as the circumstances may require; and<br>(iii) Immediately notify the court of any of the person's violations of this subdivision (d)(2), which shall be considered a violation of the conditions of probation.<br>(e) All persons sentenced under this part shall, in addition to service of at least the minimum sentence, be required to serve the difference between the time actually served and the maximum sentence on probation.<br>(f)<br>(1) An offender sentenced to a period of incarceration for a violation of § 55-10-401, shall be required to commence service of the sentence within thirty (30) days of conviction or, if space is not immediately available in the appropriate municipal or county jail or workhouse within such time, as soon as such space is available. The sheriff or chief administrative officer of a local jail or workhouse may use alternative facilities for the incarceration of an offender convicted of a violation of § 55-10-401.<br>(2)<br>(A) As used in this subsection (f), “alternative facilities” include, but are not limited to, vacant schools or office buildings or any other building or structure that would be suitable for housing DUI offenders for short periods of time on an as-needed basis and licensed through the department of mental health and substance abuse services for the state.<br>(B) |

| | |
|---|---|
| | (i) The court may approve a private appropriately licensed substance abuse treatment program as an “alternative facility.” If a person is ordered to participate in a court-approved private appropriately licensed substance abuse treatment program, that person shall be responsible for the cost and fees involved with the program, whether it be a prepayment or pay as you go program. The court does not have the authority to order the expenditure of public funds to provide for participation in such a program. However, if a person ordered to participate in such a program is indigent, the court may allow the person, subject to availability of services, to enter any program that provides the treatment without cost to an individual.<br>(ii) A local governmental entity is immune from liability for a cause of action or claim for damages arising out of a person's participation in a private appropriately licensed substance abuse treatment program approved by the court as an alternative facility under this subdivision (f)(2)(B).<br>(3) Nothing in this subsection (f) shall be construed to give an offender a right to serve a sentence for a violation of § 55-10-401, in an alternative facility or within a specified period of time. Failure of a sheriff or chief administrative officer of a jail to require an offender to serve the sentence within a certain period of time or in a certain facility or type of facility shall have no effect upon the validity of the sentence.<br>(g) Notwithstanding this section to the contrary, in counties with a metropolitan form of government and a population in excess of one hundred thousand (100,000), according to the 1990 federal census or any subsequent federal census, the judge exercising criminal jurisdiction may sentence a person convicted of violating § 55-10-401 for the first time to perform two hundred (200) hours of public service work in a supervised public service program in lieu of the minimum period of confinement required by subsection (a).<br>(h)<br>(1) The clinical substance abuse assessment required before a person is ordered to participate in a substance abuse treatment program as a condition of probation pursuant to subdivisions (a)(2) or (a)(3), shall be administered to the person by qualified alcohol and drug abuse treatment personnel, as that term is defined by rules promulgated by the department of mental health and substance abuse services. If the assessment determines the person is in need of substance abuse treatment, the court may, using the assessment to determine the appropriate level of care, order the person referred to an appropriate substance abuse treatment program licensed or certified by the department of mental health and substance abuse services, including a certified drug court or DUI court.<br>(2) A person ordered to attend a substance abuse treatment program pursuant to subdivisions (a)(2) or (a)(3) shall receive sentence reduction credits from the period of incarceration imposed by the court as follows:<br>(A) Day-for-day credit for the period of time the person spends in a residential treatment program; and<br>(B) One (1) day of credit for every nine (9) hours of successfully completed intensive outpatient treatment.<br>(3) |

| | |
|---|---|
| | (A) Upon the successful completion of the substance abuse treatment program, the program provider shall notify the court of the fact that treatment was successfully completed and the number of days the person spent in residential treatment, or the number of hours spent in intensive outpatient treatment, whichever is applicable. The court shall calculate the sentence reduction credits the person has earned based upon the service provider's report.<br>(B) If the person ceases to attend the substance abuse treatment program, the service provider shall notify the court of the person's absence within three (3) business days of the date the provider knew or should have known of such absence. If the person fails to successfully complete the program for any other reason, the provider shall notify the court of such failure.<br>(4) A person who does not successfully complete the substance abuse treatment program to which the person is ordered is in violation of the person's probation, and the court shall order the person committed to the county jail or workhouse for service of the full period of the mandatory minimum confinement required by law and any portion of confinement in excess of the minimum imposed by the court that the court deems necessary. The person shall receive no sentence reduction credits for any time spent in the substance abuse treatment program prior to failure to complete the program.<br>(5) Upon successful completion of a substance abuse treatment program, the person shall be required to report to the county jail or workhouse to serve the remainder of any mandatory period of confinement required by law and imposed by the court. Failure to do so is a violation of the person's probation.<br>(6) If a person voluntarily attends residential treatment after arrest but before sentencing, the person may receive sentence reduction credits for completion of residential treatment if the person is ordered to treatment by the judge as a condition of probation. However, before commencing any court-ordered treatment program, the person must undergo a clinical substance abuse assessment as provided in subdivision (h)(1), serve the mandatory minimum sentence provided in subdivision (a)(2)(B) or (a)(3)(B), and follow the recommendations of the assessment.<br>(7) If the court orders intensive outpatient treatment, it may also order:<br>(A) The use of transdermal monitoring devices or other alternative alcohol or drug monitoring devices. If the court determines that the person is indigent, the court shall order the person to pay any portion of the costs of such a device for which the person has the ability to pay, as determined by the court. Any portion of the costs of such a device that the person is unable to pay shall come from the electronic monitoring indigency fund established pursuant to § 55-10-419;<br>(B) The use of electronic monitoring with random alcohol or drug testing;<br>(C) The use of a global positioning monitoring system, as defined in § 40-11-152. If the court determines that the person is indigent, the court shall order the person to pay any portion of the costs of such a system for which the person has the ability to pay, as determined by the court. Any portion of the costs of such a system that the person is unable to pay shall come from the |

| | |
|---|---|
| | electronic monitoring indigency fund established pursuant to § 55-10-419, subject to the availability of funds; or<br>(D) The use of any other monitoring device the court believes necessary to ensure the person complies with the results of the assessment and the conditions of probation.<br>(i)<br>(1) Ordering a person to treatment as a condition of probation pursuant to subdivision (a)(2), (a)(3), and subsection (h) for a second or third violation of § 55-10-401 is solely within the discretion of the judge as an available sentencing option. Failure to grant such person such treatment is not appealable, except for abuse of discretion.<br>(2) Nothing in this section shall be construed as creating a right for a person convicted of a second or third violation of § 55-10-401 to receive:<br>(A) A clinical substance abuse assessment;<br>(B) Intensive outpatient treatment;<br>(C) Residential treatment;<br>(D) Enrollment in a state certified treatment program, including drug court or DUI court; or<br>(E) Any sentence reduction credits for substance abuse treatment that would reduce the period of incarceration imposed by the court other than those earned and retained pursuant to subdivision (h)(2)(A) and (B).<br>(3)<br>(A) Nothing in this section authorizing a judge to order any of the options specified in subdivision (i)(2) shall be construed to affect or limit any restrictions a judge may place or is required to place on a person convicted of a second or third violation of § 55-10-401 by other provisions of law, including the use of an ignition interlock device under § 55-10-409.<br>(B) This section governs those instances in which a person is convicted of a second or third violation of § 55-10-401 and the judge chooses to order the person to participate in a substance abuse treatment program as a condition of probation pursuant to this section. In those instances in which the person is a second or third offender but the judge declines to order treatment pursuant to this section, or in which the person is convicted of a first or fourth or subsequent violation of § 55-10-401, § 55-10-410 applies.<br>(j)<br>(1) The court is not empowered to order the expenditure of public funds to provide treatment. However, if a person ordered to participate in such a program is indigent, the court may allow the person, subject to availability of services, to enter any program that provides the treatment without cost to an individual. When making a finding as to the indigency of an accused, the court shall take into consideration:<br>(A) The nature of the program services rendered;<br>(B) The usual and customary charges for rendering such program services in the community;<br>(C) The income of the person regardless of source;<br>(D) The poverty level guidelines compiled and published by the United States department of labor;<br>(E) The ownership or equity of any real or personal property of the person; and |

(F) Any other circumstances presented to the court that are relevant to the issue of indigency.
(2) If a person ordered to participate is not indigent and participates in a program that provides treatment without cost to an individual, that person shall be obligated to pay for treatment in the same manner as provided in § 33-2-1102. If a person ordered to participate, participates in a court approved private treatment program, that person shall be responsible for the cost and fees involved with the program.
(k) If a person commits a second or third violation of § 55-10-401 prior to July 1, 2014, but the conviction for such offense does not occur until after July 1, 2014, the person shall elect to the judge at the time of conviction whether to come within the provisions of chapter 902 of the Public Acts of 2014, or be sentenced in accordance with the law in effect at the time the offense was committed.

55-10-403. Fines for violations of § 55-10-401 — Restitution.

(a) A person convicted for a violation of § 55-10-401, shall be fined as follows:
(1) For a first offense, the person shall be fined not less than three hundred fifty dollars ($350) nor more than one thousand five hundred dollars ($1,500);
(2) For a second offense, the person shall be fined not less than six hundred dollars ($600) nor more than three thousand five hundred dollars ($3,500);
(3) For a third offense, the person shall be fined not less than one thousand one hundred dollars ($1,100) nor more than ten thousand dollars ($10,000);
(4) For a fourth or subsequent offense, the person shall be fined not less than three thousand dollars ($3,000) nor more than fifteen thousand dollars ($15,000);
(5) For any offense while accompanied by a child under eighteen (18) years of age, the person shall be fined one thousand dollars ($1,000) in addition to the fine for the DUI offense.
(b) Unless the judge, using the applicable criteria set out in § 40-14-202(b), determines that a person convicted of violating § 55-10-401 is indigent, the minimum applicable fine shall be mandatory and shall not be subject to reduction or suspension. All fines are to be paid on the date sentence is imposed unless the court makes an affirmative finding that the defendant lacks a present ability to pay. The court shall then order a date certain before which payment shall be made. Should the defendant fail to comply with the order of the court, the clerk shall notify the court of the failure for further proceedings.
(c) The minimum and maximum fines for driving under the influence of an intoxicant shall continue to be collected and distributed as they were prior to July 1, 2013.
(d) The payment of restitution to any person suffering physical injury or personal losses as the result of such offense, if such person is economically capable of making such restitution, shall be imposed as a condition of probation under § 55-10-410.

