S T A T E O F T E N N E S S E E
OFFICE OF THE
ATTORNEY GENERAL
PO BOX 20207
NASHVILLE, TENNESSEE 37202

December 8, 2006

Opinion No. 06-175

The legality of serving alcoholic beverages during private engagements at the McMinnville Parks and Recreation Civic Center

QUESTION

Can the McMinnville Parks and Recreation Civic Center, which does not hold a state-issued liquor license, legally serve alcoholic beverages during private engagements without violating the provisions of Tenn. Code Ann. § 57-4-203?

OPINION

The Civic Center may legally permit alcoholic beverages to be served during private engagements, so long as the service is provided by a restaurant, hotel or caterer holding a valid caterer's license who complies with the requirements that are set forth in Tenn. Code Ann. §§ 57-4-101(i) and 57-4-203(i)(3).

ANALYSIS

In Op. Tenn. Att'y Gen. 80-409 (copy attached), this Office opined that alcoholic beverages could be dispensed at locations such as a civic center only if the event in question meets the following requirements:

1. It is of a purely social nature; and
2a. It is held in a private home; or,
2b. It is held in a private place, which:
    i. Is not of a commercial nature; and,
    ii. Is not a place where goods or service may be purchased; and,
    iii. Is not a place where any charge or rent or other thing of value is exchanged for the use of it.[1]

[1]Tenn. Code Ann. § 57-4-203(i)(2).

After the publication of Op. Tenn. Att'y Gen. 80-409, the Legislature enacted Tenn. Code Ann. §§57-4-101(i) and 57-4-203(i)(3).[2] Section 57-4-101(i) states:

> A restaurant or hotel licensed under this chapter may seek an additional license permitting the restaurant or hotel to distribute and sell wine, beer and other alcoholic beverages at locations other than the licensed premises if the restaurant or hotel is providing catering services, if such location is within a jurisdiction where such sales are authorized. A caterer licensed under this chapter may distribute and sell wine, beer and other alcoholic beverages at locations other than the permanent catering hall if the caterer is providing catering services at a location that is within a jurisdiction where such sales are authorized.

Tenn. Code Ann. § 57-4-203(i)(3) states:

> A restaurant, hotel, or caterer holding a valid catering license may sell or distribute wine, beer, and other alcoholic beverages at social or commercial events, catered by the restaurant, hotel, or caterer where the restaurant, hotel, or caterer is providing food service at such event; provided, however, the restaurant, hotel, or caterer shall notify the commission as to the time, location and duration of the catered event before the commencement of the event.

The primary purpose of statutory construction is to give effect to the intent of the legislature. *Eastman Chemical Co. v. Johnson*, 151 S.W.3d 503 (Tenn. 2004). If the statutory language is unambiguous, courts must apply the plain and ordinary meaning of the statutory language. *Bostic v. Dalton*, 158 S.W.3d 347 (Tenn. 2005). The meaning of a statute is to be derived from the language as a whole. *State v. Cross*, 93 S.W.3d 891 (Tenn. Crim. App. 2002). Statutes that are related to the same subject matter are supposed to be read *in pari materia*. *In re C.K.G.*, 173 S.W.3d 714 (Tenn. 2005).

The language of both Tenn. Code Ann. §§ 57-4-101(i) and 57-4-203(i)(3) is clear and unambiguous. Reading both statutes *in pari materia* indicates that alcoholic beverages may be lawfully served at an event conducted at a location other than licensed premises as long as the following conditions are present:

1. Alcoholic beverages may be sold lawfully in the jurisdiction;

2. The server is a restaurant, hotel or caterer that holds a valid catering license which authorizes the sale of alcoholic beverages at locations other than the licensed premises;

3. The server provides food at the event; and

---

[2]These amendments can be found at 1998 Tenn. Pub. Acts 795.

4. The server notifies the Alcoholic Beverage Commission as to the time, location and duration of the event.

ROBERT E. COOPER, JR.
Attorney General

MICHAEL E. MOORE
Solicitor General

LYNDSAY FULLER
Assistant Attorney General

Requested by:

Lisa S. Zavogiannis
District Attorney General, Thirty-First Judicial District
Post Office Box 510
McMinnville, TN 37111