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 Email: publications.information@tn.gov

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 Number: 11-6-15  
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 File Date: 11-13-15

# 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.

<b>Agency/Board/Commission:</b>	Tennessee Alcoholic Beverage Commission
<b>Division:</b>	
<b>Contact Person:</b>	Keith Bell
<b>Address:</b>	Davy Crockett Tower, 500 James Robertson Parkway, 3 <sup>rd</sup> fl, Nashville, TN 37243
<b>Phone:</b>	615-741-7620
<b>Email:</b>	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:

<b>ADA Contact:</b>	GINNA WINFREE
<b>Address:</b>	Davy Crockett Tower, 500 James Robertson Parkway, 3 <sup>rd</sup> fl, Nashville, TN 37243
<b>Phone:</b>	615-741-7628
<b>Email:</b>	GINNA.WINFREE@TN.GOV

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

Address 1:	Davy Crockett Tower, 500 James Robertson Parkway, 3 <sup>rd</sup> Floor		
Address 2:			
City:	Nashville		
Zip:	37243		
Hearing Date :	01/11/2016		
Hearing Time:	1:30 pm	<input checked="" type="checkbox"/> CST/CDT	
		<input type="checkbox"/> EST/EDT	

**Additional Hearing Information:**

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**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.)

<b>Chapter Number</b>	<b>Chapter Title</b>
0100-12	Responsible Wine Vendor Program
<b>Rule Number</b>	<b>Rule Title</b>
0100-12-.01	Definitions
0100-12-.02	Application/Certification Process
0100-12-.03	Responsible Wine Vendor Training Program Format
0100-12-.04	Miscellaneous Provisions
0100-12-.05	Fines

<b>Chapter Number</b>	<b>Chapter Title</b>
<b>Rule Number</b>	<b>Rule Title</b>

(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>)

Rules 0100 are amended by adding the following language as a new chapter: 0100-12:

**RULES  
OF  
TENNESSEE ALCOHOLIC BEVERAGE COMMISSION**

**CHAPTER 0100-12  
RESPONSIBLE WINE VENDOR  
PROGRAM**

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**0100-12-.01 DEFINITIONS.**

- (1) Certified Clerk. For the purposes of this chapter, a certified clerk is a certified responsible wine vendor employee who has successfully completed a certified training course and, if appropriate, has received required additional annual training as set forth in the rules and who works in a capacity to sell, provide, distribute, and/or otherwise dispense alcoholic beverages, wine, beer or malt beverages, and whose duties include the opportunity to sell, provide, distribute and/or otherwise dispense such products. Certified Clerks also include those certified responsible wine vendor employees who monitor self-scan or customer-scan check-out areas. A certified clerk must be at least eighteen (18) years of age.
- (2) Clerk. A clerk is an individual who is an employee or agent of a retail licensee who works in a capacity to sell, provide, distribute, and/or otherwise dispense items, other than alcoholic beverages, wine, beer or malt beverages, offered by the retailer.
- (3) Commission. The Commission shall mean the Tennessee Alcoholic Beverage Commission.
- (4) Hire Date. The applicable hire date for a clerk is when that employee's duties and responsibilities include the opportunity to sell, provide, distribute and/or otherwise dispense alcoholic beverages, wine, beer or malt beverages and/or other items offered by the retailer.
- (5) In-house Program. An in-house program is a training program administered by a vendor for the vendor's employees.
- (6) Public Program. A public program is a training program administered to any individual by an entity other than a vendor. A public training program is also a training program administered by a vendor to both its own employees and other individuals.
- (7) Training date. The training date is the date on which a clerk successfully completes a vendor training program for a particular vendor.
- (8) Valid Identification. Valid identification means an unexpired government issued identification that includes photograph. Such identification includes driver's licenses, military identification, passports and permanent resident cards.

