

SENATE BILL 2351

By Powers

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 57-3-106, is amended by adding the following new subsection (m):

(1) Notwithstanding another law to the contrary, if a municipality with a population of not less than one hundred thirty-two thousand nine hundred twenty (132,920) and not more than one hundred thirty-two thousand nine hundred twenty-nine (132,929), according to the 2010 or any subsequent federal census, has approved the retail sale of alcoholic beverages within the territorial boundaries of the municipality in accordance with this section, then the county in which such municipality is located may approve the retail sale of alcoholic beverages within the unincorporated area of the county by the adoption of a resolution to that effect by a two-thirds (2/3) majority vote of the county governing body.

(2) If a county approves the retail sale of alcoholic beverages under this subsection (m), then the commission shall issue a retailer's license to a qualified applicant in accordance with this chapter, and such license is subject to all applicable laws and rules governing the retail sale of alcoholic beverages in accordance with this title.

(3) A county that has approved the retail sale of alcoholic beverages under this subsection (m) may disapprove of such sales in the county in the same manner as the county approved such sales under this subsection (m).

SECTION 2. Tennessee Code Annotated, Section 57-3-107, is amended by deleting subsection (c) and substituting:

(c) If a county or municipality wherein traffic in alcoholic beverages has been legalized prohibits such traffic by a majority vote in a local option election held as set out herein or in accordance with § 57-3-106(m)(3), all licensed dealers in such county or municipality have ninety (90) days from the final determination of the results of the election or the adoption of a resolution, as applicable, to dispose of their stocks of alcoholic beverages and wind up their businesses.

SECTION 3. Tennessee Code Annotated, Section 57-4-103, is amended by adding the following new subsection (c):

(1) Notwithstanding another law to the contrary, if a municipality with a population of not less than one hundred thirty-two thousand nine hundred twenty (132,920) and not more than one hundred thirty-two thousand nine hundred twenty-nine (132,929), according to the 2010 or any subsequent federal census, has approved the sale of alcoholic beverages for consumption on the premises within the territorial boundaries of the municipality in accordance with this section, then the county in which such municipality is located may approve the sale of alcoholic beverages for consumption on the premises within the unincorporated area of the county by the adoption of a resolution to that effect by a two-thirds (2/3) majority vote of the county governing body.

(2) If a county approves the sale of alcoholic beverages for consumption on the premises under this subsection (c), then the commission shall issue a license to a qualified applicant in accordance with this chapter, and such license is subject to all applicable laws and rules governing the sale of alcoholic beverages for consumption on the premises in accordance with this title.

(3) A county that has approved the sale of alcoholic beverages for consumption on the premises under this subsection (c) may disapprove of such sales in the county in the same manner as the county approved such sales under this subsection (c).

SECTION 4. Tennessee Code Annotated, Section 57-4-107, is amended by designating subsection (b) as subdivision (b)(1) and adding the following new subdivision (b)(2):

(2) Notwithstanding another law to the contrary, sales of alcoholic beverages for consumption on the premises is permitted within the unincorporated area of a county that has approved the retail sale of alcoholic beverages in accordance with § 57-3-106(m).

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.