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Sequence Number: 09-15-20
 Notice ID(s): 3173-3175
 File Date: 9/11/2020

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee Alcoholic Beverage Commission
Division:	
Contact Person:	Ebony Connor
Address:	Davy Crockett Tower, 3rd Floor, 500 James Robertson Pkwy, Nashville, TN 37243
Phone:	615-741-8930
Email:	Ebony.Connor@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Sean J. Atkins
Address:	Davy Crockett Tower, 3rd Floor, 500 James Robertson Pkwy, Nashville, TN 37243
Phone:	615-253-1352
Email:	Sean.J.Atkins@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	500 James Robertson Pkwy, 3rd Floor		
Address 2:			
City:	Nashville		
Zip:	37243		
Hearing Date:	11/09/2020		
Hearing Time:	2:00 PM	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

Anyone may participate by telephone by calling 615-736-5360 at the time of the hearing.

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0100-06	Intra-Industry Conduct and Regulations
Rule Number	Rule Title
0100-06-.08	Non-Resident Seller Permits

Chapter Number	Chapter Title
0100-10	Direct Shipment of Wine Into Tennessee By Out of State Entities
Rule Number	Rule Title
0100-10-.04	Expiration and Renewal of License

Chapter Number	Chapter Title
0100-11	Rules for Sales of Wine at Retail Food Stores
Rule Number	Rule Title
0100-11-.01	Licenses and Permits

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Rule 0100-06-.08(2) Non-Resident Seller Permits, paragraph (2) is amended by deleting the present language in its entirety and replacing it with the following:

(2) Each non-resident seller permit shall be valid for one (1) calendar year and shall expire on December 31 of that year. It is the responsibility of the permittee to submit a complete application and payment of the annual license fee prior to the expiration of the permit. The expiration date printed on the permit shall be deemed sufficient notice of the need to seek the renewal of the permit by such expiration date, and no additional notice shall be required. Non-resident seller permits will be closed on the business day after expiration if both an application and a license fee have not been received, and in all cases, such permits shall be deemed closed and void after the expiration date regardless of the date of closure. If an application and license fee has been received prior to the expiration date, the closing of the permit will be tolled, and the permit will continue to be valid until the Commission can review the application. The applicant shall resolve any outstanding issues and submit any additional documentation to the Commission no later than 30 days after the expiration date. The Commission will approve and renew or otherwise close such an expired permit no more than 45 days after its expiration date, and in all cases such permits, if not renewed by the Commission, shall be deemed closed and void after the expiration of such 45 days regardless of the date of closure.

Authority: T.C.A. §§ 57-1-209, 57-3-104(c)(4), and 57-3-213.

Chapter 0100-10 Direct Shipment of Wine Into Tennessee By Out of State Entities, is amended by deleting the chapter title and replacing it with "Direct Shipment of Wine to Consumers in Tennessee".

Chapter 0100-10 Direct Shipment of Wine Into Tennessee By Out of State Entities, is amended by adding the following language as a new Rule 0100-10-.04

Rule 0100-10-.04 Expiration and Renewal of License. It is the responsibility of the direct shipper licensee to submit a complete application and payment of the annual license fee prior to the expiration of the license. The expiration date printed on the license shall be deemed sufficient notice of the need to seek the renewal of the license by such expiration date, and no additional notice shall be required. Direct shipper licensees will be closed on the business day after expiration if both an application and a license fee have not been received, and in all cases, such licenses shall be deemed closed and void after the expiration date regardless of the date of closure. If an application and license fee has been received prior to the expiration date, the closing of the license will be tolled, and the license will continue to be valid until the Commission can review the application. The applicant shall resolve any outstanding issues and submit any additional documentation to this Commission no later than 30 days after the expiration date. The Commission will approve and renew or otherwise close such an expired license no more than 45 days after its expiration date, and in all cases such licenses, if not renewed by the Commission, shall be deemed closed and void after the expiration of such 45 days regardless of the date of closure.

Authority: T.C.A. §§ 57-1-209, 57-3-104(c)(4), 57-3-213, and 57-3-217.

Rule 0100-11-.01 Licenses and Permits, paragraph (1) is amended by adding the following language as new subparagraphs (d) and (e):

- (d) Required Documents for renewals. All required documents listed in this paragraph are only required for all new applications and are only required for renewal applications upon specific request of TABC staff.
- (e) Establishments with the same ownership. Any required documents that would apply to all members of a chain or group of retail food stores with the same ownership, such as a corporate charter or operating agreement, is not required to be submitted with the application for every member or store of the chain unless otherwise requested by TABC staff.
- (f) Alternative Documents. The TABC may, at its sole discretion, accept a document other than a specified required document listed in this paragraph, where such other document satisfies the policy or legal rationale for the specified document.

Authority: T.C.A. §§ 57-1-209 and 57-3-104(c)(4) and (5)

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: September 11, 2020

Signature: _____

Russell F. Thomas

Russell Thomas (Sep 11, 2020 15:25 CDT)

Name of Officer: Russell F. Thomas

Title of Officer: Director, Tennessee Alcoholic Beverage Commission

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Filed with the Department of State on: 9/11/2020

Tre Hargett

Tre Hargett
Secretary of State

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