

**RULES
OF
ALCOHOLIC BEVERAGE COMMISSION**

**CHAPTER 0100-07
PRODUCTION, SALE AND TRANSPORT OF WINE**

TABLE OF CONTENTS

0100-07-.01	Applications for Winery Licenses	0100-07-.05	Sale of Other Wine Related Items
0100-07-.02	Production of Wine by Winery	0100-07-.06	Statutes Applicable to Winery Licensees
0100-07-.03	Sale of Wine by Wineries		
0100-07-.04	Transportation of Wine Produced By Licensed Wineries		

0100-07-.01 APPLICATIONS FOR WINERY LICENSES.

- (1) Application – An application for such a license shall be made on forms provided for such purpose by the Commission. In addition to completing and filing such forms, an applicant shall provide the Commission with the following information:
 - (a) Proof of a right to possession in the proposed premises.
 - (b) If the applicant is not a sole proprietor, evidence of the legal form in which the business is to be operated.
 - (c) Corporate Charter – if corporation.
 - (d) Approval of appropriate authorities in the jurisdiction where the winery is to be located of the use and occupancy of the building(s).
 - (e) Completed questionnaires from each owner, partner or officer.
 - (f) Approval of the Tennessee Department of Agriculture.

The application and accompanying documents shall be filed with the Tennessee Alcoholic Beverage Commission.

- (2) The license issued hereunder shall apply to only one winery premise defined hereafter.
- (3) No person with any interest in a winery license shall have any kind of interest (financial, fixtures, furnishings, stock ownership, loans, gifts, securing loans) or participate in the profits either directly or indirectly, in any wholesale or retail liquor establishment or any entity possessing a liquor-by-the-drink permit.
- (4) Transfer. A winery licensee may transfer locations only with the specific approval of the Commission. Such permission shall be sought by filing an application for the new premises along with the information required by Rule 0100-04-.01 (a), (d), (e) and (f).

Authority: T.C.A. §§57-1-209 and 57-3-207. **Administrative History:** Original rule filed October 31, 1983; effective November 30, 1983. Amendment repealing and replacing the rule was filed March 10, 2010; effective June 8, 2010.

0100-07-.02 PRODUCTION OF WINE BY WINERY LICENSEES.

- (1) The holder of a winery license may produce and bottle wine as defined by T.C.A. § 57-3-101(16).

(Rule 0100-07-.02, continued)

- (2) Samples of each type of wine produced shall be maintained at the winery premises for a one year period after bottling.
- (3) For the purposes of the ABC rules, "winery premises" shall mean the locations at which fermentation and bottling takes place and locations where wine is sold. It does not include the site where fruits, berries or vegetables are being grown for use in such winery.
- (4) Records shall be kept for a period of three calendar years which demonstrate the source of all agricultural products used in the production of wine by a winery licensee.
- (5) All Tennessee licensed wineries must file with the Commission any and all contracts and/or other documentation an intention to purchase of grapes with Tennessee grape growers by the date set forth in Tennessee statutes.

Authority: T.C.A. §§57-1-209 and 57-3-207. **Administrative History:** Original rule filed October 31, 1983; effective November 30, 1983. Amendment repealing and replacing the rule was filed March 10, 2010; effective June 8, 2010.

0100-07-.03 SALES OF WINE BY WINERIES.

- (1) Wineries licensed hereunder in this state may sell at retail only wine produced or finished on their own premises but not for consumption on the premises, unless offered as a sample. Samples may be given on the premises except that no such sample shall exceed two ounces per variety for one person on the same day. Wineries in this state may provide samples of their product on their licensed premises subject to the provisions of T.C.A. § 57-3-207 et seq. For the purposes of these rules, "premises" in this state shall mean the bonded areas, as identified by the 2007 federal TTB requirements, the tasting rooms, the sales rooms, and all other rooms inside the structures that are accessed by the public from the bonded areas, tasting rooms or sales rooms. Bonded areas, tasting rooms or sales rooms may be located within multiple structures under one winery license. Premises of the winery in this state shall not include rooms inside the structures that are not accessed by the general public from the bonded areas, tasting rooms or sales rooms. Further, premises in this state shall not include porches and decks that are accessible from outside the structures or other outside grounds.
- (2) No such licensee shall sell at retail at his premises in excess of what is allowed by statute. The right to sell such amounts is not transferable.
- (3) Winery licensees are subject to the restrictions contained in Alcoholic Beverage Commission Rules 0100-03-.02 (Advertising Of Wine In Newspapers, Magazines Or Similar Publications), 0100-03-.03 (Advertising Of Distilled Spirits And Wine By Direct Mail), 0100-03-.04 (Advertising Of Distilled Spirits And Wine On Radio And Television) and 0100-03-.20 (Responsibility And Penalties For Violations).
- (4) Other than permitted retail sales or samplings on the licensed premises, no winery licensee shall sell or otherwise convey any tax-paid wine to any person, firm or corporation in Tennessee except to a Tennessee licensed wholesaler or in conjunction with a non-profit organization authorized by the Commission to conduct a wine festival as provided at T.C.A. § 57-3-207. This provision shall not prohibit the transfer of wine in bulk from one Tennessee winery to another.
- (5) No licensee shall sell, furnish, give or cause to be sold, furnished or given, any wine to any person under the age of minority as defined by T.C.A. § 57-4-203(b).
- (6) Licensees hereunder not shall sell or give away wine between the hours of 12:00 midnight and 8:00 a.m.