**Authority:** T.C.A. §§ 57-3-818; 57-3-104(c)(4). **Administrative History:** Original rule filed \_\_; effective \_\_.

**0100-12-.02 APPLICATION/CERTIFICATION PROCESS.**

- (1) Application for Certification of a Responsible Wine Vendor Training Program. Any entity or individual seeking to have a responsible wine vendor training program certified shall complete and submit a written application on forms prescribed by the Commission. The application shall disclose the following information:
  - (a) The identity of the applicant seeking to have the program certified, including the address, names of all individuals responsible for wine vendor training, and the source of the curriculum utilized by the applicant.
    1. If the applicant is a corporation or LLC, a copy of the corporate charter, articles of organization, and/or certificate of authority must be submitted.
    2. If the applicant is a partnership, a copy of the certificate filed with the Tennessee Secretary of State's Office (if a limited partnership), or other document evidencing formation of such partnership is required.
  - (b) Each program applicant shall submit to the Commission a copy of all training materials (including video or audio materials used for their program). A true and exact copy of the curriculum, including tests, to be utilized in the responsible wine vendor training program must also be submitted. Prior to any modifications to the training materials, such proposed modifications shall be submitted to the Commission for approval. To be certified, a responsible wine vendor program must offer a curriculum which, at a minimum, contains the following items:
    1. The effect of alcohol on the human body focusing on these elements:
      - (i) The behavioral effects of alcohol: i.e., decrease in reaction and decision making capability;
      - (ii) Interaction and combined effects of mixing alcohol with legal and/or illegal drugs; and
      - (iii) Identification of possible intoxicated customers.
    2. Identifying situations in which clerk intervention is appropriate.
    3. Handling situations and people in a non-confrontational manner and identifying when support from co-workers is necessary.
    4. Suggested responses by clerks to situations involving intoxicated and/or underage persons.
    5. A review of current Tennessee laws and rules and regulations promulgated by the Commission relating to the sale of alcoholic beverages, wine, beer and/or malt beverages and the Responsible Vendor Training Programs as defined at T.C.A. § 57-5-601 et seq. and § T.C.A. § 57-3-818.
    6. A review of appropriate identification including acceptable driver's licenses, military identification, passports, and other government issued photo identification cards; and
    7. A review of how to identify fake and/or altered identifications as described above.

8. Advising attendees that local ordinances may exist affecting the sale of wine, alcoholic beverages, beer and malt beverages.
  - (c) If the responsible wine vendor training program conducts in-person training, then the program shall submit to the Commission a TABC questionnaire and Declaration of Citizenship form for each trainer conducting its class. Such completed questionnaire and Declaration of Citizenship form must be received by the Commission prior to that trainer conducting classes.
  - (d) Any other information requested by the Commission; and
  - (e) Appropriate certification fee.
- (2) If the training program is conducted through the use of the Internet or Intranet, then in addition to the items required above, the training program must provide verification acceptable to the Commission that the identity of the users may be authenticated.
  - (3) Renewal of Responsible Wine Vendor Training Program Certification.
    - (a) Responsible Wine Vendor Training Program Certification shall be valid for a period of one year from the date of issue.
    - (b) To prevent interruption of certification, the responsible wine vendor training program must fulfill the following requirements at least thirty (30) days prior to expiration date:
      1. Submit to the Commission a completed renewal application along with any amended or updated materials;
      2. List of all current trainers;
      3. Appropriate renewal fee.
  - (4) Application for Certification of a Responsible Wine Vendor. Any entity or individual seeking to become a certified responsible wine vendor shall complete and submit a written application on forms prescribed by the Commission. The application shall disclose the following information:
    - (a) The identity of the applicant seeking to achieve responsible wine vendor status, including the address, phone number, and any other information required by the Commission.
      1. If the applicant is a corporation or LLC, a copy of the corporate charter and/or certificate of authority must be submitted.
      2. If the applicant is a partnership, a copy of the certificate filed with the Tennessee Secretary of State's Office (if a limited partnership), or other document evidencing formation of such partnership is required.
    - (b) Names and identifying information of all clerks employed—such information shall be submitted on forms prescribed by the Commission;
    - (c) Identity of the jurisdiction (municipal or county) where the applicant is located and if a separate beer permit is issued by said jurisdiction, identity of the beer board issuing the beer permit to applicant, beer board address, and beer permit number;