55-10-404. Driving prohibitions — Restricted licenses — Revocation and suspension — Commercial licenses and vehicles.

| | |
|---|---|
| | (a)<br>(1) The court shall prohibit any person convicted of a violation of § 55-10-401 from driving a vehicle in this state for a period of:<br>(A) One (1) year, if the conviction is a first offense;<br>(B) Two (2) years for a second offense;<br>(C) Six (6) years for a third offense; and,<br>(D) Eight (8) years for a fourth or subsequent offense.<br>(2) In the interest of public safety, a driver who has been prohibited from driving a vehicle in this state pursuant to this subsection (a) may apply for a restricted license subject to § 55-10-409.<br>(b) Nothing in this part shall be construed so as to in any way limit, change, alter, repeal, or amend § 55-50-303, § 55-50-501, or § 55-50-502, nor to limit the power or authority of the department of safety to revoke or suspend a driver license, permit, or privilege under chapter 50 of this title. Nothing in this section shall be construed to prohibit the issuance of a restricted license in accordance with § 55-10-409.<br>(c) A person holding a commercial driver license or operating a commercial motor vehicle at the time of the violation of § 55-10-401 for which they are convicted will also be subject to § 55-50-405. |
| **Are the Impaired Driving Penalties the Same for Alcohol?** | Yes |
| **Are Combined Substances Mentioned in DUI Statute?** | |
| 55-10-401 | It is unlawful for any person to drive or to be in physical control of any automobile or other motor driven vehicle on any of the public roads and highways of the state, or on any streets or alleys, or while on the premises of any shopping center, trailer park, or apartment house complex, or any other premises that is generally frequented by the public at large, while:<br><br>(1) Under the influence of any intoxicant, marijuana, controlled substance, controlled substance analogue, drug, substance affecting the central nervous system, or combination thereof that impairs the driver's ability to safely operate a motor vehicle by depriving the driver of the clearness of mind and control of oneself that the driver would otherwise possess;<br>(2) The alcohol concentration in the person's blood or breath is eight-hundredths of one percent (0.08%) or more; or<br><br>(3) With a blood alcohol concentration of four-hundredths of one percent (0.04%) or more and the vehicle is a commercial motor vehicle as defined in § 55-50-102. |
| **Penalties for Multiple Substance/Polysubstance Impaired Driving** | Same as for alcohol |

| Child Endangerment or Enhanced Penalties for Driving Impaired by Cannabis/Drugs with Child in Car | |
|---|---|
| 55-10-402(b)-(c); 55-10-403 | **55-10-402**<br>**(b)**<br>**(1)** If a person is convicted of a violation of § 55-10-401, and at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, the person's sentence shall be enhanced by a mandatory minimum period of incarceration of thirty (30) days. The incarceration enhancement shall be served in addition to any period of incarceration received for the violation of § 55-10-401.<br>**(2)** Notwithstanding subsection (a), if, at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, and the child suffers serious bodily injury as the proximate result of the violation of § 55-10-401, the person commits a Class D felony and shall be punished as provided in § 39-13-106, for vehicular assault.<br>**(3)** Notwithstanding subsection (a), if, at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, and the child is killed as the proximate result of the violation of § 55-10-401, the person commits a Class B felony and shall be punished as provided in § 39-13-213(b)(2), for vehicular homicide involving intoxication.<br>55-10-403(a)(5) For any offense while accompanied by a child under eighteen (18) years of age, the person shall be fined one thousand dollars ($1,000) in addition to the fine for the DUI offense.<br>(c) Subdivisions (b)(1)-(3) constitute an enhanced sentence, not a new offense.<br><br>55-10-403. Fines for violations of § 55-10-401 — Restitution.<br>(a) A person convicted for a violation of § 55-10-401, shall be fined as follows:<br>(1) For a first offense, the person shall be fined not less than three hundred fifty dollars ($350) nor more than one thousand five hundred dollars ($1,500);<br>(2) For a second offense, the person shall be fined not less than six hundred dollars ($600) nor more than three thousand five hundred dollars ($3,500);<br>(3) For a third offense, the person shall be fined not less than one thousand one hundred dollars ($1,100) nor more than ten thousand dollars ($10,000);<br>(4) For a fourth or subsequent offense, the person shall be fined not less than three thousand dollars ($3,000) nor more than fifteen thousand dollars ($15,000);<br>(5) For any offense while accompanied by a child under eighteen (18) years of age, the person shall be fined one thousand dollars ($1,000) in addition to the fine for the DUI offense.<br>(b) Unless the judge, using the applicable criteria set out in § 40-14-202(b), determines that a person convicted of violating § 55-10-401 is indigent, the minimum applicable fine shall be mandatory and shall not be subject to reduction or suspension. All fines are to be paid on the date sentence is imposed unless the court makes an affirmative finding that the defendant lacks a present ability to pay. The court shall then order a date certain before which |

| | |
|---|---|
| | payment shall be made. Should the defendant fail to comply with the order of the court, the clerk shall notify the court of the failure for further proceedings.<br>(c) The minimum and maximum fines for driving under the influence of an intoxicant shall continue to be collected and distributed as they were prior to July 1, 2013.<br>(d) The payment of restitution to any person suffering physical injury or personal losses as the result of such offense, if such person is economically capable of making such restitution, shall be imposed as a condition of probation under § 55-10-410. |
| **Statutes with THC Listed as Delta 8, 9, 10 or 11** | |
| 39-17-415 | (a) There is established a Schedule VI for the classification of substances which the commissioner of mental health and substance abuse services, upon the agreement of the commissioner of health, upon considering the factors set forth in § 39-17-403, decides should not be included in Schedules I through V. The controlled substances included in Schedule VI are:<br>(1) Marijuana;<br>(2) Tetrahydrocannabinols; and<br>(3) Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity, such as the following:<br>(A) 1 cis or trans tetrahydrocannabinol, and its optical isomers;<br>(B) 6 cis or trans tetrahydrocannabinol, and its optical isomers; or<br>(C) 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers.<br>(b) Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.<br>(c) This section does not categorize hemp, as defined in § 43-27-101, as a controlled substance. |
| **Electronic Warrant Program** | |

| | | |
|---|---|---|
| **Statewide** | | |
| 40-6-304 | (a) Each application for an order authorizing the interception of a wire, oral or electronic communication shall be made in writing upon oath or affirmation to a judge of competent jurisdiction in the district where the interception of a wire, oral or electronic communication is to occur, or in any district where jurisdiction exists to | |

| | | |
|---|---|---|
| | prosecute the underlying offense to support an intercept order under § 40-6-305. The application shall state the investigative or law enforcement officer's authority to make the application and shall include the following information:<br>(1) Identity of the investigative or law enforcement officer making the application, and the district attorney general authorizing the application;<br>(2) A full and complete statement of the facts and circumstances relied upon by the applicant to justify the applicant's belief that an order should be issued, including:<br>(A) Details as to the particular offense that has been, is being, or is about to be committed;<br>(B) A particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted;<br>(C) A particular description of the type of communications sought to be intercepted; and<br>(D) The identity of all persons, if known, committing the offense and whose communications are to be or may be intercepted;<br>(3) A full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;<br>(4) A statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that | |

| | | |
|---|---|---|
| | additional communications of the same type will occur thereafter;<br>(5) A full and complete statement of the facts concerning all previous applications known to the individuals authorizing and making the application, made to any judge for authorization to intercept wire, oral or electronic communications involving any of the same persons, facilities, or places specified in the application, and the action taken by the judge on each application; and<br>(6) Where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain results.<br>(b) The judge may require the applicant to furnish additional testimony or documentary evidence in support of the application.<br>(c) Upon an application the judge may enter an ex parte order, as requested or as modified, authorizing interception of wire, oral or electronic communications within the district in which the judge is sitting, and outside that district but within this state in the case of a mobile interception device, if the judge determines on the basis of the facts submitted by the applicant that:<br>(1) There is probable cause for belief that an individual is committing, has committed, or is about to commit a particular offense enumerated in § 40-6-305;<br>(2) There is probable cause for belief that particular communications concerning that offense will be obtained through the interception;<br>(3) Normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to | |

| | | |
|---|---|---|
| | succeed if tried or to be too dangerous; and<br>(4) There is probable cause for belief that the facilities from which, or the place where, the wire, oral or electronic communications are to be intercepted are being used, or about to be used, in connection with the commission of the offense, or are leased to, listed in the name of, or commonly used by the person.<br>(d)<br>(1) Each order authorizing the interception of any wire, oral or electronic communication under this part or §§ 39-13-601 — 39-13-603 shall specify:<br>(A) The identity of all persons, if known, whose communications are to be or may be intercepted;<br>(B) The nature and location of the communications facilities as to which, or the place where, authority to intercept is granted;<br>(C) A particular description of the type of communication sought to be intercepted, and a statement of the particular offense to which it relates;<br>(D) The identity of the agency authorized to intercept the communications, and the identity of the person authorizing the application; and<br>(E) The period of time during which the interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.<br>(2) An order authorizing the interception of a wire, oral or electronic communication under this part or §§ 39-13-601 — 39-13-603 shall, upon the request of the applicant, direct that a provider of wire or electronic communication | |