(Rule 0100-07-.03, continued)

- (7) Wineries licensed under provisions of T.C.A. § 57-3-207 are permitted to advertise on billboards and outside signs with locations not restricted to those counties which have legalized the sale of alcoholic beverages under provisions of T.C.A. § 57-3-106. Said billboards and outside signs are subject to the following restrictions:
 - (a) Information appearing on billboards and outside signs shall be limited to the name of the winery, directions to the winery premises, and products and services offered as authorized by T.C.A. § 57-3-207.
 - (b) No such billboard or outside sign shall contain statements prohibited by 0100-03-02 (4).
 - (c) Local Control. Billboards and outside signs approved herein are subject to reasonable rules and regulations duly adopted by proper governing bodies of the county and city wherein located.
 - (d) Prior Approval. Billboards and outside signs conforming with the foregoing provisions need not have prior approval of the Commission.
- (8) Wineries may provide samples of their product on their licensed premises subject to the provisions of T.C.A. § 57-3-207 et seq. For the purposes of these rules, "premises" shall mean the bonded area, as identified by the 2007 federal TTB requirements, the tasting room, the sales room, and all other rooms inside the structure that are accessed by the public from the bonded area, tasting room or sales room. Premises of the winery shall not include rooms inside the structure that are not accessed by the general public from the bonded area, tasting room or sales room. Further, premises shall not include porches and decks that are accessible from outside the structure.

Authority: T.C.A. §57-1-209 and 57-3-207. **Administrative History:** Original rule files October 31, 1983; effective November 30, 1983. Amendment filed February 6, 1987; effective March 23, 1987. Amendment repealing and replacing the rule was filed on March 10, 2010; effective June 8, 2010.

0100-07-.04 TRANSPORTATION OF WINE PRODUCED BY LICENSED WINERIES.

- (1) Finished wine produced by a licensed winery may be transported from the winery in any of the following ways:
 - (a) Pursuant to a sale to a consumer as set out in rule 0100-04-.03,
 - (b) By common carrier,
 - (c) By the licensed winery after compliance with T.C.A. §57-03-403, or
 - (d) By a licensed wholesaler

Authority: T.C.A. §§57-1-209 and 57-3-207. **Administrative History:** Original rule filed October 31, 1983; effective November 30, 1983. Amendment repealing and replacing the rule was filed March 10, 2010; effective June 8, 2010.

0100-07-.05 SALE OF OTHER WINE RELATED ITEMS.

- (1) Tennessee licensed wineries are authorized to sell the following wine related items:
 - (a) Cork removers, decanters and funnels used in decanting;

(Rule 0100-07-.05, continued)

- (b) Wine glasses;
- (c) Ice buckets;
- (d) Pouring aids;
- (e) Coasters, bottle stoppers;
- (f) Promotional souvenir items imprinted with the winery's name (e.g. t-shirts);
- (g) Wine literature;
- (h) Gift-related items—including, but not limited to, cookbooks using wine; dishes/serving items with grape or wine theme, cruets for oil and vinegar, dipping bowls, bread bowls/trays, fruit bowls/trays, cheese trays/serving knives, aprons/kitchen towels/hot pads/napkins with grape or wine theme, wine racks, wine bottle carriers/bags, foil or fabric decorative wine bottle "sacks".

Authority: T.C.A. §§57-1-209 and 57-3-207. **Administrative History:** Original rule filed October 31, 1983; effective November 30, 1983. Amendment repealing and replacing the rule was filed March 10, 2010; effective June 8, 2010.

0100-07-.06 STATUTES APPLICABLE TO WINERY LICENSEES.

- (1) In addition to the regulations contained herein, licensed wineries are governed by the terms of much of T.C.A., Title 57 Chapter 3. In order to clarify which sections within Chapter 3 govern the conduct and licensing of such wineries, the Alcoholic Beverage Commission hereby declares that licensed wineries are subject to the terms of the following sections and subsections of Title 57, Chapter 3, T.C.A.:
 - (a) §§ 57-3-101, 57-3-104, 57-3-105;
 - (b) §§ 57-3-201, 57-3-202 (e) 57-3-207; 57-3-210 (a), (d), (e), (j); 57-3-211; 57-3-212; 57-3-213 (a), (b), (c); 57-3-214; 57-3-215; and
 - (c) §§ 57-3-405(b) and 57-3-409.
- (2) Refusal of Cooperation – Any licensee, his agent or employee who refuses to open or disclose his records to, or furnish information to, or who furnishes false and/or misleading information to an Agent of the Tennessee Alcoholic Beverage Commission upon any matter relating to or arising out of the conduct of the licensed premises shall subject the license to revocation or suspension.
- (3) Licensee Responsible for Law and Order on Licensed Premises – Each licensee shall maintain his establishment in a decent, orderly and respectable manner in full compliance with all laws of Tennessee, Commission rules and regulations, and federal statutes.
- (4) Display of License – Any person, partnership, corporation, or other legal entity holding a winery license issued under Chapter 3 of Title 57, shall prominently display and post, and keep displayed and posted, in the most conspicuous place in the licensed premises, the license so issued.

Authority: T.C.A. §§57-1-209 and 57-3-207. **Administrative History:** Original rule filed October 31, 1983; effective November 30, 1983. Amendment repealing and replacing the rule was filed March 10, 2010; effective June 8, 2010.