- (d) Any other information requested by the Commission;
  - (e) Identification of training program used; and
  - (f) Appropriate certification fees.
- (5) Application for Renewal of Certification of Responsible Wine Vendor.
- (a) Program certification shall be valid for a period of one year from the date of issue.
  - (b) To prevent interruption of certification, the responsible wine vendor must fulfill the following requirements at least thirty (30) days prior to expiration date:
    - 1. Submit to the Commission a completed renewal application along with any amended or updated materials; and
    - 2. Each responsible wine vendor shall submit at least thirty (30) days prior to the expiration of the certification a renewal application; a current list of all clerks and their hire dates (such shall be submitted on forms prescribed by the Commission); the date that the certified clerks received their annual training; and the appropriate certification fee.
- (6) Neither program nor responsible wine vendor certifications are transferable. Before a transfer of ownership may occur, the new entity must first make application for certification to the Commission pursuant to the rules and regulations. The new business entity may not begin training and the vendor will not be certified by the Commission until an application for certification is approved. Once certified as a responsible wine vendor, the responsible wine vendor has 61 days to train its clerks.

**Authority:** T.C.A. §§ 57-3-818; 57-3-104(c)(4). **Administrative History:** Original rule filed \_\_; effective\_\_.

**0100-12-.03 RESPONSIBLE WINE VENDOR TRAINING PROGRAM FORMAT.**

- (1) Complete training program must be at least two (2) hours of instruction, excluding breaks for attendees. Such training program must take place in a publicly accessible location, but may take place on the certified responsible wine vendor's premises. Training programs may not be conducted in private homes.
- (2) The training program must provide either printed materials to attendees or make training materials available online for review after completion of the training. Once a program has been certified by the Commission, the following statement shall be placed in bold type on the cover sheet of such written materials or manuals: "**This program has been approved by the Tennessee Alcoholic Beverage Commission as currently satisfying the requirements contemplated by the Responsible Vendor Training Program as defined at T.C.A. § 57-3-818.**"
- (3) (a) At the beginning of each training program, attendees shall be advised that they must meet the following qualifications to be a certified clerk eligible to participate in the responsible wine vendor program:
  - 1. Be at least 18 years of age;
  - 2. Must not have been criminally convicted of any violation of the laws against possession, sale, manufacture, or transportation of alcoholic beverages, wine, beer or malt beverages within the past ten (10) years; and

3. Must not have been convicted of any crime involving moral turpitude within the past ten (10) years.
- (b) A responsible wine vendor is not required to perform criminal background checks on employees or clerks; however, the responsible wine vendor should inquire on the application as to any convictions the employee or clerk has had for the past ten years.
- (4) Testing.
  - (a) Upon completion of the training, the program must adequately test the comprehension and understanding of the attendees. Testing should be sufficiently randomized and conducted in such a manner as to prohibit prior knowledge of the answers by users. A minimum passing score of at least seventy-five (75%) percent will be required of each person attending the training before a certificate may be issued-unless the certified wine vendor program requires a higher score.
  - (b) Any attendee failing to attain this passing score may contact the certified program licensee to schedule a second examination within thirty (30) calendar days. A second examination shall be provided to the attendee by the responsible wine vendor program without additional charge.
  - (c) If the second examination is not scheduled and taken within this thirty (30) calendar day period, then the attendee shall be required to attend a second training program in its entirety and pass the test before being eligible to obtain the certificate. Nothing herein shall act to extend the original sixty-one (61) calendar day grace period from the date of hire as a clerk.
  - (d) Within twenty-one (21) calendar days of the training date, the certified program must provide to the Commission a list of all clerks who have successfully completed the program along with the vendor for which each clerk completed the training.
  - (e) If the certified program and responsible wine vendor are the same entity (i.e., if the responsible wine vendor has an in-house certified program), then a single notification to the Commission is sufficient.
- (5) Alcoholic beverages may not be consumed by the instructor or any attendee during the training program.
- (6) All training must be conducted in a professional manner: materials and comments may not be offensive in nature.
- (7) (a) All Certified Responsible Wine Vendor Training Programs shall issue a certificate of completion for any clerk who has successfully completed the training. The original certificate of completion shall be forwarded to the appropriate responsible wine vendor, and the clerk successfully completing the training shall receive a copy. Each certificate of completion shall include the following information:
  1. Name and date of birth for clerk;
  2. Name of certified program providing the training;
  3. Date on which the clerk successfully completed the program; and
  4. Name and complete address of responsible wine vendor receiving the certificate of completion.

