

HOUSE BILL 1681

By Durham

AN ACT to amend Tennessee Code Annotated, Title 29  
and Title 57, Chapter 10, relative to the duty of  
care.

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

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, Part 2, is amended by  
adding the following as a new section:

(a) As used in this section:

(1) "Customer" means an individual who is lawfully on the premises of a  
retail establishment;

(2) "Intoxicated" means substantial impairment of mental or physical  
capacity resulting from introduction of any substance into the body; and

(3) "Retail establishment" means a place of business open to the general  
public for the sale of goods or services.

(b) No owner or operator of a retail establishment owes any customer a duty of  
care to protect the customer from an intoxicated person who was previously asked to  
leave the premises of the retail establishment by the owner or operator or any employee  
or agent of the retail establishment.

(c) Nothing in this section shall be construed to preclude liability established  
under § 57-10-102.

SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it.