

Amendment No. 2 to HB1930

Lynn  
Signature of Sponsor

**AMEND Senate Bill No. 2492**

**House Bill No. 1930\***

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

SECTION 1. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following new subdivisions:

( ) A commercially operated facility possessing each of the following characteristics:

(i) Has a marina with at least eighty-five (85) boat slips on Dale Hollow Lake at the confluence of the East and West Forks of the Obey River;

(ii) Has a restaurant with seating for approximately eighty (80) patrons;

(iii) Has assorted boats and at least twelve (12) cabins available for rent;

and

(iv) Is located in a county having a population of not less than five thousand (5,000) and not more than five thousand one hundred (5,100), according to the 2010 federal census or any subsequent federal census;

( ) A commercially operated facility possessing each of the following characteristics:

(i) Is located approximately one (1) mile from Dale Hollow Lake, containing an area of ninety (90) acres;

(ii) Has a six-thousand-square-foot barn with a commercial kitchen used for events;

(iii) Has at least two (2) cabins for rent; and

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(iv) Is located on Bolestown Road in a county having a population of not less than five thousand (5,000) and not more than five thousand one hundred (5,100), according to the 2010 federal census or any subsequent federal census;

( ) A commercially owned marina containing all of the following characteristics:

(i) Is located on at least twenty-five (25) acres of land located off of Livingston Boat Dock Road in a county having a population of not less than seven thousand eight hundred fifty-one (7,851) and not more than seven thousand eight hundred sixty-five (7,865), according to the 2010 federal census or any subsequent federal census;

(ii) Has a two-story restaurant that seats at least one hundred eighty (180) people;

(iii) Has at least three hundred fifty-five (355) boat slips and a full-service marina on Dale Hollow Lake; and

(iv) Includes at least ten (10) rental cabins;

( ) A commercially owned marina containing all of the following characteristics:

(i) Is located on at least forty (40) acres of land located off of state highway 294 in a county having a population of not less than seven thousand eight hundred fifty-one (7,851) and not more than seven thousand eight hundred sixty-five (7,865), according to the 2010 federal census or any subsequent federal census;

(ii) Has a restaurant that seats at least fifty (50) people;

(iii) Has approximately three hundred fifty (350) boat slips and a full-service marina on Dale Hollow Lake; and

(iv) Includes at least eleven (11) rental cabins;

SECTION 2. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

(i) A commercially operated facility that:

(a) Is located on approximately two hundred seventy (270) acres of land and sits approximately nineteen (19) miles south of highway 24 in a county with a population of not less than forty-five thousand (45,000) and not more than forty-five thousand one hundred (45,100), according to the 2010 and any subsequent federal census;

(b) Is located on property that is separately licensed to produce, bottle, and store distilled spirits;

(c) Is located on property that offers tours and tastings, as well as the retail sale of merchandise and bottles of spirits and contains the global headquarters for a premium Tennessee whiskey company;

(d) Is located on property that includes a welcome center, three (3) tasting rooms, distillery building, barrel storage facilities, a pond, museum, bar, restaurant, commercial kitchen, miniature golf course, and live music venue;

(e) Is located on property that serves as a horse breeding and training facility;

(f) Is located on property that is a production site and a venue for weddings, meetings, conferences, concerts, and special events; and

(g) Has a restaurant that serves lunch and dinner, and caters for events with seating for at least forty-five (45) guests;

(ii) The commission and any beer board having jurisdiction over the facility may issue one (1) or more licenses to one (1) or more different persons or entities that meet the qualifications of this subdivision (27)( ); provided, that the persons or entities obtaining licenses under this subdivision (27)( ) (ii) and any manufacturer licensed under § 57-3-202 comply with the requirements of § 57-4-110;

(iii) The premises of a facility licensed under this subdivision (27)( ) means any or all of the property that constitutes the facility; provided, that the premises must not include the premises of a manufacturer licensed under § 57-3-202 or any other facility licensed under this subdivision (27)( ), except as authorized pursuant to § 57-4-101(p). The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing; and

(iv) Notwithstanding any provision of chapter 5 of this title to the contrary, the premises of any facility licensed under this subdivision (27)( ) means for beer permitting purposes any or all of the property that constitutes the facility; provided, however, that the premises must not include the premises of a licensee under § 57-3-202 or any other facility licensed under this subdivision (27)( ), except as authorized pursuant to § 57-4-101(p). The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing;

SECTION 3. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

( ) A commercially operated restaurant, resort, and boat dock with fuel having the following characteristics:

(i) Possesses at least twenty (20) acres of U.S. corps of engineers leased water and water frontage on Old Hickory Lake and two thousand feet

