

HOUSE BILL 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), when 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 defined in this chapter, the commission shall notify the local or municipal 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 alcohol beverage commission in suspending or revoking the license of the establishment.

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

(A) Schedule a hearing for the next regularly scheduled meeting of the beer board to be held at least fourteen (14) days following the date the 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 violations of this

chapter based on actions taken by the alcoholic beverage 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 beer board finds that a sufficient violation or violations of this chapter have occurred at such location, then the beer board shall suspend or revoke the permit to the same extent and at least for the same period of time as the alcoholic beverage 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 beer board in lieu of appearing at the hearing, the permit shall be suspended or revoked by the beer board and, no permit to sell beer or malt beverages on the premises shall be issued by the beer board to any person for the location where the alcoholic beverage commission had suspended or revoked the license for the period of time included in the decision of the alcoholic beverage commission.

(5) The decision of the beer board is final, and any party aggrieved thereby may appeal the decision of the beer board in accordance with this chapter.

(b)

(1) In any county other than those included in §§ 57-4-202(d) and 57-5-108(p), when a local or municipal beer board responsible for controlling the sale of beer or malt beverages finds violations, as defined in this chapter, in the sale of beer or malt beverages consumed on-premises of an establishment located within the local or municipal beer board's jurisdiction that result in the beer board suspending the operation of or revoking the permit of the establishment where the violation occurred, the beer board shall notify the executive director of the

alcoholic beverage commission by certified mail, return receipt requested, of the action taken by the beer board. Such notice shall include the record of evidence and the determination made by the beer board in suspending or revoking the permit.

(2) Upon receipt of such notice, the executive director of the alcoholic beverage commission shall take the actions required with respect to violations as defined in chapter 4 of this title related to the license for the sale of alcoholic beverages for consumption on the premises at the location where the violation of this chapter occurred.

(3) The suspension or revocation decision of the beer board made pursuant to subsection (b) is final, and any party aggrieved thereby may appeal the decision of the beer board in accordance with the appeal procedures of this chapter.

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