



State of Tennessee

PUBLIC CHAPTER NO. 447

HOUSE BILL NO. 985

By Representatives Todd, Sargent

Substituted for: Senate Bill No. 1273

By Senator Ketron

AN ACT to amend Tennessee Code Annotated, Title 57, Chapter 4, Part 1, relative to consumption of alcoholic beverages on premises.

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

SECTION 1. Tennessee Code Annotated, Section 57-4-107, is amended by designating the existing language as subsection (a) and by adding the following language to be designated as subsection (b):

(b) In addition to the sales of alcoholic beverages authorized pursuant to subsection (a), notwithstanding any other law to the contrary, sales of alcoholic beverages shall be permitted in unincorporated areas of a county that approves the legal sale of alcoholic beverages for consumption on the premises by local option election called and held, in accordance with § 57-3-106 (g), in portions of the county lying outside municipalities meeting the requirements of § 57-3-106(g)(1).

SECTION 2. Tennessee Code Annotated, Section 57-4-101(g), is amended by deleting the period (.) at the end of the subsection and substituting instead the following language:

or wherein the sale of alcoholic beverages for consumption has been approved pursuant to § 57-4-103. A special occasion license may also be issued for an event within the unincorporated portion of a county if at least one (1) municipality in such county has approved the sale of alcoholic beverages at retail pursuant to § 57-3-106 or the sale of alcoholic beverages for consumption pursuant to § 57-4-103.

SECTION 3. Tennessee Code Annotated, Section 57-4-102(13), is amended by adding the following language as a new, appropriately designated subdivision:

() "Community theater" also includes a municipally owned facility possessing each of the following characteristics:

- (i) Is a community theater in continuous operation since 1980;
- (ii) Has an auditorium with more than three hundred (300) seats;
- (iii) Provides or leases facilities for concerts, plays and programs of cultural, civic and education interest; and
- (iv) The facility is located in any municipality that has authorized the sale of alcoholic beverages for consumption on the premises, in a referendum in the manner prescribed by § 57-3-106, and the municipality has a population of not less than twenty-three thousand nine hundred twenty (23,920), nor more than twenty-three thousand nine hundred thirty (23,930), according to the 2000 federal census or any subsequent federal census.

SECTION 4. Tennessee Code Annotated, Section 57-4-102(19), is amended by adding the following as a new, appropriately designated subdivision:

() "Historic performing arts center" also means a facility possessing each of the following characteristics:

- (i) Was built in 1931;
- (ii) Is on the National Register of Historic Places;
- (iii) Is maintained by a not-for-profit corporation which is exempt from taxation under § 501(c) of the Internal Revenue Code of 1954, codified in 26 U.S.C. § 501(c), as amended;
- (iv) Has an auditorium that seats more than seven hundred fifty (750) people;
- (v) Provides programs of cultural, civic, and educational interest, including, but not limited to, stage plays and musical concerts; and
- (vi) Is located in any county having a population of not less than one hundred fifty-three thousand (153,000) nor more than one hundred fifty-three thousand one hundred (153,100) according to the 2000 federal census or any subsequent federal census.

SECTION 5. Tennessee Code Annotated, Section 57-4-102(32), is amended by adding the following language as a new, appropriately designated subdivisions:

() A special occasion license under this section may also be issued to a bona fide charitable organization that benefits charities which support women and children in Middle Tennessee and which:

- (1) Holds the event in a county having a population of not less than one hundred twenty-six thousand six hundred (126,600) nor more than one hundred twenty-six thousand seven hundred (126,700), according to the 2000 federal census or any subsequent federal census, on property used as a veterinary clinic located on a 6.65 acre lot that shares a common boundary between a municipality and the unincorporated area of such county;
- (2) Jurisdictions within the boundaries of such county have by referendum adopted both the sale of alcoholic beverages at retail package stores and for consumption on the premises;
- (3) Is a one (1) day annual event restricted to persons twenty-one (21) years of age or older;
- (4) Holds a grape stomp contest with teams made up of four (4) stompers and one (1) swabbie, who collects the juice created by the stompers in a jar, with the team producing the most juice winning the contest;
- (5) Includes numerous food vendors;
- (6) Has wine and spirits tastings; and
- (7) Where alcoholic beverages are served but not sold.