(2000') of river channel at the southeast corner of the confluence of Old Hickory Lake and State Highway 109;

- (ii) Has operated for at least sixty (60) straight years on this site;
- (iii) Possesses at least sixty-five (65) full service paved camp sites;
- (iv) Possesses boat slips for at least two hundred fifty (250) boats; and
- (v) Is located on at least ten (10) acres of real property at that site;

SECTION 4. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

( ) A commercially operated facility that:

(i) Includes an eighteen-hole golf course, a seven-thousand-square-foot clubhouse with a pro shop, banquet room, and restaurant with seating for at least forty (40) patrons;

(ii) Contains at least one hundred (100) acres and less than two hundred (200) acres; and

(iii) Is located less than one (1) mile from Fort Loudon Lake on Kingston Pike in a county having a population of not less than four hundred thirty-two thousand two hundred (432,200) nor more than four hundred thirty-two thousand three hundred (432,300), according to the 2010 federal census or any subsequent federal census;

SECTION 5. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following new subdivision:

( ) A commercially operated independent and assisted living facility possessing the following characteristics:

(i) Is located in a county having a population of not less than nine hundred thousand (900,000), according to the 2010 federal census or any subsequent federal census;

(ii) Has both independent and assisted living facilities available and provides memory care and respite service;

(iii) Has several full-service restaurants and dining rooms to service the residents but that are also open to the public and that serve three (3) chef-prepared meals per day;

(iv) Has a complete wellness and fitness facility available that accommodates physical and occupational therapy;

(v) Has complete recreational facilities for its residents;

(vi) Has not less than one hundred thirty-five (135) individual living unit apartments for residents;

(vii) Does not discriminate against any patron on the basis of gender, race, religion, or national origin; and

(viii) Has a full-service barber and beauty salon;

SECTION 6. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

( )

(i) A commercially operated facility having all of the following characteristics:

(a) The facility is located on approximately five hundred (500) acres of land;

(b) The facility is located less than three (3) miles north of an area designated as The South Cumberland State Park consisting of approximately thirty thousand (30,000) acres that is open to the public;

(c) The facility is located within five (5) miles of Interstate 24 in a county having a population of not less than thirteen thousand seven hundred (13,700) nor more than thirteen thousand seven hundred fifty

(13,750), according to the 2010 federal census or any subsequent federal census;

(d) The facility includes two (2) cabins, a tiny house, a stage, three (3) fishing ponds, a check-in facility, a bathhouse, fifty (50) RV hookups, multiple hiking trails, frisbee golf, and a wedding pavilion;

(e) The facility serves as a venue for weddings, meetings, and conferences; and

(f) The facility has two (2) event centers that can accommodate at least one hundred fifty (150) guests at each center;

(ii) The premises of any facility licensed under this subdivision (27)( ) means any or all of the property that constitutes the facility. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing. The entire designated premises is covered under one (1) license issued under this subdivision (27)( );

(iii) Notwithstanding any provision of chapter 5 of this title to the contrary, the premises of any facility licensed under this subdivision (27)( ) means, for beer permitting purposes, any or all of the property that constitutes the facility. The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing. The entire designated premises is covered under one (1) beer permit issued under chapter 5 of this title;

(iv) The requirements of § 57-5-105(b)(1) do not apply to any facility licensed under this subdivision (27)( ); and

(v) Any facility licensed under this subdivision (27)( ) may seek an additional license as a caterer under this chapter;

SECTION 7. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following new subdivisions:

( ) A commercially operated facility having the following characteristics:

(i) Contains a restaurant in a free-standing building with retail space and consisting of approximately three thousand square feet (3,000 sq. ft.); and

(ii) Is located at the intersection of state highways 46 and 100 in a county having a population of not less than twenty-four thousand six hundred seventy-six (24,676) nor more than twenty-four thousand seven hundred (24,700), according to the 2010 federal census or any subsequent federal census;

( ) A commercially operated facility having the following characteristics:

(i) Contains a full-service restaurant with seating for at least twenty-nine patrons inside and fourteen (14) patrons outside and that does not use a freezer or a fryer; and

(ii) Is located less than one thousand feet (1,000') from a United States Post Office and approximately one mile (1 mi.) from a state natural area featuring a small remnant forest having old growth forest characteristics in a county having a population of not less than twenty-four thousand six hundred seventy-six (24,676) nor more than twenty-four thousand seven hundred (24,700), according to the 2010 federal census or any subsequent federal census;

( ) A commercially operated facility having the following characteristics:

(i) Contains a full-service restaurant that features live music and that is adjacent to a custom motorcycle shop; and

