

SENATE BILL 2094

By Ketron

AN ACT to amend Tennessee Code Annotated, Section 57-3-406 and Section 57-3-803, relative to alcoholic beverages.

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

SECTION 1. Tennessee Code Annotated, Section 57-3-803, is amended by adding the following language as new subsections:

(e) A business submitting an application for a retail food store wine license prior to July 1, 2016, pursuant to subsection (a), may also seek a certificate from the appropriate local jurisdiction prior to July 1, 2016, and the time limits of § 57-3-806(h) and (i) shall apply when the request for the certificate has been submitted.

(f) The commission, or the executive director, if such duties are delegated by the commission, shall be authorized to consider and approve or reject any application for a retail food store wine license prior to July 1, 2016. Any approval shall be documented by a preliminary letter. The commission, or its delegate, shall issue a license on July 1, 2016, to any retail food store that received a letter of approval unless the commission, or its delegate, determines that cause exists to contest the issuance of the license despite its preliminary approval.

(g) Any wholesaler shall be permitted to solicit orders from any retail food store that the commission has issued a letter of approval under subsection (f). The solicitation shall be permitted upon the issuance of a letter of approval.

(h) Any wholesaler shall be permitted to sell and deliver wine to any retail food store as to which the commission has issued a letter of approval.

(i) Any wine sold and delivered to a retail food store that has received a letter of approval from the commission shall not be accessible for sale to the public until the retail food store holds a validly issued retail food store wine license. A retail food store is authorized to stock wine on the shelves of a retail food store as long as the signage is posted advising the public that no wine may be sold prior to July 1, 2016, and steps are taken by the retail food store to ensure that no sales take place.

SECTION 2. Tennessee Code Annotated, Section 57-3-406, is amended by deleting subsection (j) and substituting instead the following:

(j)

(1) Notwithstanding any provision of this title to the contrary, retailers licensed under § 57-3-204 are authorized, for a fee or without a fee, to provide, within the state, consulting services related to alcoholic beverages and to the products, merchandise, and supplies that the retailer is authorized to sell under § 57-3-404(e), and may supply, sell, deliver, and install products authorized to be sold by the retailer to locations outside of the licensed premises.

(2) Any licensee making a delivery of alcohol, wine, or beer is subject to subsections (c) and (d) except that no person receiving delivery of alcohol, wine, or beer shall be required to purchase such items at the physical location of the retailer. The licensee shall require 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 person receiving the delivery and that shall be deemed sufficient to meet the requirements of this subdivision (j)(2) and subsection (d). A record of all deliveries shall be maintained in writing and must contain all information concerning the recipient, products delivered, the time of delivery, and place of delivery.

SECTION 3. Tennessee Code Annotated, Section 57-3-406(a), is amended by deleting subdivision (2) and substituting instead the following:

(2) Except as provided in this subsection (a), nothing shall prohibit the holder of a retail license from having more than one (1) retail license; provided, however, that the holder of a retail license shall not have more than two (2) retail licenses. If the commission has issued more than two (2) licenses to any person prior to the effective date of this act, such person shall be allowed to continue to have all such licenses and may renew all such licenses.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it. Section 1 of this act shall be repealed on July 5, 2016.