



# State of Tennessee

## PUBLIC CHAPTER NO. 867

### SENATE BILL NO. 2508

By Johnson, Yarbrow, Campbell, Akbari, Crowe, Lowe, Oliver, Stevens

Substituted for: House Bill No. 2712

By Garrett, Hemmer, Clemmons, Alexander, Hardaway, Burkhart, Hawk

AN ACT to amend Tennessee Code Annotated, Title 3; Title 4; Title 5; Title 6; Title 7; Title 9; Title 12; Title 13; Title 57; Title 62; Title 66; Title 67 and Title 68, relative to performance venues.

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

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 50, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Fund" means the live music and performance venue fund, created pursuant to subsection (b);

(2) "Live music":

(A) Means any music that is created by an individual or group of individuals with their voice or instruments in a live performance while in a location or space in which they are legally allowed to be; and

(B) Does not include music which is played on public property such as streets, highways, sidewalks, or parks, unless the public property is specifically authorized by a state or local governmental entity to be a live music and performance venue;

(3) "Live music and performance venue" means an establishment, permanent or temporary, where live music and performance programming is the principal function of the business, and where the venue or promoter clearly establishes the ability of a performer to receive payment for work by percentage of sales, guarantee, or other mutually beneficial formal agreement for every performance that has at least five (5) of the following attributes:

(A) A defined performance and audience space;

(B) A mixing desk, public address system, and lighting rig;

(C) Back line;

(D) At least two (2) of the following:

(i) Sound engineer;

(ii) Booker;

(iii) Promoter;

(iv) Stage manager; or

(v) Security personnel;

(E) The establishment applies a cover charge for live music or performances through ticketing or front door entrance fee;

(F) The establishment markets specific acts through show listings in printed and electronic publications;

(G) The hours of operation coincide with performance times; and

(H) The establishment holds at least five (5) scheduled performances per calendar week;

(4) "Performance" means the presentation of theatre, musical theatre, dance, comedy, puppeteering, disc jockeys, or spoken word;

(5) "Performer" means a musician, singer, songwriter, actor, dancer, comedian, puppeteer, or poet; and

(6) "Promoter" means an individual or entity that books and presents performing artists primarily in live music and performance venues or at festivals and pays fees to those performers based on selling tickets to the public or other comparable means.

(b) There is created a separate account in the general fund to be known as the live music and performance venue fund.

(c) The fund is composed of gifts, grants, and other donations received from nonstate sources. The general assembly is not prohibited from appropriating moneys to the fund through the general appropriations act.

(d) The fund is administered by the Tennessee film, entertainment and music commission, as created in § 4-3-5003.

(e) The Tennessee film, entertainment and music commission, or a subcontracted nonprofit organization, shall provide grants from the fund to eligible live music and performance venues, performers, and promoters.

(f) Grants issued from the fund must be used to support live music performances, performers, promoters, and the operational, promotional, or capital expenditures of live music and performance venues.

(g) Money in the fund at the end of a fiscal year does not revert to the general fund, and the commission shall carry forward any amounts remaining in the fund. Moneys in the fund must be invested by the state treasurer pursuant to title 9, chapter 4, part 6, for the sole benefit of the fund, and interest accruing on investments of and deposits into such fund must be returned to such fund and remain part of the fund.

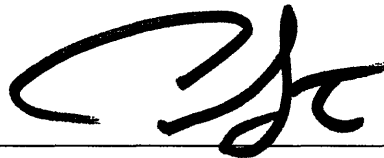
SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it.

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PASSED: April 16, 2024



RANDY McNALLY  
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 1<sup>st</sup> day of May 2024



BILL LEE, GOVERNOR