(ii) Is located less than three hundred feet (300') from a United States Post Office and approximately one mile (1 mi.) from a state natural area featuring a small remnant forest having old growth forest characteristics in a county having a population of not less than twenty-four thousand six hundred seventy-six

(24,676) nor more than twenty-four thousand seven hundred (24,700), according to the 2010 federal census or any subsequent federal census;

SECTION 8. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following language as a new subdivision:

( ) A commercially operated facility possessing each of the following characteristics:

(i) Contains a restaurant that has been in operation since at least 2012 with at least forty-two (42) seats inside and seventy-five (75) seats outside;

(ii) Contains a banquet hall that is used for weddings, banquets, meetings, and other events and is at least three thousand square feet (3,000 sq. ft.); and

(iii) Is located approximately seven hundred (700) yards from state highway 641 South and is adjacent to a winery in a county having a population of not less than thirty-two thousand three hundred one (32,301) nor more than thirty-two thousand four hundred (32,400), according to the 2010 federal census or any subsequent federal census;

SECTION 9. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following new subdivisions:

( ) A commercially operated marina having the following characteristics:

( ) Has open and covered boat slips, a store, a restaurant, and a fuel dock;

( ) Has cabins and RV campsites available for rent; and

( ) Is located on Cordell Hull Lake approximately three thousand feet (3,000') from the confluence of Defeated Creek and the Cumberland River in a county having a population of not less than nineteen thousand one hundred fifty-

one (19,151) nor more than nineteen thousand two hundred (19,200), according to the 2010 federal census or any subsequent federal census;

( ) A commercially operated restaurant having the following characteristics:

( ) Has a structure of not less than two thousand square feet (2,000 sq. ft.) that has seating at tables and at the bar for at least ninety-six (96) guests and serves at least one (1) meal a day seven (7) days a week, with the exception of holidays, vacations, and periods of redecorating; and

( ) Is located approximately two thousand five hundred feet (2,500') from two (2) islands in Old Hickory Lake in a county having a population of not less than one hundred thirteen thousand nine hundred (113,900) nor more than one hundred fourteen thousand (114,000), according to the 2010 federal census or any subsequent federal census;

SECTION 10. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

( ) A commercially operated marina possessing each of the following characteristics:

(i) Is located on Norris Lake in a county having a population of not less than forty thousand seven hundred (40,700) nor more than forty thousand eight hundred (40,800), according to the 2010 federal census or any subsequent federal census;

(ii) Has at least sixty (60) covered boat slips and at least twelve (12) uncovered boat slips;

(iii) Has a ship store offering gasoline and other boating supplies and a restaurant with seating for at least eighty (80) patrons, including indoor and outdoor seating; and

(iv) Is located approximately one and one-half (1 ½) miles from a county-owned, public-use airport with a runway four thousand feet (4,000') in length;

SECTION 11. Tennessee Code Annotated, Section 57-4-102(27) is amended by adding the following new subdivision:

(i) A commercially operated facility that:

(a) Has a limestone quarry that sits approximately one thousand seven hundred feet (1,700') southeast of Interstate 65, two thousand seven hundred feet (2,700') south of Interstate 840, and four and six-tenths (4.6) miles north of the junction of US 431 and State Route 247;

(b) Is a venue for live music, weddings, meetings, and other events;

(c) Serves or sells food to patrons;

(d) Has an outdoor amphitheater with a capacity for at least seven thousand (7,000) guests;

(e) Has exclusive or non-exclusive rights to possess or use a commercial kitchen or service kitchen where food is staged and served; and

(f) Is located in a county having a population of not less than one hundred eighty-three thousand one hundred (183,100) and not more than one hundred eighty-three thousand two hundred (183,200), according to the 2010 federal census or any subsequent federal census;

(ii) The premises of any facility licensed under this subdivision (27)( ) means any and all of the property that constitutes the facility, including all enclosed and outdoor areas of the property. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing;

(iii) Any facility as described in this subdivision (27)( ), may hold any of the licenses authorized under this subdivision (27)( ) and shall have the privilege of granting

a franchise to one (1) or more entities authorizing such an entity to provide food or beverages, including alcoholic beverages and beer, on its premises; provided, that any separate entity must apply to the commission for a separate license, except for an entity already licensed under subdivision (6). For purposes of this subdivision (27)( ) (iii), the licensee is not required to have exclusive control of a commercial kitchen or any service kitchen, where food is staged and served, as a condition of the license;

(iv) Any licensed entity that holds a license under this subdivision (27)( ) may store alcoholic beverages and beer at one (1) or more storage locations in the facility and in any commercial kitchen or service kitchen within the facility; provided, that each licensed entity shall store its inventory of alcoholic beverages and beer in a separately locked cage or other storage area;