| | | |
|---|---|---|
| | service, landlord, custodian, or other person shall furnish the applicant with all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that the service provider, landlord, custodian, or person is according the person whose communications are to be intercepted. Any provider of wire or electronic communication service, landlord, custodian, or other person furnishing facilities or technical assistance shall be compensated by the applicant for reasonable expenses incurred in providing the facilities or assistance.<br>(e) No order entered under this section may authorize or approve the interception of any wire, oral or electronic communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than thirty (30) days. The thirty-day period begins on the earlier of the day on which the investigative or law enforcement officer first begins to conduct an interception under the order or ten (10) days after the order is entered. Extensions of an order may be granted, but only upon application for an extension made in accordance with subsection (a) and the court making the findings required by subsection (c). The period of extension shall be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event for longer than thirty (30) days. Every order and extension of an order shall contain a provision that the authorization to intercept shall be executed as soon | |

| | | |
|---|---|---|
| | as practicable, shall be conducted in a way as to minimize the interception of communications not otherwise subject to interception under this part or §§ 39-13-601 — 39-13-603, and must terminate upon attainment of the authorized objective, or in any event in thirty (30) days. In the event the intercepted communication is in a code or foreign language, and an expert in that code or foreign language is not reasonably available during the interception period, minimization may be accomplished as soon as practicable after interception. An interception under this part or §§ 39-13-601 — 39-13-603 may be conducted in whole or in part by state personnel, or by an individual operating under a contract with the state, acting under the supervision of an investigative or law enforcement officer authorized to conduct the interception.<br>(f)<br>(1) The contents of any wire, oral or electronic communication intercepted by any means authorized by this part or §§ 39-13-601 — 39-13-603 shall, if possible, be recorded on tape or wire or other comparable device. The recording of the contents of any wire, oral or electronic communication under this subsection (f) shall be done in a way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, or extensions of the order, the recordings shall be made available to the judge issuing the order and sealed under the judge's direction. All recordings of wire, oral or electronic communications shall be | |

| | | |
|---|---|---|
| | treated as confidential and shall not be open for inspection by members of the public. Custody of the recordings shall be wherever the judge orders. The recordings shall not be destroyed except upon an order of the issuing judge and in any event shall be kept for ten (10) years; provided, that upon the agreement of the person whose communications were intercepted, or that person's counsel, and the appropriate district attorney general, the issuing judge may order the destruction of all recordings at any time. Duplicate recordings may be made for use or disclosure, pursuant to § 40-6-306(a) and (b) for investigations, upon an order of the issuing judge. All duplicate recordings or written transcripts shall be treated as confidential and shall not be open for inspection by members of the public. Upon an order of the issuing judge, the contents of any wire, oral or electronic communication may be unsealed and used while giving testimony, pursuant to § 40-6-306(c). The presence of the seal provided for by this subsection (f), or a satisfactory explanation for the absence of the seal, shall be a prerequisite for the use or disclosure of the contents of any wire, oral or electronic communication or evidence derived therefrom under § 40-6-306(c). All wire, oral or electronic communications that are not disclosed while giving testimony retain their confidential character and shall not be open for inspection by members of the public. Immediately following duplication or use while giving testimony, the recordings shall be returned to the | |

| | | |
|---|---|---|
| | judge issuing the order and resealed under the judge's direction.<br>(2) Applications made and orders granted under this section shall be treated as confidential and shall not be open for inspection by members of the public. Applications and orders shall be sealed by the judge and custody shall be wherever the judge directs. The applications and orders shall be disclosed only upon a showing of good cause before a judge of competent jurisdiction and shall not be destroyed except on order of the issuing or denying judge and in any event shall be kept for ten (10) years. Upon the agreement of the person named in the order or application, or that person's counsel, and the appropriate district attorney general, the issuing judge may order the destruction of such applications and orders at any time.<br>(3) Any violation of this subsection (f) may be punished as contempt of the issuing or denying judge.<br>(4) Within a reasonable time, but not later than ninety (90) days after the termination of an order of approval under subsections (c) and (d), or an order authorizing an extension under subsection (e), or the denial of an order under subsection (c), the issuing or denying judge shall cause an inventory to be served on the persons named in the order or application and any other parties to intercepted communications as determined by the judge exercising judicial discretion in the interest of justice. The inventory shall include notice of:<br>(A) The fact of entry of the order or the application;<br>(B) The date of the entry and the period of authorized interception, or the denial of the application; and | |

| | | |
|---|---|---|
| | (C) The fact that during the period wire, oral or electronic communications were or were not intercepted.<br>(5) The judge, upon the filing of a motion, may, in the judge's discretion, make available to the person or the person's counsel for inspection any portions of the intercepted communications, applications and orders as the judge determines to be in the interest of justice. On an ex parte showing of good cause to a judge of competent jurisdiction, the serving of the inventory required by this subsection (f) may be postponed for ninety (90) days. At the end of this period, the judge may allow additional ninety-day extensions, but only on further showing of good cause.<br>(g) The contents of any intercepted wire, oral or electronic communication or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in a state court unless each party, not less than ten (10) days before the trial, hearing, or proceeding, has been furnished with a copy of the court order, and accompanying application, under which the interception was authorized. This ten-day period may be waived by the judge if the judge finds that it was not possible to furnish the party with the information ten (10) days before the trial, hearing, or proceeding and that the party will not be prejudiced by the delay in receiving the information.<br>(h)<br>(1) Any aggrieved person in any trial, hearing, or proceeding in or before any court, department, officer, | |

| | | |
|---|---|---|
| | agency, regulatory body, or other authority of the state of Tennessee or a political subdivision of the state may move to suppress the contents of any intercepted wire, oral or electronic communication, or evidence derived therefrom, on the grounds that:<br>(A) The communication was unlawfully intercepted;<br>(B) The order of authorization under which it was intercepted is insufficient on its face; or<br>(C) The interception was not made in conformity with the order of authorization. The motion shall be made before the trial, hearing or proceeding, unless there was no opportunity to make the motion or the person was not aware of the grounds of the motion. If the motion is granted, the contents of the intercepted wire, oral or electronic communication, or evidence derived therefrom, shall be treated as having been obtained in violation of this part or §§ 39-13-601 — 39-13-603. The judge, upon the filing of a motion by the aggrieved person, may, in the judge's discretion, make available portions of the intercepted communication, or evidence derived therefrom, as the judge determines to be in the interest of justice.<br>(2) In addition to any other right to appeal, the state has the right to appeal from an order granting a motion to suppress made under subdivision (h)(1), or the denial of an application for an order of approval, if the district attorney general certifies to the judge or other official granting the motion or denying the application that the appeal is not taken for purposes of delay. The appeal shall be taken within thirty (30) days after the date | |

| | | |
|---|---|---|
| | the order was entered and shall be diligently prosecuted. | |
| **Law Enforcement Phlebotomy Program** | | |
| By Locality | | |
| **Oral Fluid** | | |
| **For Drug Detection** | No | |
| **Roadside – Not Evidential** | No | |
| **Evidential** | No | |
| **Roadside and Evidential** | No | |
| **Minimum Legal Age for Cannabis Consumption** | | |
| 39-17-402(16)(F) | (F) The term "marijuana" does not include oil containing the substance cannabidiol, with less than nine-tenths of one percent (0.9%) of tetrahydrocannabinol, if:<br><br>(i)(a) The bottle containing the oil is labeled by the manufacturer as containing cannabidiol in an amount less than nine-tenths of one percent (0.9%) of tetrahydrocannabinol; and<br>(b) The person in possession of the oil retains:<br>(1) Proof of the legal order or recommendation from the issuing state; and<br>(2) Proof that the person or the person's immediate family member has been diagnosed with intractable seizures or epilepsy by a medical doctor or doctor of osteopathic medicine who is licensed to practice medicine in this state; or<br>(ii)<br>(a) The bottle containing the oil is labeled by the manufacturer as containing cannabidiol in an amount less than nine-tenths of one percent (0.9%) of tetrahydrocannabinol on a printed label that includes the manufacturer's name and the expiration date, batch number or lot | |

| | | |
|---|---|---|
| | number, and tetrahydrocannabinol concentration strength of the oil; and<br>(b) The person in possession of the oil retains:<br>(1) Proof of the legal order or recommendation from the issuing state;<br>(2) Proof that the person or the person's immediate family member has been diagnosed with at least one (1) of the following diseases or conditions by a medical doctor or doctor of osteopathic medicine who is licensed to practice medicine in this state:<br>(A) Alzheimer's disease;<br>(B) Amyotrophic lateral sclerosis (ALS);<br>(C) Cancer, when such disease is diagnosed as end stage or the treatment produces related wasting illness, recalcitrant nausea and vomiting, or pain;<br>(D) Inflammatory bowel disease, including Crohn's disease and ulcerative colitis;<br>(E) Multiple sclerosis;<br>(F) Parkinson's disease;<br>(G) Human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS); or<br>(H) Sickle cell disease; and<br>(3) Proof that the person or the person's immediate family member has a valid letter of attestation, as defined in§ 68-7-201; | |
| **Underage Cannabis Laws and Penalties** | | |
| **Underage Possession** | Same as adult | 39-17-418<br>(a) It is an offense for a person to knowingly possess or casually exchange a controlled substance, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of professional practice.<br>(b) It is an offense for a person to distribute a small amount of marijuana not in excess of one-half (½) ounce (14.175 grams).<br>(c)<br>(1) Except as provided in subsections (d) and (e), a violation of this section is a Class A misdemeanor.<br>(2)<br>(A) A violation of subsection (a) with respect to any amount of methamphetamine shall be punished by confinement for not |

