

HOUSE BILL 250

By Carr

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 15, Part 4 and Title 57, relative to underage drinking and possession of alcoholic beverages and beer.

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

SECTION 1. Tennessee Code Annotated, Section 39-15-404(a), is amended by adding the following language as a new, appropriately designated subdivision:

(3)

(A) It is an offense for any owner, occupant or other person having a lawful right to the exclusive use and enjoyment of real property to knowingly allow any minor to drink or possess alcoholic beverages or beer or to knowingly fail to stop any minor from drinking or possessing alcoholic beverages or beer while such minor is present on such real property.

(B) The provisions of subdivision (A) do not apply to consumption or possession of a de minimis quantity of alcohol or wine by a minor for sacramental purposes as part of a communion service, bat mitzvah, bar mitzvah, or other similar religious service or ceremony conducted in accordance with the established doctrines and practices of a regularly organized and functioning church, temple, religious denomination or other religious organization.

SECTION 2. Tennessee Code Annotated, Section 39-15-404(c), is amended by deleting the first sentence and by substituting instead the following:

It is an affirmative defense to prosecution under subsection (a) that the defendant acted upon a reasonably held belief that the minor was of legal age.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.