- (b) Any certified program or responsible wine vendor offering or submitting a fraudulent, fake and/or altered certificate of completion to a Commission representative shall subject their certification to immediate disciplinary action—including, but not limited to, summary suspension and revocation.
- (8) All Certified Training Programs shall permit access to Commission representatives. Failure to permit access to a Commission representative will result in the program being required to show cause to the Commission why its certification should not be revoked.
- (9) A successful completion by a clerk of a responsible wine vendor training conducted by a certified training program within sixty-one (61) calendar days prior to the responsible wine vendor submitting its application to the Commission shall be valid. However, such training is valid only for one designated responsible wine vendor location.

**Authority:** T.C.A. §§ 57-3-818; 57-3-104(c)(4). **Administrative History:** Original rule filed \_\_; effective \_\_.

**0100-12-.04 MISCELLANEOUS PROVISIONS.**

- (1) Clerk Applicants with Special Needs. Persons with special needs must contact the certified program at least seven (7) calendar days in advance of the training date to request specific assistance in completing that program. Notwithstanding any other provision of these rules, the certified program shall endeavor to provide reasonable accommodations when requested on a case by case basis in compliance with state and federal law.
- (2) (a) Within ten (10) calendar days of the training date, the responsible wine vendor program must submit to the responsible wine vendor a list of all clerks who successfully completed the training program and received a certificate of completion. Responsible wine vendor training programs shall maintain records of those successfully completing the training program for a period of at least three (3) years to be available for the Commission to review.
  - (b) (i) If a responsible wine vendor owns and operates several locations (operating under the same business name and corporate name) and is using the same responsible wine vendor program for each location, then clerks and/or employees attending a responsible wine vendor program may—upon the initial training course—designate the various locations within the same responsible wine vendor's operation. The successful completion of the training course will be sufficient for training requirements at each designated location. This option does not apply to individuals working at responsible wine vendor locations owned by different entities. The responsible wine vendor training program will issue a certificate to the clerk/employee for each location designated at the time of the class.
  - (ii) For the purposes of certification costs, employees described in the above paragraph will be counted as an employee for each location.
  - (iii) For clerks desiring to add new responsible wine vendor locations under the same ownership after the initial designation, then new training must occur for each location.
- (3) (a) Within twenty-one (21) calendar days of the training date, the responsible wine vendor must submit to the Commission a list of all clerks who have successfully completed the training program and received a certificate of completion. Such list shall on be submitted on forms prescribed by the Commission.