| | | |
|---|---|---|
| | | less than thirty (30) days, and the person shall serve at least one hundred percent (100%) of the thirty (30) day minimum.<br>(B)<br>(i) The thirty (30) day minimum sentence required by subdivision (c)(2)(A) shall not be construed to prohibit a person sentenced pursuant to this subsection (c) from participating in a drug or recovery court that is certified by the department of mental health and substance abuse services or another licensed treatment program.<br>(ii) Any person participating in such a court or program may receive sentence credit for up to the full thirty (30) day minimum required by subdivision (c)(2)(A).<br>(iii) For persons sentenced under subdivision (c)(2)(A) with clinical assessment results indicating the need to participate in a drug or recovery court or treatment program, the court shall strongly consider ordering service of the sentence through participation in a drug or recovery court or program permitted under subdivision (c)(2)(B)(i) instead of through confinement, unless the court determines the person is not suitable for, or otherwise cannot participate in, such a court or program.<br>(d) A violation of subsections (a) or (b), where there is casual exchange to a minor from an adult who is at least two (2) years the minor's senior, and who knows that the person is a minor, is punished as a felony as provided in § 39-17-417. |

| | | |
|---|---|---|
| **Underage Consumption** | Same as adult | 55-10-401. Driving under the influence prohibited — Alcohol concentration in blood or breath.<br><br>It is unlawful for any person to drive or to be in physical control of any automobile or other motor driven vehicle on any of the public roads and highways of the state, or on any streets or alleys, or while on the premises of any shopping center, trailer park, or apartment house complex, or any other premises that is generally frequented by the public at large, while:<br>(1) Under the influence of any intoxicant, marijuana, controlled substance, controlled substance analogue, drug, substance affecting the central nervous system, or combination thereof that impairs the driver's ability to safely operate a motor vehicle by depriving the driver of the clearness of mind and control of oneself that the driver would otherwise possess;<br>(2) The alcohol concentration in the person's blood or breath is eight-hundredths of one percent (0.08%) or more; or<br>(3) With a blood alcohol concentration of four-hundredths of one percent (0.04%) or more and the vehicle is a commercial motor vehicle as defined in § 55-50-102. |
| **Underage Purchase** | Same as adult | 39-17-418<br>(a) It is an offense for a person to knowingly possess or casually exchange a controlled substance, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a |

| | | |
|---|---|---|
| | | practitioner while acting in the course of professional practice.<br>(b) It is an offense for a person to distribute a small amount of marijuana not in excess of one-half (½) ounce (14.175 grams).<br>(c)<br>(1) Except as provided in subsections (d) and (e), a violation of this section is a Class A misdemeanor.<br>(2)<br>(A) A violation of subsection (a) with respect to any amount of methamphetamine shall be punished by confinement for not less than thirty (30) days, and the person shall serve at least one hundred percent (100%) of the thirty (30) day minimum.<br>(B)<br>(i) The thirty (30) day minimum sentence required by subdivision (c)(2)(A) shall not be construed to prohibit a person sentenced pursuant to this subsection (c) from participating in a drug or recovery court that is certified by the department of mental health and substance abuse services or another licensed treatment program.<br>(ii) Any person participating in such a court or program may receive sentence credit for up to the full thirty (30) day minimum required by subdivision (c)(2)(A).<br>(iii) For persons sentenced under subdivision (c)(2)(A) with clinical assessment results indicating the need to participate in a drug or recovery court or treatment program, the court shall strongly consider ordering service of the sentence through participation in a drug or recovery court or program permitted under subdivision (c)(2)(B)(i) instead of |

| | | |
|---|---|---|
| | | through confinement, unless the court determines the person is not suitable for, or otherwise cannot participate in, such a court or program.<br>(d) A violation of subsections (a) or (b), where there is casual exchange to a minor from an adult who is at least two (2) years the minor's senior, and who knows that the person is a minor, is punished as a felony as provided in § 39-17-417. |
| **Underage Attempt to Purchase** | Same as adult | 39-17-418. Simple possession or casual exchange.<br>(a) It is an offense for a person to knowingly possess or casually exchange a controlled substance, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of professional practice.<br>(b) It is an offense for a person to distribute a small amount of marijuana not in excess of one-half (½) ounce (14.175 grams).<br>(c)<br>(1) Except as provided in subsections (d) and (e), a violation of this section is a Class A misdemeanor.<br>(2)<br>(A) A violation of subsection (a) with respect to any amount of methamphetamine shall be punished by confinement for not less than thirty (30) days, and the person shall serve at least one hundred percent (100%) of the thirty (30) day minimum.<br>(B)<br>(i) The thirty (30) day minimum sentence required by subdivision (c)(2)(A) shall not be construed to prohibit a person sentenced |

| | | |
|---|---|---|
| | | pursuant to this subsection (c) from participating in a drug or recovery court that is certified by the department of mental health and substance abuse services or another licensed treatment program.<br>(ii) Any person participating in such a court or program may receive sentence credit for up to the full thirty (30) day minimum required by subdivision (c)(2)(A).<br>(iii) For persons sentenced under subdivision (c)(2)(A) with clinical assessment results indicating the need to participate in a drug or recovery court or treatment program, the court shall strongly consider ordering service of the sentence through participation in a drug or recovery court or program permitted under subdivision (c)(2)(B)(i) instead of through confinement, unless the court determines the person is not suitable for, or otherwise cannot participate in, such a court or program.<br>(d) A violation of subsections (a) or (b), where there is casual exchange to a minor from an adult who is at least two (2) years the minor's senior, and who knows that the person is a minor, is punished as a felony as provided in § 39-17-417.<br>(e) A violation under this section is a Class E felony where the person has two (2) or more prior convictions under this section and the current violation involves a Schedule I controlled substance classified as heroin.<br>(f)<br>(1) In addition to the other penalties provided in this section, any person convicted of violating this section for possession of a |

| | | |
|---|---|---|
| | | controlled substance may be required to attend a drug offender school, if available, or may be required to perform community service work at a drug or alcohol rehabilitation or treatment center. (2) Any person required to attend a drug offender school pursuant to this subsection (f) shall also be required to pay a fee for attending the school. If the court determines that the person, by reason of indigency, cannot afford to pay a fee to attend the school, the court shall waive the fee and the person shall attend the school without charge. The amount of fee shall be established by the local governmental authority operating the school, but the fee shall not exceed the fee charged for attending an alcohol safety DUI school program if such a program is available in the jurisdiction. All fees collected pursuant to this subsection (f) shall be used by the governmental authority responsible for administering the school for operation of the school. |
| **Underage Exemptions to Illegality of Cannabis** | | |
| **Medical Marijuana**<br>39-17-402(16)(F) | (F) The term "marijuana" does not include oil containing the substance cannabidiol, with less than nine-tenths of one percent (0.9%) of tetrahydrocannabinol, if:<br><br>(i)(a) The bottle containing the oil is labeled by the manufacturer as containing cannabidiol in an amount less than nine-tenths of one percent (0.9%) of tetrahydrocannabinol; and<br>(b) The person in possession of the oil retains:<br>(1) Proof of the legal order or recommendation from the issuing state; and<br>(2) Proof that the person or the person's immediate family member has been diagnosed with intractable seizures or epilepsy by a medical doctor or doctor of osteopathic medicine who is licensed to practice medicine in this state; or<br>(ii) | |

| | |
|---|---|
| | (a) The bottle containing the oil is labeled by the manufacturer as containing cannabidiol in an amount less than nine-tenths of one percent (0.9%) of tetrahydrocannabinol on a printed label that includes the manufacturer's name and the expiration date, batch number or lot number, and tetrahydrocannabinol concentration strength of the oil; and<br>(b) The person in possession of the oil retains:<br>(1) Proof of the legal order or recommendation from the issuing state;<br>(2) Proof that the person or the person's immediate family member has been diagnosed with at least one (1) of the following diseases or conditions by a medical doctor or doctor of osteopathic medicine who is licensed to practice medicine in this state:<br>(A) Alzheimer's disease;<br>(B) Amyotrophic lateral sclerosis (ALS);<br>(C) Cancer, when such disease is diagnosed as end stage or the treatment produces related wasting illness, recalcitrant nausea and vomiting, or pain;<br>(D) Inflammatory bowel disease, including Crohn's disease and ulcerative colitis;<br>(E) Multiple sclerosis;<br>(F) Parkinson's disease;<br>(G) Human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS); or<br>(H) Sickle cell disease; and<br>(3) Proof that the person or the person's immediate family member has a valid letter of attestation, as defined in§ 68-7-201; |
| **Other** | NDA |

| **Underage Cannabis Provisions for Screening/Assessment/Education/Treatment/Medication Assisted Treatment** |
|---|
| NDA |

| **Social Host laws** | | |
|---|---|---|
| **Cannabis** | Social host law for alcohol only.<br>39-15-404(a)(3)(A)-(D) | 39-15-404. Enticing minor to purchase alcoholic beverages or beer — Giving or purchasing of alcoholic beverages or beer for minor — Allowing underage consumption of alcoholic beverages, wine, or beer. |

