



# State of Tennessee

## PUBLIC CHAPTER NO. 316

### SENATE BILL NO. 91

By Finney, Burks

Substituted for: House Bill No. 294

By Fitzhugh

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7 and Title 57, relative to suspension and revocation of licenses to sell alcoholic beverages and beer.

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

SECTION 1. Tennessee Code Annotated, Title 57, Chapter 1, Part 2, is amended by adding the following language as a new, appropriately designated section:

(a)(1) In any county other than those included in §§ 57-4-202(d) and 57-5-108(p), if the alcoholic beverage commission suspends or revokes a license to sell alcoholic beverages on the premises at any establishment for any violation or violations as provided in title 57, chapter 4, then the commission shall notify the local beer board responsible for controlling the sale of beer or malt beverages within such county by certified mail, return receipt requested, of the action taken by the commission. Such notice shall include the record of evidence and the determination made by the commission in suspending or revoking the license of the establishment.

(2) Upon receipt of such notice, the local beer board may temporarily suspend the beer permit of the establishment and shall:

(A) Schedule a hearing for the next regularly scheduled meeting of the local beer board to be held at least fourteen (14) days following the date the local beer board receives the certified letter to provide an opportunity for the permit holder to appear and show cause why the permit to sell beer on the premises should not be suspended or revoked for a violation or violations as provided in title 57, chapter 4, based on actions taken by the commission; and

(B) Notify the individual or business entity, which is listed as the permit holder at the same location where the alcoholic beverage license had been suspended or revoked, of the date and time of the hearing.

(3) If the local beer board finds at a hearing that a sufficient violation or violations have occurred as provided in title 57, chapter 4, at such location, then the local beer board may suspend or revoke the permit to the same extent and at least for the same period of time as the commission has suspended or revoked the license of the establishment.

(4) If the permit holder fails to appear or decides to surrender the permit to the local beer board in lieu of appearing at the hearing, the permit may be suspended or revoked by the local beer board; provided, that if the permit is suspended or revoked, no permit to sell beer or malt beverages on the premises shall be issued by the local beer board to any person for the location where the commission had suspended or revoked the license for the period of time included in the decision of the commission.

(5) The decision of the local beer board is final, and any party aggrieved thereby may appeal the decision of the local beer board in accordance with § 57-5-108.

(b)(1) In any county other than those included in §§ 57-4-202(d) and 57-5-108(p), if a local beer board responsible for controlling the sale of beer or malt beverages finds a violation or violations, as provided in title 57, chapter 4, in the sale of beer or malt beverages consumed on-premises of an establishment located within the local beer board's jurisdiction that result in the local beer board suspending the operation of or

revoking the permit of the establishment where the violation or violations occurred, then the local beer board shall notify the executive director of the commission by certified mail, return receipt requested, of the action taken by the local beer board. Such notice shall include the record of evidence and the determination made by the local beer board in suspending or revoking the permit.

(2) Upon receipt of such notice, the executive director of the commission may take the action with respect to a violation or violations as provided in title 57, chapter 4, related to the license for the sale of alcoholic beverages for consumption on the premises at the location where the violation or violations of the chapter occurred.

(3) The suspension or revocation decision of the local beer board made pursuant to subsection (b) is final, and any party aggrieved thereby may appeal the decision of the local beer board in accordance with § 57-5-108.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 91

PASSED: April 15, 2013

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 29<sup>th</sup> day of April 2013

  
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BILL HASLAM, GOVERNOR