

Appendix B: Tennessee Regulations

TYPES OF DRUGS

Schedule I: High potential for abuse; and no accepted medical use in the US or lacks accepted safety for use in treatment under medical supervision. Specific drugs refer to TCA 39-17-406

Schedule II: High potential for abuse; than the substance has currently accepted medical use in treatment in the US, or currently accepted medical use with severe restrictions; and the abuse of the substance may lead to severe psychic or physical dependence. Specific drugs refer to TCA 39- 17-408.

Schedule III: Less potential for abuse than the substances listed in Schedules I and II; the substance has currently accepted medical use in treatment in the US; and abuse of the substance may lead to moderate or low physical dependence or high psychological dependence. Specific drugs refer to TCA 39-17-410 (includes anabolic steroids).

Schedule IV: Low potential for abuse relative to substances in Schedule III; the substance has currently accepted medical in treatment in the US; and abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III. Specific drugs refer to TCA 39-17-412

Schedule V: Low potential for abuse relative to the substances in Schedule IV; the substance has currently accepted medical use in treatment in the US; and the substance has limited physical dependence or psychological dependence liability relative to the substance in Schedule IV. Specific drugs refer to TCA 39-17-414.

Schedule VI: Substances not included in Schedules I through V and include marijuana; tetrahydrocannabinols; and 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. TCA 39-17-415

Schedule VII: Substance not included in Schedules I through VI, the controlled substances includes is Butlynitrate and any isomer thereof. **Class X:** Designated amounts of certain drugs within multiple Schedules Amounts refer to TCA 39-17-417 2)(j)(1-13).

"Mega Drug" Offense: Designated amounts of certain drugs within multiple Schedules. Amounts refer to TCA 39-17-417 (2)(j)(1-13). Deliver or sale of a Schedule I-V to a minor under the age of 12 yrs.

Appendix B: Tennessee Regulations (continued)

Alcohol

TCA 57-3-412(3)(A): It is unlawful for any person under the age of 21 years to have in such person's possession and/or transport any intoxicating liquor for any purpose, whether the same be possessed in a dry county or a wet county. Any person 18 yrs of age or older may, in the course of such person's employment transport, possess, sell and/or dispense intoxicating liquors.

Penalties

Class A Misdemeanor : Punished by a fine of not less than \$25 nor more than \$500 and by not more than 30 days of community service work. Upon a person's second or subsequent conviction for such offense, such person shall be punished by a fine of not less than \$50 nor more than \$1,000 and by not more than 30 days of community service work.

Alcohol

TCA 57-3-412(4): Any person who purchases an alcoholic beverage for or at the request of a person under 21 years of age commits a Class A Misdemeanor.

Penalties

Class A Misdemeanor, jail time of up to 11 months and 29 days.

Alcohol

TCA 57-3-412(5)(A): It is unlawful for any person who is younger than 21 years of age to purchaser or attempt to purchase or attempt to purchase any alcoholic beverage.

Penalties

Class A Misdemeanor. A person younger than 21 year of age but 18 years of age or older is convicted of the purchase of attempt to purchase of possess alcoholic beverages shall prepare and send to the department of safety, driver control division, within 5 working days of the conviction, an order of denial of driving privileges for the offender.

Alcohol

TCA 57-3-412(2)©: Any person under 21 years of age who knowingly makes a false statement or exhibits false identification of the effect that he is 21 or older to any person engaged in the sale of alcohol beverages for the purpose of purchasing or obtaining the same commits a Class A Misdemeanor.

Penalties

If the person violating is less than 18 years of age, that person shall be punished by a fine of \$50 or not less than 20 hours of community service work, which fine or penalty shall not be suspended or waived. If the person violating is 18 years of age or older but less than 21, that person shall be punished by a fine of not less than \$50 nor more than \$200 or imprisonment in the county jail or workhouse for not less than 5 days nor more than 30 days.

Appendix B: Tennessee Regulations (continued)

TCA 39-17-418 states 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 order of a medical practitioner. In addition, it is an offense for a person to distribute marijuana not in excess of ½ ounce. A violation of the statute is a Class A Misdemeanor with penalties of up to 11 months and 29 days of jail time and/or a requirement to attend a drug offender school or perform community service work at such a school.

Alcohol

TCA 57-4-203(C)(c) 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, to any person who is known to be a habitual user of narcotics or other habit-forming drugs.

Penalties

Class A Misdemeanor, jail time of up to 11 months and 29 days.

Driving

TCA 55-10-401 Driving under the influence of intoxicant or drug prohibited: It is unlawful for any person or persons to drive or to be in physical control of any automobile or other motor vehicle on any of the public roads and highways of the state of Tennessee, 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 premise which is generally frequented by the public at large, while under the influence of any intoxicant, marijuana, narcotic drug, or drug producing stimulating effects on the central nervous system.