| | | |
|---|---|---|
| | | (a) Except as provided in § 39-15-413:<br>(1) It is an offense for a person to persuade, entice or send a minor to any place where alcoholic beverages, as defined in § 57-3-101(a)(1)(A), or beer, as defined in § 57-5-101(b), are sold, to buy or otherwise procure alcoholic beverages or beer in any quantity, for the use of the minor, or for the use of any other person;<br>(2) It is an offense for a person to give or buy alcoholic beverages or beer for or on behalf of any minor or to cause alcohol to be given or bought for or on behalf of any minor for any purpose; and<br>(3)<br>(A) It is an offense for any owner, occupant, or other person having a lawful right to the exclusive use and enjoyment of property to knowingly allow a person to consume alcoholic beverages, wine, or beer on the property if the owner, occupant, or other person knows that the person consuming is a minor;<br>(B) It is an affirmative defense to prosecution under subdivision (a)(3)(A) that the defendant acted upon a reasonably held belief that the minor was twenty-one (21) years of age or older;<br>(C) Subdivision (a)(3)(A) does not apply to consumption or possession of a de minimis quantity of alcohol or wine by a minor as permitted by § 1-3-113(b)(2);<br>(D) This subdivision (a)(3) does not affect:<br>(i) Standards for imposing civil liability pursuant to §§ 57-10-101 and 57-10-102;<br>(ii) Standards, established pursuant to § 37-1-156(a), for |

| | | |
|---|---|---|
| | | imposing criminal liability on adults who contribute or encourage the delinquency or unruly behavior of a child, as defined in § 37-1-102(b); or<br>(iii) Standards, established pursuant to § 39-11-404, for imposing criminal liability on corporations. |
| **Drugs** | Social host law for alcohol only.<br>39-15-404(a)(3)(A)-(D) | 39-15-404. Enticing minor to purchase alcoholic beverages or beer — Giving or purchasing of alcoholic beverages or beer for minor — Allowing underage consumption of alcoholic beverages, wine, or beer.<br>(a) Except as provided in § 39-15-413:<br>(1) It is an offense for a person to persuade, entice or send a minor to any place where alcoholic beverages, as defined in § 57-3-101(a)(1)(A), or beer, as defined in § 57-5-101(b), are sold, to buy or otherwise procure alcoholic beverages or beer in any quantity, for the use of the minor, or for the use of any other person;<br>(2) It is an offense for a person to give or buy alcoholic beverages or beer for or on behalf of any minor or to cause alcohol to be given or bought for or on behalf of any minor for any purpose; and<br>(3)<br>(A) It is an offense for any owner, occupant, or other person having a lawful right to the exclusive use and enjoyment of property to knowingly allow a person to consume alcoholic beverages, wine, or beer on the property if the owner, occupant, or other person knows that the person consuming is a minor; |

| | | |
|---|---|---|
| | | (B) It is an affirmative defense to prosecution under subdivision (a)(3)(A) that the defendant acted upon a reasonably held belief that the minor was twenty-one (21) years of age or older;<br>(C) Subdivision (a)(3)(A) does not apply to consumption or possession of a de minimis quantity of alcohol or wine by a minor as permitted by § 1-3-113(b)(2);<br>(D) This subdivision (a)(3) does not affect:<br>(i) Standards for imposing civil liability pursuant to §§ 57-10-101 and 57-10-102;<br>(ii) Standards, established pursuant to § 37-1-156(a), for imposing criminal liability on adults who contribute or encourage the delinquency or unruly behavior of a child, as defined in § 37-1-102(b); or<br>(iii) Standards, established pursuant to § 39-11-404, for imposing criminal liability on corporations. |

**Penalties for Retailers Who Knowingly Sell to People Under 21**

57-5-301. Sales to minors or intoxicated persons prohibited — Employment of certain offenders prohibited — Hours of sale and consumption — Loitering by minors — Possession by minors unlawful — Signs on vendors' premises.

(a)
(1) A permit holder engaging in the business regulated hereunder or any employee thereof shall not make or permit to be made any sales to minors or persons visibly intoxicated. Prior to making a sale of beer for off-premise consumption, the adult consumer must present to the permit holder, or any employee of the permit holder, a valid, government-issued document, such as a driver's license, or other form of identification deemed acceptable to the permit holder, that includes the photograph and birth date of the adult consumer attempting to make a beer purchase. Persons exempt under state law from the requirement of having a photo identification shall present identification that is acceptable to the permit holder. The permit holder or employee shall make a determination from the information presented whether the purchaser is an adult. In addition to the prohibition of making a sale to a minor, no sale of beer for off-premises consumption shall be made to a person who does not present such a document or other form of identification to the permit holder or any employee of the permit holder; however, it is an exception to any criminal punishment or adverse administrative action, including license suspension or revocation, as provided for a violation of this section if the sale was made to a

person who is or reasonably appears to be over fifty (50) years of age and who failed to present an acceptable form of identification. Responsible vendors shall post signs on the vendor's premises informing customers of the vendor's policy against selling beer to underage persons. The signs shall be not less than eight and one-half inches by eleven inches (8½" x 11"), and contain the following language: STATE LAW REQUIRES IDENTIFICATION FOR THE SALE OF BEER. Neither the person engaging in such business nor persons employed by that person shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture and transportation of intoxicating liquor or any crime involving moral turpitude within the last ten (10) years.

(2) A violation of subdivision (a)(1) is a Class A misdemeanor.

(b)

(1) No alcoholic beverage within the scope hereof shall be sold between twelve o'clock midnight (12:00) and six o'clock a.m. (6:00 a.m.). No such beverage shall be sold between twelve o'clock midnight (12:00) on Saturday and eleven fifty-nine o'clock p.m. (11:59 p.m.) on Sunday. No such beverage shall be consumed, or opened for consumption, on or about any premises licensed hereunder, in either bottle, glass, or other container, after twelve fifteen o'clock a.m. (12:15 a.m.). Any county by resolution of the governing body may extend the hours for the sale of beer; provided, however, that the hours for the sale of beer in "clubs" as defined in § 57-4-102, shall conform to those hours for the sale of liquor by the drink as provided in chapter 4 of this title.

(2) A violation of subdivision (b)(1) is a Class C misdemeanor.

(3) This subsection (b) shall not affect the power of governing bodies of municipal corporations or of Class B counties by ordinance to fix the hours when such beverages may be sold within the incorporated limits of such respective municipalities or within the general services districts of Class B counties outside the limits of any smaller city as defined in § 7-1-101. Municipal corporations may authorize the sale of such beverages in their respective corporate limits on Sundays or at such hours as may be prescribed by ordinance. Class B counties may authorize the sale of such beverages on Sundays in their respective general services districts outside their urban services districts and outside the limits of any smaller city or cities or in their respective urban services districts or in both or at such hours as may be prescribed by ordinance.

(4) The governing body of any county that has adopted liquor by the drink, as provided for in chapter 4 of this title, may fix the hours for the sale of beer within the county (that part of the county outside of incorporated municipalities). This subdivision (b)(4) shall not affect business establishments selling liquor by the drink and malt beverages as authorized by chapter 4 of this title.

(5)

(A) In any county in which an incorporated municipality has authorized the sale of liquor by the drink, as provided for in chapter 4 of this title, the hours for the sale of beer as defined in § 57-6-102, in that part of the county outside of incorporated municipalities and in all of its municipalities which have authorized the sale of liquor by the drink, shall be the same as the hours authorized by the rules and regulations promulgated by the alcoholic beverage commission for establishments selling liquor by the drink; provided, however, that the county legislative body of any such county and the governing body of each municipality within the county which has authorized the sale of liquor by the drink shall have the authority to extend the hours for the sale of beer as defined in § 57-6-102, within the territorial jurisdiction of each governing body. This subdivision (b)(5)(A) shall not apply to counties and municipalities that have legalized the sale of liquor by the drink by a county-wide referendum.

(B) In any jurisdiction that has elected Tennessee River resort district status pursuant to § 67-6-103(a)(3)(F) and is considered a Tennessee River resort district for purposes of chapter 4, part 1 of this title, the hours for the sale of beer within the boundaries of any such resort district shall not be less than the hours authorized for establishments selling liquor or wine for on-premises consumption.

(c) It is unlawful for the management of any place where any beverage licensed hereunder is sold to allow any minor to loiter about such place of business, and the burden of ascertaining the age of minor customers shall be upon the owner or operator of such place of business.
(d)
(1)
(A) It is unlawful and punishable as provided in § 57-5-303, for any minor to purchase or attempt to purchase any such beverage.
(B)
(i) In addition to any criminal penalty established in this section, a court in which a person younger than twenty-one (21) years of age but eighteen (18) years of age or older is convicted of the purchase or attempt to purchase or possession of beer in violation of this section shall prepare and send to the department of safety, driver control division, within five (5) working days of the conviction an order of denial of driving privileges for the offender.
(ii) The court and the department of safety shall follow the same procedures and utilize the same sanctions and costs for an offender younger than twenty-one (21) years of age but eighteen (18) years of age or older as provided in title 55, chapter 10, part 7, for offenders younger than eighteen (18) years of age but thirteen (13) years of age or older.
(2) Any person who purchases any such beverage for or on behalf of a person under twenty-one (21) years of age commits a Class A misdemeanor and, in addition to the punishment authorized by § 40-35-111, shall be punished pursuant to § 39-15-404.
(3) Any person under twenty-one (21) years of age who knowingly makes a false statement or exhibits false identification to the effect that the person is twenty-one (21) years of age or older to any person engaged in the sale of alcoholic beverages licensed hereunder for the purpose of purchasing or obtaining the same is guilty of a misdemeanor. In addition to any criminal penalty established by this subdivision (d)(3), a court in which a person younger than twenty-one (21) years of age but eighteen (18) years of age or older is convicted under this subdivision (d)(3) of a second or subsequent offense shall prepare and send to the department of safety, driver control division, within five (5) working days of the conviction, an order of denial of driving privileges for the offender for a period not to exceed one (1) year. The offender may apply to the court for a restricted driver license. The judge shall order the issuance of a restricted motor vehicle operator's license, in accordance with § 55-50-502. The court and the department shall follow the same procedures and utilize the same costs for a person younger than twenty-one (21) years of age but eighteen (18) years of age or older as provided in title 55, chapter 10, part 7, for offenders younger than eighteen (18) years of age but thirteen (13) years of age or older.
(A) If the person violating this subdivision (d)(3) is less than eighteen (18) years of age, the person shall be punished by a fine of not less than fifty ($50.00) nor more than two hundred fifty dollars ($250) and not less than twenty (20) hours of community service work, which fine or penalty shall not be suspended or waived. The fine imposed by this subdivision (d)(3)(A) shall apply regardless of whether the violator cooperates with law enforcement officers by telling them the place the alcohol was purchased or obtained or from whom it was purchased or obtained.
(B) If the person violating this subdivision (d)(3) is eighteen (18) years of age or older but less than twenty-one (21) years of age, the person shall be punished by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500) or by imprisonment in the local jail or workhouse for not less than five (5) days nor more than thirty (30) days. The penalties imposed by this subdivision (d)(3)(B) shall apply regardless of whether the violator cooperates with law enforcement officers by telling them the place the alcohol was purchased or obtained or from whom it was purchased or obtained.
(e)

