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Sequence Number: 01-15-16
 Notice ID(s): 2441-2442
 File Date: 1/13/16

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission: Tennessee Alcoholic Beverage Commission
Division:
Contact Person: Keith Bell
 Davy Crockett Tower, 500 James Robertson Parkway, 3rd Floor, Nashville, TN
Address: 37243
Phone: 615-741-7620
Email: Keith.Bell@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact: Ginna Winfree
 Davy Crockett Tower, 500 James Robertson Parkway, 3rd Floor, Nashville, TN
Address: 37243
Phone: 615-741-7628
Email: Ginna.Winfree@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Davy Crockett Tower, 500 James Robertson Parkway, 3 rd Floor,		
Address 2:			
City:	Nashville		
Zip:	37243		
Hearing Date :	03/09/2016		
Hearing Time:	1:30 pm	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0100-06	Intra-Industry Conduct And Regulations
Rule Number	Rule Title

0100-06-.05	Dual Permits Prohibited
0100-06-.07	Retail Employee Permits

Chapter Number	Chapter Title
0100-13	Rules for Manager Permits
Rule Number	Rule Title
0100-13-.01	Manager's Permits
0100-13-.02	Obtaining a Manager's Permit

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Rule 0100-06-.05(1) is amended by deleting the paragraph in its entirety and by substituting instead, the following language:

- (1) No person shall be issued more than one of the following permits:
 - (a) Manufacturer or importer representative permit,
 - (b) Wholesale salesman or representative permit,
 - (c) Wholesale employee's permit,
 - (d) Off premises retail employee's permit,
 - (e) On premises retail employee's permit,
 - (f) Manager's permit.

Authority: T.C.A. §§57-1-201, 57-1-209, and 57-3-104(c)(4). **Administrative History:**

Rule 0100-06-.07 is amended by adding the following language as a new paragraph (4):

- (4) After the conclusion of business on June 30, 2016, no permit issued pursuant to T.C.A. § 57-3-204(c) shall be issued by the Commission. Any permit issued by such time shall remain in effect and be valid for five years after the permits issuance, and any employee of a retail package store who has a valid permit under § 57-3-204(c) on July 1, 2016, shall not be required to be a certified clerk pursuant to T.C.A. § 57-3-818 until that permit expires.

Authority: T.C.A. §§ 57-1-201, 57-1-209, 57-3-104(c)(4), 57-3-204(c), and 57-3-709. **Administrative History:**

Rules 0100 are amended by adding the following language as a new chapter 13:

**RULES
OF
TENNESSEE ALCOHOLIC BEVERAGE COMMISSION**

**CHAPTER 0100-13
RULES FOR MANAGER PERMITS**

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0100-13-.01	Manager's Permits	0100-13-.02	Obtaining a Manager's Permit
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0100-13-.01 MANAGER'S PERMITS

- (1) A manager's permit shall be required of any individual operating, supervising or managing a retail package store licensed pursuant to T.C.A. § 57-3-204, a retail food store licensed pursuant to T.C.A. § 57-3-801, *et seq.*, or a winery involved in retail sales licensed pursuant to T.C.A. § 57-3-207.
- (2) An individual licensed as a sole proprietorship pursuant to T.C.A. §§ 57-3-204, 57-3-207 or 57-3-801 *et seq.*, shall be authorized to engage in the activities outlined herein without the requirement of a manager's permit.
- (3) A manager's permit may be suspended or revoked by the Commission for any violation of Title 57 of the Tennessee Code and/or the rules and regulations of the Commission committed by the holder of the manager's permit or by any person operating under the supervision of the holder of

the manager's permit.

Authority: T.C.A. §§57-1-209, 57-3-104(c)(4), and 57-3-221. **Administrative History:**

0100-13-.02 OBTAINING A MANAGER'S PERMIT

- (1) Any individual seeking a manager's permit shall complete the application form established by the Commission, along with a completed declaration of citizenship (Form AB-0116) and any other information that the Tennessee Alcoholic Beverage Commission may request.
- (2) Any applicant for a manager's permit shall pay the permit fee to the Commission prior to being issued the permit. This permit fee is fixed at \$200.00 pursuant to § 57-3-221(c);
- (3) Any individual who either has a manager's permit or is seeking a manager's permit shall annually attend:
 - (a) Either a responsible beer vendor training program pursuant to Rules 0100-08 or a responsible wine vendor training program pursuant to Rules 0100-12; and
 - (b) A two (2) hour course taught by the Commission or by an entity authorized by the Commission, at such place and time as may be specified by the Commission. Such two (2) hour course may cover any material deemed appropriate by the Commission and may include, but not necessarily be limited to, a review of recent changes in the law, a review of certain statutes, rules, and regulations as decided upon by the Commission, and an opportunity for a question and answer session.
- (4) Any individual applying for a manager's permit shall attend, and provide proof of attendance to, the training program and the training course required by paragraph (3) of this rule prior to the issuance of a manager's permit to such individual. Any such training shall be valid for only one year, and any such training attended more than one year from the date of application for a manager's permit shall not be sufficient to satisfy the requirements of this rule.

Authority: T.C.A. §§57-1-209, 57-3-104(c)(4), and 57-3-221. **Administrative History:**

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 1-12-16

Signature: *Keith Bell*

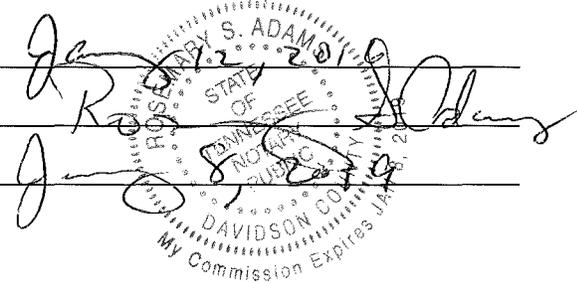
Name of Officer: Keith Bell

Title of Officer: TABC Executive Director

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____



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Filed with the Department of State on: 1/13/16

Tre Hargett
Tre Hargett
Secretary of State

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