() A special occasion license under this section may also be issued to a nonprofit community association for the purpose of serving samples of wine to persons holding a pre-sold ticket for an annual fundraiser, the samples not to exceed two ounces (2 oz.) per wine per person to be served at the annual fundraiser conducted by the community association in any county having a population of not less than one hundred twenty-six thousand six hundred (126,600) nor more than one hundred twenty-six thousand seven hundred (126,700) according to the 2000 federal census or any subsequent federal census. The fundraiser shall be an insured event with at least ten (10) wineries or restaurants participating in the event and food shall be available to attendees.

SECTION 6. Tennessee Code Annotated, Section 57-4-102 (35), is amended by inserting the following language at the end of the subdivision:

A restaurant within a jurisdiction that has elected Tennessee River resort district status also means a restaurant located within such district which has an indoor seating capacity of at least forty (40) and an outdoor seating capacity of at least seventy-five (75); in addition with respect to such a restaurant, the term "seasonal closing" as used in subdivision (29)(A), means the period from November 1 to March 1 or a period of time, if different from such dates, as filed by the restaurant with the Alcoholic Beverage Commission.

SECTION 7. Tennessee Code Annotated, Section 57-4-102(29)(A), is amended by deleting the language "holidays, vacations and periods of redecorating," and by substituting instead the language "holidays, vacations, periods of redecorating and seasonal closings, as defined in subdivision (35), for those restaurants located within a jurisdiction that has elected Tennessee River resort district status."

SECTION 8. Tennessee Code Annotated, Section 57-4-102(38), is amended by adding the following language as a new, appropriately designated subdivision:

() "Urban park center" also includes a facility possessing each of the following characteristics:

- (i) Is owned, operated or leased by a municipal or county government, or any agency or commission thereof;
- (ii) Has an outdoor fixed structure amphitheater utilized as a performance venue;
- (iii) Provides or leases facilities for concerts, plays and programs of cultural, civic and educational interest; and
- (iv) is located in any municipality that has authorized the sale of alcoholic beverages for consumption on the premises, in a referendum in the manner prescribed by § 57-3-106, and the municipality has a population of not less than twenty-three thousand nine hundred twenty (23,920), nor more than twenty-three thousand nine hundred thirty (23,930), according to the 2000 federal census or any subsequent federal census.

SECTION 9. Tennessee Code Annotated, Section 57-4-103(a)(1), is amended by deleting the period at the end of the subdivision and substituting instead a semicolon and adding the following language:

provided that, in addition to any other method authorized for holding an election pursuant to § 57-3-106, an election may be held for such sales upon adoption of a resolution by a two-thirds (2/3) vote of the legislative body of a county or municipality.

SECTION 10. Tennessee Code Annotated, Section 57-4-103(a)(2)(A), is amended by inserting the language "resolution or the" between the language "necessary" and the language "petition".

SECTION 11. Tennessee Code Annotated, Section 57-4-102(26), is amended by adding the following language as a new, appropriately designated subdivision:

- () A commercially operated facility containing all of the following characteristics:
- (i) Has a restaurant serving an upscale menu featuring lobster tail, crab legs and fresh cut steaks;
 - (ii) Is located on a lake by a marina;
 - (iii) Has a boat dock within walking distance of the restaurant;
 - (iii) Has indoor seating for approximately one hundred thirty (130) diners and outdoor dining on the patio with seating for approximately one hundred eighty (180);

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(iv) Offers live entertainment on the patio at its Tiki Bar; and

(v) Is located in any county having a population of not less than forty-four thousand two hundred (44,200) nor more than forty-four thousand three hundred (44,300) according to the 2000 federal census or any subsequent federal census.

SECTION 12. Tennessee Code Annotated, Section 57-4-102(35), is amended by deleting the language "motel or restaurant" and substituting instead the language "motel, restaurant or limited service restaurant".

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: May 21, 2011



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 10th day of June 2011



BILL HASLAM, GOVERNOR