- (b) If the certified program and responsible wine vendor are the same entity (i.e., if the responsible vendor has an in-house certified program), then a single notification to the Commission is sufficient.
- (4) Commission Training Program. To further implement the policy and standards of the Responsible Wine Vendor Training Program as defined at T.C.A. § 57-3-818, the Commission may conduct its own training program for clerks. The cost to each clerk in attendance for this training program will be \$35.00. While attendance at a responsible wine vendor program for alcohol awareness is required for any clerk working at a responsible vendor location, it is not necessary that such clerk attend the Commission program.
- (5) Each responsible wine vendor shall maintain and have available for review by Commission representatives' employment and training records for all clerks. Such documentation shall include, but is not limited to, the following information for each clerk:
  - (a) Name, address, and social security number;
  - (b) Date of hire;
  - (c) Date of training by certified responsible vendor program;
  - (d) Date of required annual training related to updated information, policies and procedures.
- (6) Loss of Clerk Certification.
  - (a) A certified clerk shall lose their certification under the following circumstances:
    1. If the Commission determines that the clerk sold alcoholic beverages, wine, beer or malt beverages to a minor, the clerk shall lose their certification for a period of one year beginning on the date of the Commission's determination; or
    2. If the clerk receives a criminal conviction of a charge involving the sale of alcoholic beverages, wine, beer or malt beverages to a minor, the clerk shall lose their certification beginning on the date of the conviction, and is further subject to the provisions of T.C.A. §§ 57-3-808 and 57-5-301(a)(1); or
    3. Certified clerks must annually attend a meeting regarding updated statutory information as required by T.C.A. §§ 57-3-818 and 57-5-601 et seq. This annual meeting shall be held for all clerks within the last quarter of each calendar year. Within twenty-one days after the annual training, the responsible wine vendor shall notify the Commission in writing if the certified clerk has not attended the annual meeting regarding updated statutory information as required by these rules, T.C.A. §§ 57-3-818 and 57-5-601 et seq. Upon such notification by the responsible wine vendor to the Commission, the certification for the identified clerk shall immediately become invalid. Such clerk shall not work in a capacity to sell alcoholic beverages, wine, beer or malt beverages directly to consumers for off-premise consumption until the clerk has received the required updated training; or
    4. If the clerk has not attended at least one annual meeting by the time set forth in these rules and received updated information disseminated by the responsible wine vendor.
  - (b) If a certified clerk loses certification but continues to work as a clerk and subsequently, sells alcoholic beverages, wine, beer or malt beverages to an under-aged individual, then the responsible wine vendor shall not be considered a responsible wine vendor.

- (7) **Name Badge.** Each certified clerk is required to wear a name badge issued by the responsible wine vendor. Such name badge shall contain the clerk's legal first name, or "given name," but may omit the clerk's last name, or family name, and must be clearly visible to the general public.
- (8) **Grace Period.**
- (a) Clerks have sixty-one (61) calendar days from their date of hire as a clerk, or the date in which the clerk attains eighteen (18) years of age, to successfully complete responsible wine vendor training. During this 61 day grace period, if a sale to a minor takes place the Responsible Wine Vendor is treated as having responsible wine vendor status. Any criminal action against the clerk is not affected. If clerks have not received the appropriate training within 61 calendar days of their date of hire, then the responsible wine vendor temporarily loses its status as a responsible wine vendor immediately at the conclusion of the 61 calendar day period. However, if the situation is corrected within thirty (30) calendar days, then upon payment of a civil penalty to the Commission, the status of "responsible wine vendor" may be re-instated. If training does not occur to remedy the situation within thirty (30) calendar days, then the responsible wine vendor status is considered expired and the vendor permanently loses its status as a responsible wine vendor, and a new application must be submitted and training must re-occur.
  - (b) In scenario above, should a retail food store wine licensee be subject to regulatory disciplinary action by a local beer board for a violation involving the sale of alcoholic beverages, wine, beer or other malt beverages to a minor, the Commission will, upon request, advise the beer board that the permittee is not a responsible wine vendor because all employees have not received adequate training in a timely manner.
  - (c) If a clerk who is not eligible to participate in the responsible wine vendor program (i.e., if the clerk is under the age of eighteen) sells alcoholic beverages, wine, beer or malt beverages to a minor, then the responsible wine vendor loses its status as a responsible wine vendor.
  - (d) Upon request, the Commission will issue an affidavit, signed by appropriate personnel, to certify the status of a clerk or responsible wine vendor. This affidavit will be sufficient in lieu of in-person testimony by a Commission representative before a local beer board.
- (9) **Refusal of Cooperation.** Any certified clerk, responsible wine vendor program, responsible wine vendor, its agent or employee, who refuse to open or disclose its records to, or furnish information to, or who furnishes false and/or misleading information to a TABC special agent, regulatory officer or any representative of the Commission upon any matter directly and/or indirectly relating to the responsible wine vendor program, certification, employees, etc., shall subject the certification and participation in the responsible wine vendor program to suspension and/or revocation.
- (10) **Beer Boards.** This paragraph shall only apply to retail food store wine licensees who also have a beer permit and are in the responsible wine vendor training program, but not the responsible beer vendor training program.
- (a) When a vendor appears before a city or county beer board for an administrative charge of the sale of alcohol to a minor, the Commission will either:
    - 1. Verify the vendor and/or clerk who sold the alcohol to a minor are certified and are eligible for mitigation in disciplinary action according to the statute; or