Driving Under the Influence Penalty

First Offense: Fine of not less than \$350 nor more than \$1,500 and such person or persons shall be confined in the county jail or workhouse for not less than 48 hours nor more than 11 months and 29 days; and loss of driver's license for 1 year.

Second Offense: Fine of not than \$600 nor more than \$3,500 and the person or persons shall be confined in the county jail or workhouse for not less than 45 days nor more than 11 months and 29 days; and loss of driver's license for 2 years. In addition, for a second offense inpatient alcohol or drug treatment.

Third and subsequent offense: Fine of not less than \$1,100 nor more than \$10,000 and the person or persons shall be confined in the county jail or workhouse for not less than 120 days nor more than 11 months and 29 days, and the court shall prohibit such person or persons from driving a vehicle for a period of time of not less than 3 years nor more than 10 years.

Appendix B: Tennessee Regulations (continued)

Driving Under the Influence Penalty

All persons sentenced under TCA 55-10-403(a) shall, in addition to service of at least the minimum sentence, be required to serve the difference between the time actually served and the minimum sentence on probation.

The judge shall impose the following conditions: participation in an alcohol or drug safety DUI school, and/or drug offender school program, if available; or upon second or subsequent conviction for violating the provisions of TCA 55-10-401 or 39-17-418, involving the possession of a controlled substance, participation in a program of rehabilitation for alcohol and other drug treatment; and the payment of restitution to any person suffering physical injury or person losses as the result of such and offense. Driving while restriction of license in place is a Class E Felony; 1-6 years in jail.

TCA 55-10-406 Tests for alcohol or drug content of blood. Any person who drives any motor vehicle in the state of Tennessee shall be deemed to have given consent to a test for the purpose of determining the alcohol or drug content of that person's blood; provided that such test is administered at the direction of a law enforcement officer having reasonable grounds to believe such person to have been driving while under the influence or an intoxicant or drug. Any law enforcement officer who requires that the driver of a motor vehicle submit to a test for the purpose of determining the alcohol or the drug content of the driver's blood shall, prior to conducting such test, advise the driver that refusal to submit to such test will result in the suspension of the driver's operator's license by the court. If such person having been placed under arrest and thereafter having been requested by a law enforcement officer to submit to such test and advised of the consequences for refusing to do so, refuses to submit, the test shall not be given and such person shall be charged with driving under the influence.

TCA 55-10-408 Tests for alcohol or drug content of blood— Presumption of intoxication and impairment: Evidence that there was, at the time alleged, .05%, or less, by weight of alcohol in the blood of the defendant, shall create no presumption.

Evidence that there was, at the time alleged, .10% or more by weight of alcohol in the defendant's blood shall create a presumption that the defendant was under the influence of such intoxicant, and that the defendant's ability to drive was impaired thereby, sufficiently to constitute a violation of TCA 55-10-401.

If the defendant has been convicted 1 or more times of violating TCA 55-10-401, a presumption that the defendant is under the influence shall be made if the blood alcohol content is .08%.

TCA 55-10-412 Additional penalties—Ignition interlock devices: The court may order the person to operate only a motor vehicle which is equipped with a functioning ignition interlock device and this restriction may continue with a period up to 1 year after such person's license is no longer suspended or restricted.

Appendix B: Tennessee Regulations (continued)

55-10-416 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.

Class C Misdemeanor, punishable by fine only

Driving Under the Influence Penalty

TCA 55-10-414 Child endangerment—Drunk driving child protection: A person who violated TCA 55-10-410, and who at the time of the offense was accompanied by a child under 13 years of age commits the offense of child endangerment, a Class A misdemeanor commits a Class D Felony of aggravated child endangerment when the child suffers serious bodily injury as a result of the violation; and commits a Class C Felony of especially aggravated child endangerment when the death of the child is the result of the violation.

Class A Misdemeanor, up to 11 months and 29 days jail time.

Class D Felony, 2-12 years jail time.

Class C Felony, 3-15 years jail time.

TCA 55-10-415 Driving while impaired—Penalties Person age 16 or older but under age 21 may not drive or be in physical control of an automobile or other motor drive vehicle while: the alcohol concentration in the person's blood is more than .02%; or under the influence of alcohol; or under the influence of any intoxicant, marijuana, narcotic drug, or drug producing stimulating effects on the central nervous system; or under the combined effects.

Person 18 or older but less than 21 years of age is a Class A misdemeanor punishable only by a driver license suspension of 1 year and by a fine of \$250. As an additional punishment the court may assign public service hours. Person 16 or over but under 18 years of age commits a delinquent act and is punishable only by a driver license suspension of 1 year and by a fine of \$250. As an additional punishment, the court may impose public service hours.