(1) It is unlawful for any person under twenty-one (21) years of age to have in the person's possession beer for any purpose, and it is unlawful for any such minor to transport beer for any purpose except the same be in the course of employment.
(2) A violation of subdivision (e)(1) is a Class A misdemeanor.
(3) Any person under twenty-one (21) years of age found to have violated subdivision (e)(1) shall, regardless of the final disposition of such violation, have the right to have the records, as defined in § 40-32-101, of such violation destroyed after the passage of six (6) months from the date of the violation. Such destruction shall occur upon motion of the person to the court which heard the violation and shall be without cost to such person.
(f) Vendors shall post signs on the vendor's premises informing customers of the vendor's policy against selling beer to underage persons. The signs shall be not less than eight and one-half inches by five and one-half inches (8½" x 5½"), and shall contain the following language: IF YOU AREN'T 21 AND ARE IN POSSESSION OF BEER, YOU COULD LOSE YOUR DRIVER LICENSE.

57-5-303. Violation of law, rule or regulation — Penalties.

(a) Any violation of this chapter or rule or regulation of the commissioner of revenue or the violations of any rule or regulation of a county legislative body, metropolitan council or city legislative body relative to the conducting of the beer or like beverage business as defined in § 57-5-101 is a Class C misdemeanor where the penalty is not otherwise fixed.
(b) A violation of this section involving either unlawful possession or illegal transportation, or both, of over one hundred (100) cases of twenty-four (24) twelve ounce (12 oz.) cans of beer or other light alcoholic beverage, or the equivalent thereof with respect to quantity or the kinds of containers, is a Class E felony.
(c) Upon the second conviction of any person engaging in a business regulated under this chapter of making, or permitting to be made, any sale of alcoholic beverages, beer or wine to a person under twenty-one (21) years of age in violation of this chapter, such person is guilty of a Class E felony. In addition, upon the second such conviction, the permit or license of such person shall be automatically and permanently revoked regardless of any other punishment actually imposed.
(d) Each violation of this chapter shall constitute a separate and distinct offense.

39-17-702. Unlawful sale of alcoholic beverages.

(a) It is unlawful for any person to sell wine, beer, ale, or any other beverage or mixed drink containing alcohol in any establishment unless the establishment is operating in compliance with all laws governing the sale of alcoholic beverages in the establishments.
(b) A violation of this section is a Class B misdemeanor.

**Other**

57-5-301. Sales to minors or intoxicated persons prohibited — Employment of certain offenders prohibited — Hours of sale and consumption — Loitering by minors — Possession by minors unlawful — Signs on vendors' premises.

(a)
(1) A permit holder engaging in the business regulated hereunder or any employee thereof shall not make or permit to be made any sales to minors or persons visibly intoxicated. Prior to making a sale of beer for off-premise consumption, the adult consumer must present to the permit holder, or any employee of the permit holder, a valid, government-issued document,

such as a driver's license, or other form of identification deemed acceptable to the permit holder, that includes the photograph and birth date of the adult consumer attempting to make a beer purchase. Persons exempt under state law from the requirement of having a photo identification shall present identification that is acceptable to the permit holder. The permit holder or employee shall make a determination from the information presented whether the purchaser is an adult. In addition to the prohibition of making a sale to a minor, no sale of beer for off-premises consumption shall be made to a person who does not present such a document or other form of identification to the permit holder or any employee of the permit holder; however, it is an exception to any criminal punishment or adverse administrative action, including license suspension or revocation, as provided for a violation of this section if the sale was made to a person who is or reasonably appears to be over fifty (50) years of age and who failed to present an acceptable form of identification. Responsible vendors shall post signs on the vendor's premises informing customers of the vendor's policy against selling beer to underage persons. The signs shall be not less than eight and one-half inches by eleven inches (8½" x 11"), and contain the following language: STATE LAW REQUIRES IDENTIFICATION FOR THE SALE OF BEER. Neither the person engaging in such business nor persons employed by that person shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture and transportation of intoxicating liquor or any crime involving moral turpitude within the last ten (10) years.

(2) A violation of subdivision (a)(1) is a Class A misdemeanor.

(b)

(1) No alcoholic beverage within the scope hereof shall be sold between twelve o'clock midnight (12:00) and six o'clock a.m. (6:00 a.m.). No such beverage shall be sold between twelve o'clock midnight (12:00) on Saturday and eleven fifty-nine o'clock p.m. (11:59 p.m.) on Sunday. No such beverage shall be consumed, or opened for consumption, on or about any premises licensed hereunder, in either bottle, glass, or other container, after twelve fifteen o'clock a.m. (12:15 a.m.). Any county by resolution of the governing body may extend the hours for the sale of beer; provided, however, that the hours for the sale of beer in "clubs" as defined in § 57-4-102, shall conform to those hours for the sale of liquor by the drink as provided in chapter 4 of this title.

(2) A violation of subdivision (b)(1) is a Class C misdemeanor.

(3) This subsection (b) shall not affect the power of governing bodies of municipal corporations or of Class B counties by ordinance to fix the hours when such beverages may be sold within the incorporated limits of such respective municipalities or within the general services districts of Class B counties outside the limits of any smaller city as defined in § 7-1-101. Municipal corporations may authorize the sale of such beverages in their respective corporate limits on Sundays or at such hours as may be prescribed by ordinance. Class B counties may authorize the sale of such beverages on Sundays in their respective general services districts outside their urban services districts and outside the limits of any smaller city or cities or in their respective urban services districts or in both or at such hours as may be prescribed by ordinance.

(4) The governing body of any county that has adopted liquor by the drink, as provided for in chapter 4 of this title, may fix the hours for the sale of beer within the county (that part of the county outside of incorporated municipalities). This subdivision (b)(4) shall not affect business

establishments selling liquor by the drink and malt beverages as authorized by chapter 4 of this title.
(5)
(A) In any county in which an incorporated municipality has authorized the sale of liquor by the drink, as provided for in chapter 4 of this title, the hours for the sale of beer as defined in § 57-6-102, in that part of the county outside of incorporated municipalities and in all of its municipalities which have authorized the sale of liquor by the drink, shall be the same as the hours authorized by the rules and regulations promulgated by the alcoholic beverage commission for establishments selling liquor by the drink; provided, however, that the county legislative body of any such county and the governing body of each municipality within the county which has authorized the sale of liquor by the drink shall have the authority to extend the hours for the sale of beer as defined in § 57-6-102, within the territorial jurisdiction of each governing body. This subdivision (b)(5)(A) shall not apply to counties and municipalities that have legalized the sale of liquor by the drink by a county-wide referendum.
(B) In any jurisdiction that has elected Tennessee River resort district status pursuant to § 67-6-103(a)(3)(F) and is considered a Tennessee River resort district for purposes of chapter 4, part 1 of this title, the hours for the sale of beer within the boundaries of any such resort district shall not be less than the hours authorized for establishments selling liquor or wine for on-premises consumption.
(c) It is unlawful for the management of any place where any beverage licensed hereunder is sold to allow any minor to loiter about such place of business, and the burden of ascertaining the age of minor customers shall be upon the owner or operator of such place of business.
(d)
(1)
(A) It is unlawful and punishable as provided in § 57-5-303, for any minor to purchase or attempt to purchase any such beverage.
(B)
(i) In addition to any criminal penalty established in this section, a court in which a person younger than twenty-one (21) years of age but eighteen (18) years of age or older is convicted of the purchase or attempt to purchase or possession of beer in violation of this section shall prepare and send to the department of safety, driver control division, within five (5) working days of the conviction an order of denial of driving privileges for the offender.
(ii) The court and the department of safety shall follow the same procedures and utilize the same sanctions and costs for an offender younger than twenty-one (21) years of age but eighteen (18) years of age or older as provided in title 55, chapter 10, part 7, for offenders younger than eighteen (18) years of age but thirteen (13) years of age or older.
(2) Any person who purchases any such beverage for or on behalf of a person under twenty-one (21) years of age commits a Class A misdemeanor and, in addition to the punishment authorized by § 40-35-111, shall be punished pursuant to § 39-15-404.
(3) Any person under twenty-one (21) years of age who knowingly makes a false statement or exhibits false identification to the effect that the person is twenty-one (21) years of age or older to any person engaged in the sale of alcoholic beverages licensed hereunder for the purpose of purchasing or obtaining the same is guilty of a misdemeanor. In addition to any criminal penalty established by this subdivision (d)(3), a court in which a person younger than

twenty-one (21) years of age but eighteen (18) years of age or older is convicted under this subdivision (d)(3) of a second or subsequent offense shall prepare and send to the department of safety, driver control division, within five (5) working days of the conviction, an order of denial of driving privileges for the offender for a period not to exceed one (1) year. The offender may apply to the court for a restricted driver license. The judge shall order the issuance of a restricted motor vehicle operator's license, in accordance with § 55-50-502. The court and the department shall follow the same procedures and utilize the same costs for a person younger than twenty-one (21) years of age but eighteen (18) years of age or older as provided in title 55, chapter 10, part 7, for offenders younger than eighteen (18) years of age but thirteen (13) years of age or older.