2. Verify such vendor and/or clerk have not been certified, and are not eligible for mitigation in disciplinary actions by the regulating beer board.
  - (b) Local beer boards should notify the Commission when disciplinary actions involving the sale of alcoholic beverages, wine, beer and/or malt beverages to a minor have been taken against a retail food store wine licensee within 15 days of such action.
  - (c) If a beer permittee represents to a city or county beer board that they are a responsible vendor but are not, then the city or county beer board should notify the Commission of such misrepresentation. Such beer permittee shall be ineligible to participate in the responsible wine vendor program for a period of three (3) years from the date of misrepresentation for the sole purposes of disciplinary action taken by a beer board. This subparagraph (c) shall not affect the ability of a retail food store wine licensee to participate in the responsible wine vendor program for the sole purpose of compliance with T.C.A. § 57-3-818 as a condition of licensure.
  - (d) Once the Commission receives notification of a second offense sale of alcoholic beverages, wine, beer or malt beverages to a minor within a twelve month period, then the Commission shall revoke the responsible wine vendor's certification as a responsible wine vendor for a period of three years for the sole purposes of disciplinary action taken by a beer board. This subparagraph (d) shall not affect the ability of a retail food store wine licensee to participate in the responsible wine vendor program for the sole purpose of compliance with T.C.A. § 57-3-818 as a condition of licensure.
  - (e) Notwithstanding Rule 0100-12-.04(14)(b) to the contrary, subparagraph (c) and (d) of this rule shall have no effect on the licensure or renewal of licensure of the retail food store wine licensee. Any violation of subparagraph (c) or (d) will subject the license of the retail food store wine licensee to fine, suspension, or revocation by the Commission.
- (11) Local law enforcement. Local law enforcement should notify the Commission when an employee of a retail package store licensee or retail food store licensee has been criminally convicted of a charge involving the sale of alcoholic beverages, wine, beer and/or malt beverages to a minor.
- (12) Notice of training sessions. The Commission must be notified seven (7) days in advance of any training if the training will be conducted by an individual(s) at a location where clerks will be present. The notice must include the name of the training program, the instructor, the complete address of the training site, and the time and location of the training.
- (13) In order for a retail food store wine licensee who also has a beer permit, to obtain the benefits associated with being a certified responsible wine vendor, the wine permittee must actually be certified by the Commission as a responsible wine vendor at the time of the offense.
- (14) Responsible Vendor Status.
  - (a) As used in T.C.A. §§ 57-5-108 and 57-5-601, et seq., a retail food store wine licensee having a responsible wine vendor status pursuant to this Chapter has status as a "responsible vendor" to the same extent as if said licensee had status as a responsible beer vendor pursuant to Chapter 0100-09 of these rules.
  - (b) Each retail food store wine licensee and retail package store licensee shall have and maintain a responsible vendor training program (either a responsible beer vendor training program or a responsible wine vendor training program) and status as a responsible vendor (either as a responsible beer vendor or as a responsible wine vendor) as a condition to having and maintaining such license. A retail food store wine

licensee or retail package store licensee who fails to have either a responsible vendor training program or status as a responsible vendor at the time of renewal of said license shall not be eligible to renew said license, and said license shall be deemed to be expired, by operation of law, on the expiration date of said license.