(v) Notwithstanding § 57-4-101(p), any facility licensed under this subdivision (27)( ) may serve wine, high gravity beer and beer in its original container, and spirit-based beverages in original containers that do not exceed three hundred seventy-five milliliters (375 ml) and an alcohol content that does not exceed fifteen percent (15%) by volume, or in unlabeled cups or glassware, or in labeled cups or glassware identifying the licensee as the entity selling the alcoholic beverages or beer for on-premise consumption anywhere within the facility. Any franchisee holding a license under this subdivision (27)( ) shall comply with the requirements of § 57-4-101(p); provided, however, that a sticker identifying the licensee, which is reasonably designed to stay affixed to a container, cup, or glassware, must comply with § 57-4-101(p);

(vi) The commission shall enforce chapter 4 of this title against each licensee under this subdivision (27)( ) and shall not cite, penalize, or take any other adverse action against a licensee for any violation committed by another licensee on the licensed premises. There is a rebuttable presumption of liability for a specific licensee for any underage sale or other violation based on the unlabeled or labeled container, or

unlabeled or labeled cup or glassware, as required pursuant to subdivision (27)( ) (v), provided to the minor. In the absence of a container, glass, or cup identifying the licensee, the commission has the discretion to determine which licensee to cite for an underage sale or other such violation. If the commission is unable to determine which licensee committed the violation after conducting a reasonable investigation, the commission may issue a citation to one (1) or more licensees that share the premises where the violation occurred;

(vii) Notwithstanding any provision of chapter 5 of this title to the contrary, the premises of any facility described under this subdivision (27)( ) means, for the purpose of obtaining a beer permit, any and all of the property that constitutes the facility, including all enclosed and outdoor areas of the property. The beer permittee shall designate the premises to be licensed by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing. The beer board shall enforce chapter 5 of this title against each licensee as a beer permittee and shall not cite, penalize, or take any other adverse action against a licensee for any violation committed by another licensee on the licensed premises. There is a rebuttable presumption of liability for a specific licensee for any underage sale or other violation based on the unlabeled or labeled container, or unlabeled or labeled cup or glassware, as required pursuant to subdivision (27)( ) (v), provided to the minor. In the absence of a container, glass, or cup identifying the licensee, the local beer board has the discretion to determine which licensee to cite for an underage sale or other such violation. If the beer board is unable to determine which licensee committed the violation after conducting a reasonable investigation, the beer board may issue a citation to one (1) or more licensees that share the premises where the violation occurred;

(viii) Notwithstanding § 57-4-203(e)(1), any licensee licensed under this subdivision (27)( ) may sell and distribute wine in any unsealed container for consumption on the licensed premises;

(ix) Any licensee licensed under this subdivision (27)( ) may seek an additional license as a caterer under chapter 4 of this title, and is not required to comply with the requirements of § 57-4-102(6)(A) or show exclusive control of a commercial kitchen or any service kitchen, where food is staged and served, as a condition of the license. Caterers licensed under this subdivision (27)( )(ix) may store alcoholic beverages and beer in any shared commercial kitchen or service kitchen. The inventory of alcoholic beverages and beer must be stored in a separately locked cage or other storage area;

(x) Nothing in this subdivision (27)( ) may be construed to prevent a facility, as described under this subdivision (27)( ), from designating any area of its premises for purposes authorized under this subdivision (27)( ), or for the purposes of an entity licensed under this title; provided, that premises designated for use by another entity under this title are no longer part of the premises of any license issued under this subdivision (27)( ), except as provided in § 57-4-101(p); and

(xi) The facility, landlord, tenant, or any licensee located in the facility shall provide periodic security for the entire licensed premises;

SECTION 12. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

( )

(i) A commercially operated recreational facility having all of the following characteristics:

(a) The facility is located approximately one mile (1 mi.) from the confluence of Clear Creek and the Obed River and is centrally located in one of this state's rock climbing meccas;

(b) The facility is located on approximately forty (40) acres;

(c) The facility provides at least forty (40) campsites and contains a restaurant and a brewery; and

(d) The facility is located in a county having a population of not less than twenty-one thousand nine hundred (21,900) nor more than twenty-two thousand (22,000), according to the 2010 federal census or any subsequent federal census; and

(ii) The premises of any facility licensed under this subdivision (27)( ) means any or all of the property that constitutes the facility. A licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing;

SECTION 13. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following as a new subdivision:

( ) A commercially operated facility possessing each of the following characteristics:

