

HOUSE BILL 2964

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 persons under (21) years of age.

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)(1), is amended by designating the first sentence as (a)(1)(A), by designating the remainder of subdivision (a)(1) as (a)(1)(B) and by deleting the first sentence and substituting instead the following:

(a)

(1)

(A) 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.

SECTION 5. Tennessee Code Annotated, Section 57-5-301(a)(1)(B), as redesignated pursuant to Section 4, is amended by:

(1) Deleting the language “the adult consumer” wherever it appears and by substituting instead the language “the person twenty-one (21) years of age or older making the purchase”;

(2) Deleting the language “is an adult.” and by substituting instead the language “is twenty-one (21) years of age or older.”; and

(3) Deleting the language “to a minor” and by substituting instead the language “to a person under (21) years of age”.

SECTION 6. Tennessee Code Annotated, Section 57-5-301(a), is further amended by deleting subdivision (2) and by substituting instead the following language:

(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 7. This act shall take effect July 1, 2010, the public welfare requiring it.