**Authority:** T.C.A. §§ 57-3-818; 57-3-104(c)(4); 57-3-213. **Administrative History:** Original rule filed \_\_; effective\_.

**0100-12-.05 FINES.**

- (1) The Commission is given the power and authority to suspend or revoke any license or permit issued pursuant to Title 57, Tennessee Code Annotated, for any violation thereof; however, the Commission may, in its discretion, impose a fine as set out hereafter, in lieu of suspension or revocation of any license or permit.
- (2) Fines may be used to informally remedy a matter by written consent of all parties to the matter.
- (3) Any violation of the Rules and Regulations promulgated to implement and maintain the Responsible Wine Vendor Training Program as defined at T.C.A. § 57-3-818, may result in the imposition of a fine, suspension, or revocation of any certification, license, or permit issued by the Commission.
- (4) Providing false or misleading information in any required document, application, and/or investigation may result in the denial of that application, or the suspension or revocation of a program's or vendor's certification, and/or may result in fine, suspension, or revocation of the license of the person who, or who's agent, violates this provision.
- (5) Fines may be assessed for the following violations:
  - (a) Against a Responsible Wine Vendor:
    1. Misrepresentation of status as a Responsible Wine Vendor;
    2. Willful failure to comply with Tennessee statutes and Tennessee Alcoholic Beverage Commission Rules and Regulations;
    3. Failure to have Clerk certified within 61 calendar days of hire date;
    4. Failure to verify eligibility of clerk for certification prior to hiring with the Commission;
    5. Failure to maintain original certification of completion for clerk at Responsible Vendor location;
    6. Failure to notify Commission within twenty-one (21) calendar days of training for certified clerk;
    7. Failure to provide or have clerk display name badge while on duty;
    8. Failure to provide instructions for its employee's as approved by the Commission;
    9. Failure to have certified clerk meet annual meeting requirements;
    10. Failure of Responsible Wine Vendor to disseminate updated information prescribed by the Commission and the Responsible Wine Vendor Policy and Procedures related thereto;

11. Failure to notify Commission of clerk failure to attend annual meeting following original certification;
12. Failure to maintain records of certified clerk required annual meeting;
13. Failure to disseminate information related to changes in State Law or Commission Rules and Regulations to certified clerks as required by the Commission;
14. Failure to maintain employment records and all responsible training records of all clerks;
15. Failure to cooperate by not providing information requested by the Commission;
16. Failure to notify Commission of change in training program;
17. Allowing a decertified clerk to continue to operate in a capacity to sell alcoholic beverages, wine, beer, or malt beverages directly to consumer;
18. Failure to have Responsible Wine Vendor certificate posted;
19. Failure to Renew Responsible Wine Vendor Certification in a timely manner.

(b) Against a Training Program:

1. Failure to meet mandatory minimum class time;
2. Not a TABC certified training program for Responsible Wine Vendor Training;
3. Failure to adequately test the comprehension and understanding of the attendees of the Responsible Wine Vendor Training of off premise sale of alcoholic beverages, wine, beer or malt beverages;
4. Failure to cover the required material;
5. Failure to timely renew certification.

**Authority:** T.C.A. §§ 57-3-818; 57-3-104(c)(4). **Administrative History:** Original rule filed \_\_; effective\_\_.

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: Nov 13, 2015

Signature: E. Keith Bell

Name of Officer: E. Keith Bell

Title of Officer: TABC Executive Director

Subscribed and sworn to before me on: November 13, 2015

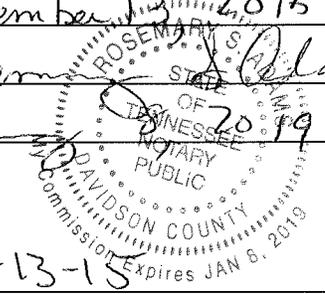
Notary Public Signature: Rosemary S. Bell

My commission expires on: January 8, 2019

**Department of State Use Only**

Filed with the Department of State on: 11-13-15

Tre Hargett  
Tre Hargett  
Secretary of State



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