(i) Has an outdoor waterpark site covering at least fifty (50) acres that has a wave pool and other water attractions that contain at least one million seven hundred thousand (1,700,000) gallons of water; and

(ii) Is located approximately five hundred feet (500') south of a municipal convention center, approximately two thousand two hundred feet (2,200') west of a state highway named in honor of a former governor of this state, and in a county having a population of not less than eighty-nine thousand eight hundred (89,800) nor more than eighty-nine thousand nine hundred (89,900), according to the 2010 federal census or any subsequent federal census;

SECTION 14. Tennessee Code Annotated, Section 57-4-102(13), is amended by adding the following new subdivision:

( ) "Community theater" also means a theater possessing each of the following characteristics:

(i) The theater began operating in 1965;

(ii) The theater is the only major nonprofit professional performing arts resource in rural Tennessee, and one (1) of the ten (10) largest professional theaters in rural America;

(iii) The theater serves more than one hundred forty-five thousand (145,000) visitors annually with two (2) indoor and two (2) outdoor stages;

(iv) The theater provides young audience productions, a comprehensive dance program, a concert series, and touring shows;

(v) The theater was the recipient of the Governor's Arts Award for the state of Tennessee in 1984;

(vi) The theater is operated by a nonprofit corporation that is exempt from taxation under § 501(c) of the Internal Revenue Code of 1954 (26 U.S.C. § 501(c)), as amended, where no member, officer, agent, or employee of the theater is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond the amount of the salary as may be fixed by its governing body for the reasonable performance of the person's assigned duties. All profits from the sale of alcoholic beverages by the nonprofit corporation must be used for the operation, renovation, refurbishing, and maintenance of the theater, and in furtherance of the purposes of the organization. Alcoholic beverages may be sold before, during, and after performances, and may be consumed inside any auditorium or performance hall within the theater, or on theater property contiguous to an outdoor performance stage; and

(vii) The theater is located in a city having a population of not less than ten thousand seven hundred ninety (10,790) and not more than ten thousand seven hundred ninety-nine (10,799), according to the 2010 federal census or any subsequent federal census;

SECTION 15. Tennessee Code Annotated, Section 57-4-102(27), is amended by adding the following new subdivision:

( ) A commercially operated facility that:

(i)

(a) Serves as an event venue for weddings, a farmer's market, photography, birthdays, festivals, and similar events;

(b) Contains a small and large dog park with obstacle courses and a dog wash station;

(c) Contains a tree grove;

(d) Operates a facility that is greater than seventeen thousand square feet (17,000 sq. ft.) containing a dual convention space that can accommodate up to five hundred (500) people, and a restaurant with indoor and outdoor seating for approximately two hundred (200) guests;

(e) Offers scenic mountain overlook views; and

(f) Is located in a municipality with a population of not less than nine thousand eight hundred forty (9,840) and not more than nine thousand eight hundred forty-nine (9,849);

(ii) The premises of any facility licensed under this subdivision (27)( ) means any or all of the property that constitutes the facility. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing. The designated premises may only include property owned or leased by the facility

and that is contiguous to the property of the facility that is defined in this subdivision (27)( ). The entire designated premises is covered under one (1) license issued under this subdivision (27)( ); and

(iii) Notwithstanding any provision of chapter 5 of this title to the contrary, the premises of any facility licensed under this subdivision (27)( ) means, for beer permitting purposes, any or all of the property that constitutes the facility. The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing. The entire designated premises is covered under one (1) beer permit issued under chapter 5 of this title;

SECTION 16. Tennessee Code Annotated, Section 57-4-102(11), is amended by deleting the subdivision and substituting instead the following:

(11) "Commercial passenger boat company" means a company that operates one (1) or more passenger vessels for hire upon navigable waterways and is licensed by the United States Coast Guard to carry not less than fifty (50) passengers on a single vessel. A commercial passenger boat company licensed pursuant to this chapter shall not sell any type of alcoholic beverage or beer while such boat is docked within the boundaries of any local government that has not approved the sale of alcoholic beverages pursuant to § 57-4-103. A commercial passenger boat company may only operate out of a county that has a population:

(A) In excess of two hundred eighty-five thousand (285,000), according to the 1980 federal census or any subsequent federal census;

(B) Not less than eighty-three thousand three hundred (83,300) nor more than eighty-three thousand four hundred (83,400), according to the 1980 federal census or any subsequent federal census; or

(C) Not less than one hundred sixty thousand six hundred (160,600) nor more than one hundred sixty thousand seven hundred (160,700), according to the 2010 federal census or any subsequent federal census;

SECTION 17. This act shall take effect upon becoming a law, the public welfare requiring it.