



# State of Tennessee

## PUBLIC CHAPTER NO. 285

HOUSE BILL NO. 1011

By Representatives Sanderson, Casada, Sargent, Durham

Substituted for: Senate Bill No. 917

By Senator Johnson

AN ACT to amend Tennessee Code Annotated, Title 57, Chapter 3 and Title 57, Chapter 4, relative to delivery or transportation of alcoholic beverages and beer.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 57-3-406, is amended by adding the following as a new subsection:

(k)

(1) Notwithstanding any law or rule to the contrary, beginning July 1, 2015, a delivery service that delivers prepared food from restaurants to customers as part of the delivery service's business is authorized to deliver sealed packages of alcoholic beverages or beer or both sold by a retailer licensed under § 57-3-204 to the delivery service's customers if:

(A) The amount of alcoholic beverages and beer delivered to a customer does not exceed more than one gallon (1 gal.) per customer per delivery;

(B) At least fifty percent (50%) of the delivery service's gross sales come from the delivery of food products or prepared food;

(C) Any delivery service employee who delivers alcoholic beverages or beer is twenty-one (21) years of age or older and is licensed pursuant to § 57-3-225;

(D) The delivery service is licensed pursuant to § 57-3-224;

(E) The delivery service has a written agreement with the retailer to deliver the retailer's alcoholic beverages or beer to customers; and

(F) Any delivery service employee, who delivers alcoholic beverages or beer, requires the customer to show a valid, government-issued document, such as a driver license or other form of identification deemed acceptable to the employee that includes the photograph and birth date of the customer before the customer is allowed possession of the alcoholic beverages or beer.

(2) A delivery service described in subdivision (k)(1) shall not be prohibited from charging a fee to customers when delivering sealed packages of alcoholic beverages or beer sold by a retailer.

SECTION 2. Tennessee Code Annotated, Title 57, Chapter 3, Part 2, is amended by adding the following as new sections:

57-3-224.

(a) Beginning July 1, 2015, there is created a delivery service license to be issued by the commission to any delivery service that delivers prepared food from restaurants to customers as part of the delivery service's business and seeks to deliver

sealed packages of alcoholic beverages or beer or both sold by a retailer licensed under § 57-3-204 as part of such delivery service.

(b)

(1) Any person, partnership, limited liability company, or corporation desiring to deliver sealed packages of alcoholic beverages or beer sold by a retailer licensed under § 57-3-204 as part of such delivery service shall make application to the commission for a delivery service license, which application shall be in writing and verified, on forms herein authorized to be prescribed and furnished; and the commission shall, subject to the restrictions of this section, issue such license.

(2)

(A) Any person applying for a delivery service license shall be twenty-one (21) years of age or older and must not have been convicted of a felony as described in § 57-3-210(c).

(B) The commission may issue a delivery service license to any person, partnership, limited liability company, or corporation that is registered to do business in the state of Tennessee regardless of the residence of the ownership of such entity.

(c) Each applicant for a delivery service license shall pay to the commission a one-time, nonrefundable fee in the amount of three hundred dollars (\$300) when the application is submitted for review. A delivery service license shall not be issued by the commission until the applicant pays the annual license fee of one hundred fifty dollars (\$150).

(d) Each delivery service licensee shall conduct, or have a third party conduct, a local and national criminal background check on any potential employee that seeks to be licensed pursuant to § 57-3-225. Such background check shall include a multistate criminal records locator or other similar commercial nationwide database with validation.

(e) It is the duty of each delivery service licensee to ensure that each employee, delivering alcoholic beverages or beer pursuant to § 57-3-406(k) for the licensee, is licensed pursuant to § 57-3-225.

57-3-225.

(a) Beginning July 1, 2015, there is created a delivery employee license to be issued by the commission to any individual employed by a person licensed pursuant to § 57-3-224 who delivers alcoholic beverages or beer pursuant to § 57-3-406(k).

(b) Any individual seeking a delivery employee license shall make application for such license by completing an application form in the manner prescribed by the commission. The individual shall demonstrate that the individual meets the following requirements:

(1) Is at least twenty-one (21) years of age;

(2) Has had a background check done pursuant to § 57-3-224(d) to ensure the individual has not been convicted of any crime involving the sale or distribution of alcohol within the previous eight (8) years or has not been convicted of any felony within the previous five (5) years; and

(3) Has a valid driver license.

(c) Each individual applying for a license under this section shall pay to the commission a fee of fifty dollars (\$50.00). Each delivery employee license shall be valid for a period of five (5) years.

**HB 1011**

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

HOUSE BILL NO. 1011

PASSED: April 16, 2015



BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES



RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 28<sup>th</sup> day of April 2015

  
BILL HASLAM, GOVERNOR