(A) If the person violating this subdivision (d)(3) is less than eighteen (18) years of age, the person shall be punished by a fine of not less than fifty ($50.00) nor more than two hundred fifty dollars ($250) and not less than twenty (20) hours of community service work, which fine or penalty shall not be suspended or waived. The fine imposed by this subdivision (d)(3)(A) shall apply regardless of whether the violator cooperates with law enforcement officers by telling them the place the alcohol was purchased or obtained or from whom it was purchased or obtained.

(B) If the person violating this subdivision (d)(3) is eighteen (18) years of age or older but less than twenty-one (21) years of age, the person shall be punished by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500) or by imprisonment in the local jail or workhouse for not less than five (5) days nor more than thirty (30) days. The penalties imposed by this subdivision (d)(3)(B) shall apply regardless of whether the violator cooperates with law enforcement officers by telling them the place the alcohol was purchased or obtained or from whom it was purchased or obtained.

(e)

(1) It is unlawful for any person under twenty-one (21) years of age to have in the person's possession beer for any purpose, and it is unlawful for any such minor to transport beer for any purpose except the same be in the course of employment.

(2) A violation of subdivision (e)(1) is a Class A misdemeanor.

(3) Any person under twenty-one (21) years of age found to have violated subdivision (e)(1) shall, regardless of the final disposition of such violation, have the right to have the records, as defined in § 40-32-101, of such violation destroyed after the passage of six (6) months from the date of the violation. Such destruction shall occur upon motion of the person to the court which heard the violation and shall be without cost to such person.

(f) Vendors shall post signs on the vendor's premises informing customers of the vendor's policy against selling beer to underage persons. The signs shall be not less than eight and one-half inches by five and one-half inches (8½" x 5½"), and shall contain the following language: IF YOU AREN'T 21 AND ARE IN POSSESSION OF BEER, YOU COULD LOSE YOUR DRIVER LICENSE.

57-2-105. Restrictions on sale within state.

(a) Except as otherwise provided by law, nothing in this chapter shall be construed as licensing or legalizing the sale of intoxicating liquors and/or other intoxicating drinks within the state by any distillery or manufacturing plant authorized under this chapter.

(b) Nothing in this chapter shall be construed so as to repeal, or in any manner abridge or affect the present laws of this state concerning the sale of intoxicating liquors of every kind.

57-4-203. Prohibited practices — Hours of sale — Authority of commission — Penalties.

(a) Exterior Signs.
(1) No licensee shall place any sign of any description on the exterior of the licensee's hotel, convention center, premier type tourist resort, restaurant, or club which is not in compliance with all duly adopted local ordinances relative to such exterior signs.
(2) A violation of subdivision (a)(1) is a Class C misdemeanor.
(b) Sales to Minors Prohibited.
(1)
(A) Any licensee or other person who sells, furnishes, disposes of, gives, or causes to be sold, furnished, disposed of, or given, any alcoholic beverage to any person under twenty-one (21) years of age commits a Class A misdemeanor and shall be punished in accordance with § 39-15-404, as well as any other applicable section.
(B) Any licensee engaging in business regulated hereunder or any employee thereof who sells, furnishes, disposes of, gives, or causes to be sold, furnished, disposed of, or given any beer or malt beverage as defined in § 57-6-102 to any person under twenty-one (21) years of age is guilty of a Class A misdemeanor.
(C) The commission may, upon finding that a licensee has violated subdivision (b)(1)(A) or (b)(1)(B) 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.
(2) Any person under the age of twenty-one (21) years who:
(A) Purchases, attempts to purchase, receives, or has in such person's possession in any public place, any alcoholic beverage, commits a Class A misdemeanor; or
(B) Knowingly makes a false statement or exhibits false identification to the effect that the licensee is twenty-one (21) years of age or older to any person engaged in the sale of alcoholic beverages for the purpose of purchasing or obtaining the same commits a Class A misdemeanor.
(i) If a person violating this subdivision (b)(2)(B) is less than eighteen (18) years of age, such person shall be punished by a fine of fifty dollars ($50.00) or not less than twenty (20) hours of community service work, which fine or penalty shall not be suspended or waived. The fine imposed by this subdivision (b)(2)(B)(i) shall apply regardless of whether the violator cooperates with law enforcement officers by telling them the place the alcohol was purchased or obtained or from whom it was purchased or obtained.
(ii) If the person violating this subdivision (b)(2)(B) is eighteen (18) years of age or older but less than twenty-one (21) years of age, such person shall be punished by a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200) or by imprisonment in the local jail or workhouse for not less than five (5) days nor more than thirty (30) days. The penalties imposed by this subdivision (b)(2)(B)(ii) apply regardless of whether the violator cooperates

with law enforcement officers by telling them the place the alcohol was purchased or obtained or from whom it was purchased or obtained.
(C)
(i) In addition to any criminal penalty established by this section, a court in which a person younger than twenty-one (21) years of age is convicted of the purchase, attempt to purchase or possession of alcoholic beverages, or the making of a false statement or exhibition of false identification for the purpose of purchasing or obtaining alcoholic beverages in violation of this section, shall prepare and send to the department of safety, driver control division, within five (5) working days of the conviction an order of denial of driving privileges for the offender.
(ii) The court and the department of safety shall follow the same procedures and utilize the same sanctions and costs for an offender younger than twenty-one (21) years of age but eighteen (18) years of age or older as provided in title 55, chapter 10, part 7, for offenders younger than eighteen (18) years of age but thirteen (13) years of age or older.
(3) This chapter does not prohibit any person eighteen (18) years of age or older from selling, transporting, possessing or dispensing alcoholic beverages in the course of such person's employment.
(c) Other Prohibited Sales.
(1) It is unlawful for any licensee or other person to sell or furnish any alcoholic beverage to any person who is known to be insane or mentally defective, or to any person who is visibly intoxicated, or to any person who is known to habitually drink alcoholic beverages to excess, or to any person who is known to be an habitual user of narcotics or other habit-forming drugs.
(2) A violation of subdivision (c)(1) is a Class A misdemeanor.
(d) Hours of Sale.
(1) Except as provided in subdivision (d)(5), hotels, clubs, zoological institutions, public aquariums, museums, motels, convention centers, restaurants, community theaters, theater, historic interpretive centers, sports authority facilities, and urban park centers, licensed as provided herein to sell alcoholic beverages, and/or malt beverages, and/or wine may not sell, or give away, alcoholic beverages and/or malt beverages and/or wine between the hours of three o'clock a.m. (3:00 a.m.) and eight o'clock a.m. (8:00 a.m.) on weekdays, or between the hours of three o'clock a.m. (3:00 a.m.) and twelve o'clock (12:00) noon on Sundays.
(2) Except as provided in subdivision (d)(5), hotels, motels and restaurants, licensed under § 57-4-102(28)(B) may not sell or give away alcoholic beverages, and/or malt beverages and/or wine between the hours of one o'clock a.m. (1:00 a.m.) and eight o'clock a.m. (8:00 a.m.) on weekdays or between the hours of one o'clock a.m. (1:00 a.m.) and twelve o'clock (12:00) noon on Sundays.
(3) Except as provided in subdivision (d)(5), establishments in a terminal building of a commercial air carrier airport and commercial airline travel clubs licensed as provided herein to sell alcoholic beverages, and/or malt beverages, and/or wine, may not sell, or give away, alcoholic beverages and/or malt beverages and/or wine between the hours of three o'clock a.m. (3:00 a.m.) and eight o'clock a.m. (8:00 a.m.) on weekdays or between the hours of three o'clock a.m. (3:00 a.m.) and twelve o'clock noon (12:00) on Sundays.
(4) Except as provided in subdivision (d)(5), licensees under § 57-4-102(29) may not sell or give away alcoholic beverages and/or malt beverages and/or wine between the hours of five o'clock a.m. (5:00 a.m.) and eight o'clock a.m. (8:00 a.m.) on weekdays or between the hours of five

o'clock a.m. (5:00 a.m.) and twelve o'clock (12:00) noon on Sundays. Notwithstanding this subdivision (d)(4), a municipality in which a premise is located under § 57-4-102(29)(D) may, by the adoption of an ordinance by the municipality's governing body, reduce or prescribe the hours and days upon which alcoholic beverages, beer, and wine may be consumed upon such premises; provided, that the ordinance does not expand such hours and days beyond the limitations of this subdivision (d)(4).

(5) The commission is authorized to extend the hours of sale in the jurisdictions which have approved the sale of liquor by the drink by referendum; provided, however, that such extension of hours as well as § 57-5-301(b)(5) shall apply to Sunday sales of beer within the area of the county outside a municipality which approves liquor by the drink by referendum unless the county legislative body by a two-thirds (⅔) vote sets the hours for Sunday sales of beer in accordance with § 57-5-301(b)(1) to apply within such area. Upon petition by any licensee or group of licensees under this chapter, the commission may, after conducting a rule-making hearing pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, adopt rules expanding the hours during which it is legal to sell or give away alcoholic beverages, malt beverages and wine, pursuant to this chapter. The commission is hereby directed to consider such factors as the hours of sales in contiguous states and the need to compete with jurisdictions elsewhere in the country for convention and tourism business. The governing body of any municipality or metropolitan government which has approved liquor by the drink by referendum may, at any time, opt out of any extension of hours adopted under this section by passage of a resolution. Further, any municipality or metropolitan government that has opted out may, at a later date, opt in by passage of a resolution.

