

HOUSE BILL 2579

By McCormick

AN ACT to amend Tennessee Code Annotated, Title 67,
Chapter 6, Part 4, relative to retail accountability.

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

SECTION 1. Tennessee Code Annotated, Section 67-6-410(a), is amended by deleting subdivision (1) in its entirety and substituting instead the following language:

(1) The commissioner is authorized to require persons selling beer as defined in § 57-5-101, tobacco products as defined in § 67-4-1001, candy, food, or nonalcoholic beverages to retailers of such products to file an information report of such sales with the department. Nothing in this section shall prevent a seller, at its discretion, from including sales of other types of tangible personal property in the information report.

SECTION 2. Tennessee Code Annotated, Section 67-6-410(b), is amended by deleting subdivision (4) in its entirety and by substituting instead the following language:

(4) The general type of product sold; provided, that all candy, food, and nonalcoholic beverages may be treated as a single type of product;

SECTION 3. Tennessee Code Annotated, Section 67-6-410, is further amended by adding the following as new, appropriately designated subsections:

() Any wholesaler making sales of candy, food, and nonalcoholic beverages in an amount less than five hundred thousand dollars (\$500,000) during the prior calendar year shall not be required to include such sales of candy, food, and nonalcoholic beverage products in the information report required under subsection (a).

() Any wholesaler making sales of candy, food, or nonalcoholic beverages to an affiliate shall not be required to include sales of candy, food, or nonalcoholic beverages to any affiliates in the information report required under subsection (a). For purposes of

this section, "affiliate" shall have the same meaning as provided in chapter 4, part 20 of this title.

() The commissioner shall not issue any assessment under § 67-1-1438, including a notice of proposed assessment, to any retailer based solely on the information report submitted pursuant to this section unless the department first issues to the retailer an inquiry letter stating the department's findings and providing an opportunity for the retailer to explain the inconsistencies between its purchases and reported sales. Nothing in this section shall prohibit a jeopardy assessment under § 67-1-1431.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.