

Amendment No. 8 to HB0047

Haynes
Signature of Sponsor

AMEND Senate Bill No. 289

House Bill No. 47*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-3-803, is amended by adding the following subsection (e):

(e) Effective July 1, 2016, and notwithstanding § 57-3-907 and any other law to the contrary, the holder of a retail food store wine license may receive, store, possess and sell at retail for consumption off the premises high alcohol content beer as defined in § 57-3-101(a)(8), subject to the same restrictions in this part 8 applicable to the sale of wine.

SECTION 2. Tennessee Code Annotated, Section 57-3-101(a)(8), is amended by deleting the language “more than five percent (5%) by weight” and substituting instead the language “more than eight percent (8 %) by weight”.

SECTION 3. Tennessee Code Annotated, Section 57-5-101(b), is amended by deleting the language “five percent (5%)” and substituting instead the language “eight percent (8%)”.

SECTION 4. Tennessee Code Annotated, Section 57-2-101(a), is amended by deleting the language “any beverage with alcohol content of five percent (5%) by weight or less” and substituting instead the language “beer as defined in § 57-5-101(b)”.

SECTION 5. Tennessee Code Annotated, Section 57-3-103(a)(1), is amended by deleting the language “any beverage of an alcoholic content of five percent (5%) by weight, or less,” and substituting instead the language “beer as defined in § 57-5-101(b)”.

SECTION 6. Tennessee Code Annotated, Section 57-3-303(k), is amended by deleting the first sentence of the subsection and substituting instead the following:

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(k) The state tax set forth in this title on intoxicating liquor or alcoholic beverages, as defined in § 57-3-101, shall not be applicable to such intoxicating liquors or alcoholic beverages sold for consumption within the geographical boundaries of a fort, base, camp or post of the armed forces of the United States, or to post exchanges, ship service stores, commissaries and messes operated by the United States armed forces.

SECTION 7. Tennessee Code Annotated, Section 57-3-411(d), is amended by deleting the language “or other beverage of alcoholic content of not more than five percent (5%)” and substituting instead the language “as defined in § 57-5-101(b)”.

SECTION 8. Tennessee Code Annotated, Section 57-4-102(1), is amended by deleting the language “where the latter contains an alcoholic content of five percent (5%) by weight, or less” and substituting instead the language “as defined in § 57-5-101(b)”.

SECTION 9. Tennessee Code Annotated, Section 57-4-106, is amended by deleting the section in its entirety and substituting instead the following:

57-4-106.

If a premises is authorized pursuant to this chapter to sell wine only, the premises shall also be authorized to sell high alcohol content beer, as defined in § 57-3-101.

SECTION 10. Tennessee Code Annotated, Section 57-5-201(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(c) No retail dealer of beer as defined in § 57-5-101(b) shall purchase such beverages from anyone other than a wholesaler located in Tennessee, licensed

hereunder. No wholesale distributor of such beer shall purchase such beverages from anyone other than a manufacturer, importer or other Tennessee wholesaler licensed hereunder. Anyone importing or causing to be imported any beer as defined in § 57-5-101(b) shall be liable as other wholesale distributors or dealers hereunder.

SECTION 11. Tennessee Code Annotated, Section 57-5-201(d), is amended by deleting the language “beverages containing not more than five percent (5%) alcohol by weight” and substituting instead the language “beer as defined in § 57-5-101(b)”.

SECTION 12. Tennessee Code Annotated, Section 57-5-401(b), is amended by deleting the language “or other beverage of alcoholic content of not more than five percent (5%) by weight” and substituting instead the language “as defined in § 57-5-101(b)”.

SECTION 13. Tennessee Code Annotated, Section 57-5-409(a), is amended by deleting the language “or other beverage of alcoholic content of not more than five percent (5%) by weight” and substituting instead the language “as defined in § 57-5-101(b)”.

SECTION 14. Tennessee Code Annotated, Section 57-5-410(d)(1)(B), is amended by deleting the language “or any other beverage of alcoholic content of not more than five percent (5%) by weight” and substituting instead the language “as defined in § 57-5-101(b)”.

SECTION 15. Tennessee Code Annotated, Section 57-5-410(d)(1)(C), is amended by deleting the language “or any other beverage of alcoholic content of not more than five percent (5%) by weight” and substituting instead the language “as defined in § 57-5-101(b)”.

SECTION 16. Tennessee Code Annotated, Section 57-5-410(f), is amended by deleting the language “and/or any other beverage of alcoholic content of not more than five percent (5%) by weight” and substituting instead the language “as defined in § 57-5-101(b)”.

SECTION 17. Tennessee Code Annotated, Section 57-5-103(a)(1), is amended to add the following as the second sentence:

Effective July 1, 2014, and notwithstanding any other law to the contrary, any permit to manufacture beer shall authorize the holder to manufacture beer as defined in

§ 57-3-101(a)(8) or § 57-5-101(b) or both; provided, that any manufacturer of high alcohol content beer holds a brewer's notice approved by the United States department of treasury, alcohol and tobacco tax bureau, or any successor federal beer manufacturing permit granted by a federal agency having jurisdiction over the manufacture of beer.

SECTION 18. Tennessee Code Annotated, Section 57-3-907, is amended by deleting the language "No retail food store" and substituting instead the language "Except as provided in 57-3-803(e), no retail food store".

SECTION 19. Tennessee Code Annotated, Section 57-3-101(a)(1)(A), is amended by deleting the language "high alcohol content beer" wherever it appears in the subdivision.

SECTION 20. Tennessee Code Annotated, Section 57-3-101(a)(11), is amended by deleting the language "brewing high alcohol content beer,".

SECTION 21. Tennessee Code Annotated, Section 57-3-101(a)(12), is amended by deleting the language "brewer of high alcohol content beer,".

SECTION 22. Tennessee Code Annotated, Section 57-2-103, is amended by deleting subsection (f).

SECTION 23. Tennessee Code Annotated, Section 57-3-204(e), is amended by deleting subdivision (7).

SECTION 24. Tennessee Code Annotated, Section 57-4-201(f)(1), is amended by deleting the language "holding a license to manufacture high alcohol content beer issued by the commission" and substituting instead the language "licensed to manufacture high alcohol beer".

SECTION 25. Tennessee Code Annotated, Section 57-3-406(f), is amended by deleting the language "No retailer" and substituting instead the language "Except as provided in § 57-3-404(e)(4)(E), no retailer,".

SECTION 26. Tennessee Code Annotated, Section 57-5-101(c)(1)(A), is amended by adding the language "or high alcohol content beer or both" after the language "barrels of beer".

SECTION 27. Section 2 and Section 3 of this act shall take effect July 1, 2017, the public welfare requiring it. All other sections shall take effect upon becoming a law, the public welfare requiring it.