



State of Tennessee

PUBLIC CHAPTER NO. 428

SENATE BILL NO. 528

By Dickerson, Bowling

Substituted for: House Bill No. 542

By Haynes, Sanderson

AN ACT to amend Tennessee Code Annotated, Title 57, relative to alcoholic beverages.

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

SECTION 1. Tennessee Code Annotated, Section 57-3-204, is amended by adding thereto the following new subsection:

(h)(1) A restaurant licensed by the commission pursuant to § 57-4-101(a)(1) may also own, or operate, a separate retail license issued under this section to permit off-premise consumption, if such entity satisfies the further conditions of either subdivision (h)(2) or (h)(3).

(2)(A) Notwithstanding the restrictions of § 57-3-208, a restaurant or its affiliate may own or operate a license issued pursuant to § 57-3-204 if:

(i) The retail licensee is located within the same structure as the restaurant in a defined section or portion of the structure as approved by the commission;

(ii) The retail package store and the restaurant are located in a structure constructed prior to 1925 that is placed on the national register of historic places;

(iii) The structure within which such retail package store and restaurant are located shall not be closer than three hundred feet (300') nor more distant than three hundred fifty feet (350') from a federal interstate highway;

(iv) The structure within which such retail package store and restaurant are located shall be no farther than one hundred feet (100') from a public park adjacent to a navigable waterway, and shall be no closer than five hundred feet (500') nor more distant than five hundred fifty feet (550') from a railway station providing commuter rail service that railway employs standard gauge locomotives and coaches; and

(v) The structure within which such retail package store and restaurant are located shall be located within a county having a metropolitan form of government with a population in excess of five hundred thousand (500,000) according to the 2010 federal census, or any subsequent federal census.

(B) Notwithstanding § 57-3-208, the retail license issued pursuant to this subsection (h) to a restaurant or its affiliate shall be subject to the requirements of this title. It shall be the duty of the commission to verify that all persons owning or operating a retail license issued under this subdivision (h)(2) meet the qualifications to receive a license.

(3)(A) Notwithstanding the requirements of § 57-3-208, a restaurant, or its affiliate, may also own or operate a license issued pursuant to § 57-3-204, if:

(i) The location of the retail licensee is in the same structure as the restaurant provided, the retail operations are conducted in a portion of the structure as identified to and approved by the commission;

(ii) The structure within which the restaurant and the retail licensee are located is situated on:

(a) A tract or tracts of land having at least twenty-four (24) contiguous acres;

(b) Land adjacent to a federal interstate highway; and

(c) Property no farther than two hundred fifty feet (250') from a commercial railroad tract, upon which tracts of land there is a residence constructed prior to 1860 and upon which tracts is located a historic stable and carriage house;

(iii) The retail licensee is owned or authorized to be operated by an entity recognized as exempt from taxation under Internal Revenue Code Section 501(c)(3); and

(iv) The retail licensee is located within a county having a metropolitan form of government with a population in excess of five hundred thousand (500,000) according to the 2010 federal census, or any subsequent federal census.

(B) Notwithstanding § 57-3-208, any retail license issued pursuant to this subdivision (h)(3) shall be subject to the requirements of this title. It shall be the duty of the commission to verify that the entity owning or operating the retail license meets the qualifications of this subdivision (h)(3) and that all of the owners or operators authorized by the nonprofit entity to operate the license otherwise qualify under this title.

SECTION 2. Tennessee Code Annotated, Section 57-4-102(26), is amended by adding the following language as a new subdivision thereto:

() An entity that is authorized by the department of environment and conservation to operate a restaurant or other food and beverage service on the premises of a state park;

SECTION 3. Tennessee Code Annotated, Section 57-3-406(d)(1), is amended by deleting the language "the adult consumer" in the second sentence of the subdivision and substituting instead the language "the adult consumer whose physical appearance does not reasonably demonstrate an age of fifty (50) years or older".

SECTION 4. Tennessee Code Annotated, Section 57-3-406(d)(1), is further amended by deleting the language "person" in the last sentence of the subdivision and substituting instead the language "person whose physical appearance does not reasonably demonstrate an age of fifty (50) years or older".

SECTION 5. Tennessee Code Annotated, Section 57-3-808(a), is amended by deleting the period "." at the end of the subsection and substituting instead the following language:

; however, it is an exception to any criminal punishment or adverse administrative action, including license suspension or revocation, 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.

SECTION 6. Tennessee Code Annotated, Title 57, Chapter 2, Part 1, is amended by adding the following as a new section:

(a) Beginning July 1, 2016, an intoxicating liquor may not be advertised, described, labeled, named, sold, or referred to for marketing or sales purposes as "Tennessee Moonshine" unless the intoxicating liquor is distilled in Tennessee.

(b) Any manufacturer who violates this section shall be subject to suspension or revocation of its license for a period of not less than one (1) year.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 528

PASSED: April 22, 2015



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 15th day of MAY 2015



BILL HASLAM, GOVERNOR