



State of Tennessee

PUBLIC CHAPTER NO. 850

SENATE BILL NO. 2129

By Lowe

Substituted for: House Bill No. 2200

By McCalmon, Hardaway

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 57-3-808, is amended by deleting the section in its entirety and substituting instead the following language:

(a) A retail food store wine license holder engaging in the business regulated under this part, or any employee thereof, shall not make or permit to be made any sales to minors. Prior to making a sale of wine for off-premises consumption, the adult consumer must present to the license holder or any employee of the license holder a valid, government-issued document, such as a driver license or other form of identification deemed acceptable to the license holder, that includes the photograph and birth date of the adult consumer attempting to make a wine purchase. Persons exempt under state law from the requirement of having a photo identification shall present identification that is acceptable to the license holder. The license holder or employee shall make a determination from the information presented whether the purchaser is an adult. In addition to the prohibition of making a sale to a minor, no sale of wine for off-premises consumption shall be made to a person who does not present such a document or other form of identification to the license holder or any employee of the license holder in a face-to-face transaction; 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.

(b) As used in this section, "other form of identification" includes a secure identity verification system that uses an electronic scan of a unique physical characteristic identifiable to the individual that is used by a license holder for the purpose of aiding the employee in determining whether or not the person is at least twenty-one (21) years of age when such person desires to purchase alcoholic beverages procured from a license holder if the system demonstrates that:

(1) The adult consumer is at least twenty-one (21) years of age; and

(2) The adult consumer had previously registered with a secure identity verification system provider a valid, government-issued document that includes the photograph and birth date of the adult consumer attempting to make a wine purchase.

(c) A violation of subsection (a) is a Class A misdemeanor.

SECTION 2. Tennessee Code Annotated, Section 57-5-301(a), is amended by deleting the subsection in its entirety and substituting instead the following language:

(a)(1) A permit holder engaging in the business regulated hereunder or any employee thereof shall not make or permit to be made any sales to minors or persons visibly intoxicated. Prior to making a sale of beer for off-premise consumption, the adult consumer must present to the permit holder, or any employee of the permit holder, a valid, government-issued document, such as a driver license, or other form of

identification deemed acceptable to the permit holder, that includes the photograph and birth date of the adult consumer attempting to make a beer purchase. Persons exempt under state law from the requirement of having a photo identification shall present identification that is acceptable to the permit holder. The permit holder or employee shall make a determination from the information presented whether the purchaser is an adult. In addition to the prohibition of making a sale to a minor, no sale of beer for off-premises consumption shall be made to a person who does not present such a document or other form of identification to the permit holder or any employee of the permit holder; however, it is an exception to any criminal punishment or adverse administrative action, including license suspension or revocation, as provided for in 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. Responsible vendors shall post signs on the vendor's premises informing customers of the vendor's policy against selling beer to underage persons. The signs shall be not less than eight and one-half inches by eleven inches (8½" x 11"), and contain the following language:

STATE LAW REQUIRES IDENTIFICATION FOR THE SALE OF BEER.

(2) Neither the person engaging in such business nor persons employed by that person shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture, and transportation of intoxicating liquor or any crime involving moral turpitude within the last ten (10) years.

(3) As used in this section, "other form of identification" includes a secure identity verification system that uses an electronic scan of a unique physical characteristic identifiable to the individual that is used by a permittee for the purpose of aiding the employee in determining whether or not the person is at least twenty-one (21) years of age when such person desires to purchase beer procured from a permittee if the system demonstrates that:

(A) The adult consumer is at least twenty-one (21) years of age; and

(B) The adult consumer had previously registered with a secure identity verification system provider a valid, government-issued document that includes the photograph and birth date of the adult consumer attempting to make a beer purchase.

(4) A violation of subdivision (a)(1) is a Class A misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 57-3-406(d), is amended by deleting the subsection in its entirety and substituting instead the following language:

(d)(1) A retailer or any employee thereof shall not make or permit to be made any sales of alcoholic beverages or beer to minors. Prior to making a sale of alcoholic beverages for off-premises consumption, the adult consumer whose physical appearance does not reasonably demonstrate an age of fifty (50) years or older must present to the retailer or any employee of the retailer a valid, government-issued document, such as a driver license or other form of identification deemed acceptable to the retailer that includes the photograph and birth date of the adult consumer attempting to make an alcoholic beverage purchase. Persons exempt under state law from the requirement of having a photo identification shall present identification that is acceptable to the retailer. The retailer or employee shall make a determination from the information presented whether the purchaser is an adult. In addition to the prohibition of making a sale to a minor, no sale of alcoholic beverages for off-premises consumption shall be made to a person whose physical appearance does not reasonably demonstrate an age of fifty (50) years or older who does not present such a document or other form of identification to the license holder or any employee of the license holder in a face-to-face transaction.

(2) As used in this section, "other form of identification" includes a secure identity verification system that uses an electronic scan of a unique physical characteristic identifiable to the individual that is used by a retailer for the purpose of aiding the employee in determining whether or not the person is at least twenty-one (21) years of age when such person desires to purchase alcoholic beverages or beer procured from a retailer if the system demonstrates that:

(A) The adult consumer is at least twenty-one (21) years of age; and

(B) The adult consumer had previously registered with a secure identity verification system provider a valid, government-issued document that includes the photograph and birth date of the adult consumer attempting to make an alcoholic beverage or beer purchase.

(3) A violation of subdivision (d)(1) is a Class A misdemeanor.

(4) The commission may, upon finding that a licensee has violated subdivision (d)(1) two (2) or more times during any two-year period, and for good cause shown, fine the licensee not more than ten thousand dollars (\$10,000) and require retraining of all employees of the licensee under the supervision of the commission in lieu of suspending or revoking the license of the licensee.


SECTION 4. The Tennessee Alcoholic Beverages Commission may promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, codified in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 5. This act takes effect January 1, 2025, the public welfare requiring it.


SENATE BILL NO. 2129

PASSED: April 18, 2024


RANDY McNALLY
SPEAKER OF THE SENATE


CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 1st day of May 2024


BILL LEE, GOVERNOR