

# *Tennessee Alcohol and Marijuana Information Laws*



## **Under 21 Possession Laws**

A person under the age of 21 should not buy, possess, transport or consume alcoholic beverages, including wine or beer. It is also unlawful for any adult to buy alcoholic beverages or provide them for any purpose to anyone less than 21 years of age. These offenses are classified as Class A misdemeanors punishable by up to 11 months and 29 days in prison and/or a fine up to \$2,500.

### *Class A Misdemeanors*

People older than 18, but younger than 21, convicted with Class A misdemeanors relating to alcohol violations will have their license suspended and possibly be mandated to do community service.

## **Marijuana Possession**

If you are charged with simple possession or casual exchange of marijuana you will face Class A misdemeanor penalties. You could serve up to one year in jail and face fines up to \$2,500. If this is your second or greater conviction under this law you will face Class E felony charges which carry a potential sentence of 1-6 years and fines up to \$3,000. In addition to

## **Fake Identification**

A person commits the offense of using a false identification who, for the purpose of obtaining goods, services or privileges to which the person is not otherwise entitled or eligible, uses a false identification. A violation of this section is a Class C misdemeanor.

## **Public Intoxication**

A person commits the offense of public intoxication who appears in a public place under the influence of a controlled substance or any other intoxicating substance to the degree that (1) The offender may be endangered; (2) There is endangerment to other persons or property; or (3) The offender unreasonably annoys people in the vicinity. It is a Class C misdemeanor punishable by imprisonment of not more than 30 days or a fine of not more than \$50, or both.

### **Open Container Law**

No driver shall consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state. "Open container" means any container containing alcoholic beverages or beer, the contents of which are immediately capable of being consumed or the seal of which has been broken. Violations are a Class C misdemeanor punishable by a fine.

### **Implied Consent Laws**

When you drive in TN you have given your consent to be tested to determine the alcohol or drug content in your blood. The test is administered at the request of a law enforcement officer who has grounds to believe you have been driving under the influence. Refusal to submit a Blood Alcohol Concentration (BAC) will result in a suspended license for 12 months. Also, there is still a possibility of being convicted of a DUI.

### **Driving Under the Influence (DUI)**

Drivers are considered to be under the influence of alcohol if their BAC is .08 or more. DUI also covers driving under the influence of other drugs, so one can blow a .00 and still be convicted of a DUI. Underage drivers may not drive or be in control of a motor vehicle while their BAC is more than .02.

#### *First Offense*

- 48 hours to 11 months, 29 days of jail for offenders under the age of 21.
- 24 hours to 11 months, 29 days of jail for offenders 21 and over
- .20 BAC or greater minimum jail time 7 consecutive days
- License revocation for 1 year
- You will be ordered to participate in a DUI school
- Pay restitution to any person suffering physical injury or personal loss
- \$350-\$1,500 Fine
- With towing, bail, attorney, high risk insurance, court costs, school, and reinstatement fees, your first offense average costs could add up to \$4,900.
- Judge can order you to install a vehicle Ignition Interlock Device at your expense. Minimum 1st year cost \$810 [55-10-412d]

- If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense.
- Drug and Alcohol Treatment may be required at the judge's discretion.

### *Second Offense*

- 45 days to 11 months, 29 days of jail
- \$600-\$3,500 mandatory fine
- License revocation for 2 years/Restricted License available after first year
- Subject to .08 BAC
- Subject to vehicle seizure/forfeiture
- You will be ordered to attend a DUI school
- The judge can order you to install a vehicle Ignition Interlock Device at your expense.
- If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense.
- Pay restitution to any person suffering personal injury or loss

### *Third Offense*

- 120 days to 11 months, 29 days in jail
- \$1,100 to \$10,000 mandatory fines
- License revocation for 3-10 years/NO restricted license available
- Subject to .08 BAC
- Subject to vehicle seizure/forfeit
- DUI school
- Judge could order an Ignition Interlock Device installed at your expense
- If two (2) convictions of DUI in 5 years, Ignition Interlock Device required for 6 months after reinstatement at your expense.

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