(6) Except as provided in subdivision (d)(5), licensees under § 57-4-102(31)(J) and (K) shall not sell or give away alcoholic beverages, malt beverages, or wine between the hours of three o'clock a.m. (3:00 a.m.) and four o'clock a.m. (4:00 a.m.).

(e) Restrictions on Sealed or Unsealed Packages, or Gifts.

(1) No licensee hereunder shall sell any wine or other alcoholic beverage in any sealed or unsealed package to any patrons or customers for consumption off its premises. Notwithstanding the foregoing, a restaurant licensed under this chapter may permit a customer who purchases an unsealed package of wine in conjunction with a food purchase and consumes a portion of the wine on the premises to remove the partially filled package from the premises. In addition, a licensee holding a license issued pursuant to §§ 57-4-102(14) and (35) may sell and distribute alcoholic beverages and wine in unsealed containers to the occupant of a suite located within a sports authority facility or a convention center; provided, that such occupant is at least twenty-one (21) years of age, is authorized by the lessee of the suite to receive such alcoholic beverages and wine, and the alcoholic beverage or wine is not removed from the sports authority facility or convention center.

(2) A licensee shall not give away any such sealed package or any drink of wine or alcoholic beverage to any patron or customer; provided, that:

(A) A hotel licensed under this chapter may include as part of the accommodations to a registered guest the provision of up to four (4) seven hundred fifty milliliter (750 ml.) or smaller complimentary sealed packages of wine or alcoholic beverages for which all applicable taxes have been paid; and

(B) A licensee may serve a sample of wine to a patron or customer that does not exceed one ounce (1 oz.).
(3) The tax required by chapter 4, part 3 of this title shall be paid upon the normal sales price of any such packages of wines provided under this subsection (e).
(4) A restaurant or limited service restaurant may sell beer for consumption off premises upon meeting the requirements of § 57-5-101(c)(1)(B).
(5) [Effective until July 1, 2023; See Compiler's Notes.] Notwithstanding this subsection (e) to the contrary, in addition to any manner in which a licensee may sell alcoholic beverages or beer under this subsection (e), a restaurant, limited service restaurant, or wine-only restaurant licensed under this chapter may sell alcoholic beverages and beer in accordance with § 57-4-112.
(f) Method of Sale. [Effective until July 1, 2023. See version effective July 1, 2023, and see Compiler's Notes.] Sales of wine and alcoholic beverages by licensees hereunder shall be conducted in the same manner as the sale of food is regularly conducted by such hotels, convention centers, premier type tourist resorts, restaurants, or clubs, except that no curb service of such beverages is lawful other than the sale of alcoholic beverages and beer in accordance with § 57-4-112.
(f) Method of Sale. [Effective July 1, 2023. See version effective until July 1, 2023, and see Compiler's Notes.] Sales of wine and alcoholic beverages by licensees hereunder shall be conducted in the same manner as the sale of food is regularly conducted by such hotels, convention centers, premier type tourist resorts, restaurants, or clubs, except that no curb service of such beverages is lawful.
(g) Ownership of Alcoholic Beverages Sold.
(1) It is a Class C misdemeanor for any licensee hereunder to sell or serve on the licensee's premises any wine or other alcoholic beverage unless such beverage is owned outright by the licensee.
(2) It is unlawful for any person, firm or corporation to sell wine or other alcoholic beverage as authorized herein without complying with the applicable provisions of this chapter.
(3) This subsection (g) shall not apply to events held by special occasion licensees who receive donated alcoholic beverages or beer.
(h) Restrictions on Employment. No entity holding a license issued pursuant to § 57-4-101 shall employ any person in the serving of beer, wine or other alcoholic beverages who does not possess a server permit from the commission. It is made the duty of the licensee to see that each person dispensing or serving alcoholic beverages, wine or beer in the licensee's establishment possesses such a permit, which permit must be on the person of such employee or on the premises of the licensed establishment and subject to inspection by the commission or its duly authorized agent when the employee is engaged in the performance of that employee's duties for the licensee.
(i) Premises Must Be Licensed — Exception for Conventions, Social Gatherings and Catered Events.
(1)
(A) Except with respect to a caterer licensed under this chapter, it is unlawful for any person, firm, corporation, partnership, or association to allow the dispensing of alcoholic beverages

except sacramental wines and beer, in any establishment unless such establishment is licensed under this title.
(B) A violation of subdivision (i)(1)(A) is a Class B misdemeanor.
(2) Bona fide conventions or meetings, however, may bring their own alcoholic beverages onto the licensed premises if the same beverages are served to delegates or guests without cost. All other provisions of this chapter shall be applicable to such premises. This section has no application to social gatherings in a private home or a private place which is not of a commercial nature or where goods or services may be purchased or sold or any charge or rent or other thing of value is exchanged for the use thereof, excepting it be for sleeping quarters. Nothing herein shall preclude the serving of alcoholic beverages to guests without cost in rooms or suites or banquet rooms of a hotel or club licensed pursuant to this chapter.
(3) A restaurant, hotel, or caterer holding a valid catering license may sell or distribute wine, beer, and other alcoholic beverages at social or commercial events, catered by the restaurant, hotel, or caterer where the restaurant, hotel, or caterer is providing food service at such event; provided, that the restaurant, hotel, or caterer shall notify the commission as to the time, location and duration of the catered event before the commencement of the event. Nothing in this subdivision (i)(3) or chapter shall be interpreted to require a person who holds a valid caterer license under this chapter to also be licensed as a restaurant or hotel.
(j) Penalties Invoked.
(1) Any person, firm or corporation who violates any provision of parts 1 and 2 of this chapter is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000); and, in the discretion of the court, imprisoned not less than thirty (30) days, nor more than six (6) months, and each violation constitutes a separate offense.
(2) Any person, firm or corporation who shall sell wine or other alcoholic beverages for consumption on its premises except as authorized by parts 1 and 2 of this chapter is guilty of a misdemeanor and punishable as provided in this section.
(3) Upon conviction of a second offense under this chapter, the permit of any licensee so convicted shall be automatically and permanently revoked.
(4) Upon the second conviction of any person, firm, or corporation for violation of subdivision (b)(1), such person, firm, or corporation is guilty of a Class E felony. In addition, upon the second such conviction, the permit of such licensee shall be automatically and permanently revoked regardless of any other punishment actually imposed.
(k) Purchases by Special Occasion Licensees.
(1) No charitable, nonprofit or political organization possessing a special occasion license shall purchase for sale or distribution under such license any alcoholic beverages from any source other than a licensee under § 57-3-204. This subsection (k) shall not apply to homemade wine made in the Swiss tradition by a member or members of a special occasion permit holder issued a license pursuant to § 57-4-102(34)(D). The member may supply the wine notwithstanding the limitations of § 57-3-207(e).
(2) A charitable, nonprofit, or political organization, or any representative thereof, may accept donations of alcoholic beverages and beer from any licensee holding a license issued pursuant to § 57-3-202, § 57-3-203, § 57-3-204, § 57-3-207, § 57-3-605 or § 57-4-101; provided, that the charitable, nonprofit, or political organization serves or sells such alcoholic beverages and

beer at an event conducted by the charitable, nonprofit, or political organization as a special occasion licensee.

(l) Commercial Airline Travel Clubs. A commercial airline travel club licensed under this chapter may provide complimentary drinks of wine and alcoholic beverages to its patrons, customers, and guests. Such commercial airline travel club must have a separate area, other than the gate and ticket areas, designated as a club area for use by its members. The tax required by part 3 of this chapter shall be paid upon the normal sales price of all such complimentary drinks of wine and alcoholic beverages provided under this subsection (l).

(m) Discounts. Nothing in this chapter shall prohibit a licensee from offering a discount in such manner as the licensee deems appropriate as long as the discount being offered is not below the cost paid by the licensee to purchase the alcoholic beverages from the retailer.

(n) Restrictions on Certain Limited Service Restaurant Licensees. Any establishment holding a license pursuant to § 57-4-301(b)(1)(W)(iv) shall not permit alcoholic beverages to be sold on sidewalks, streets, or alleys.

(o) Extension of Credit by Wholesalers to Retailers.

(1) No wholesaler licensed under § 57-3-203 shall be permitted to extend credit of any retailer licensed under § 57-4-101 unless pursuant to this subsection (o). All amounts due to any wholesaler from all sales to such retailers shall be due upon delivery of the product.

(2) Notwithstanding the limitations of subdivision (o)(1), wholesalers licensed under § 57-3-203 may extend credit to a retailer licensed under § 57-4-101 for a period not to exceed ten (10) days from the date of the delivery of the product; provided, the payment is effected by electronic funds transfer or escrow prepayment.

(3) It shall create a rebuttable presumption that a retailer licensed under § 57-4-101 is not financially responsible under § 57-3-104(c)(10) if the retailer fails to satisfy its obligations to any wholesaler in accordance with each wholesaler's credit terms twice within a twelve-month period. Upon being advised by any wholesaler licensed under § 57-3-203 twice within a twelve-month period that a retailer has failed to comply with the applicable credit terms, the commission shall set a hearing as soon as practicable at its next available meeting to determine whether the retailer can rebut the presumption created by this subdivision (o)(3). Upon a finding that the retailer is not financially responsible under § 57-3-104(c)(10), the commission may issue a fine, suspend or revoke the license, or make any other order it deems appropriate.

(4) Notwithstanding any law to the contrary, the commission is authorized to issue a citation in an amount not to exceed five hundred dollars ($500) per violation against any retailer licensed under § 57-4-101 if, upon investigation, the commission finds that the retailer has failed to satisfy its obligations to any wholesaler in accordance with each wholesaler's credit terms twice within a twelve-month period.