

HOUSE BILL 2523

By Faulkner

AN ACT to amend Tennessee Code Annotated, Title 37; Title 39; Title 40, Chapter 7; Title 54, Chapter 4; Title 57, Chapter 3; Title 57, Chapter 4 and Title 57, Chapter 5, relative to sale of intoxicating liquors to minors.

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

SECTION 1. Tennessee Code Annotated, Section 40-7-118(b)(2), is amended by adding the following new subdivision:

(C) Subsection (b) does not apply to an arrest for the offense of sale of an intoxicating liquor to any person under twenty-one (21) years of age prohibited by §§ 57-3-406(d), 57-4-203(b)(1), and 57-5-301(a).

SECTION 2. Tennessee Code Annotated, Section 57-3-406(d), is amended by deleting the subsection in its entirety and substituting instead the following:

(d)

(1) No retailer shall sell any alcoholic beverages to a person known to be a person under the age of twenty-one (21) years of age.

(2) In addition to any other penalties set out for a violation of subdivision (d)(1) any person who violates subdivision (d)(1) by making a sale of alcoholic beverages to a person under the age of twenty-one (21) years of age shall be punished by a mandatory minimum period of imprisonment of forty-eight (48) hours.

SECTION 3. Tennessee Code Annotated, Section 57-4-203(b)(1), is amended by adding a new subdivision (C);

(C) In addition to other penalties set out for a violation of subdivision (b)(1), the licensee, employee or other person who sells, furnishes, disposes of, gives, or causes to be sold, furnished, disposed of, or given in violation of subdivision (b)(1) shall be punished by a mandatory minimum period of imprisonment of forty-eight (48) hours.

SECTION 4. Tennessee Code Annotated, Section 57-5-301(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a)

(1) A permit holder engaging in the business regulated hereunder or any employee thereof shall not make or permit to be made any sales to persons under twenty-one (21) years of age or persons visibly intoxicated. Prior to making a sale of beer for off-premise consumption, the adult consumer must present to the permit holder or any employee of the permit holder a valid, government-issued document, such as a driver's license or other form of identification deemed acceptable to the permit holder, that includes the photograph and birth date of the adult consumer attempting to make a beer purchase. Persons exempt under state law from the requirement of having photo identification shall present identification that is acceptable to the permit holder. The permit holder or employee shall make a determination from the information presented whether the purchaser is an adult. In addition to the prohibition of making a sale to a person under twenty-one (21) years of age, no sale of beer for off-premises consumption shall be made to a person who does not present such a document or other form of identification to the permit holder or any employee of the permit holder; however, it is an exception to any criminal punishment or adverse administrative action, including license suspension or revocation, as provided for a violation of this section if the sale was made to a person who is or reasonably appears to be

over fifty (50) years of age and who failed to present an acceptable form of identification. Responsible vendors shall post signs on the vendor's premises informing customers of the vendor's policy against selling beer to underage persons. The signs shall be not less than eight and one-half inches by eleven inches (8 1/2" x 11"), and contain the following language: STATE LAW REQUIRES IDENTIFICATION FOR THE SALE OF BEER. Neither the person engaging in such business nor persons employed by that person shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture and transportation of intoxicating liquor or any crime involving moral turpitude within the last ten (10) years.

(2) A violation of subdivision (a)(1) is a Class A misdemeanor, and in addition to the other penalties set out for such a violation, a permit holder or an employee thereof who made a sale to a person under twenty-one (21) years of age shall be punished by a mandatory minimum period of imprisonment of forty-eight (48) hours.

SECTION 5. This act shall take effect July 1, 2010, the public welfare requiring it.