



## **ServSafe® Alcohol Course State of Tennessee Supplement**

*Updated 03/2019*

**"This program has been approved by the Tennessee Alcoholic Beverage Commission as currently satisfying the requirements contemplated by the Alcohol Server Responsibility and Training Act of 1995."**

In addition to the subjects covered in the ServSafe Alcohol Guide 3rd Edition and PowerPoint Presentation, the current Tennessee specific regulation must be covered during the course.

(Tennessee Rule 0100-08-04)

Tell all attendees that if they are not at least 18 years of age, and/or have been convicted of any felony within four years of the date of application, and/or have been convicted of any statute involving the sale of alcoholic beverages, beer, or Schedule I or II controlled substances or any sex-related crime or embezzlement within the previous eight (8) years, then they do not meet the qualifications for a server permit. You must refund any fee previously received by any attendee who does not continue with the class after hearing these restrictions.

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## **Section 1: Alcohol Law and Your Responsibility**

### ***Driving Under the Influence***

Driving under the influence of intoxicant, drug, or drug-producing stimulant prohibited-Alcohol concentration in blood or breath. This law says, in part, that it is unlawful for any person to drive or be in physical control of any automobile or other motor-driven vehicle on any of the public roads and highways of the state or on any streets or alleys, or while on the premises of any shopping center, trailer park, or any apartment house complex, or any other premises which are generally frequented by the public at large, while: 1. under the influence of any intoxicant, marijuana, narcotic drug, or drug producing stimulating effects on the central nervous system; or 2. the alcohol concentration in such person's blood or breath is eight-hundredths of one percent (.08) or more.

### ***Underage Driving While Impaired***

This law says, in part, that a person age sixteen (16) or over but under age 21 may not drive or be in physical control of an automobile or other motor-driven vehicle while: 1. the alcohol concentration in the person's blood is more than two-hundredths of one percent (.02), 2. under the influence of alcohol, 3. under the influence of any intoxicant, marijuana, narcotic drug, or drug producing stimulating effects on the central nervous system; or, 4. under the combined influence of alcohol and any other drug noted in 3 above to a degree which makes the person's driving ability impaired.

### ***Open Container Law***

This law says, in part, that no driver shall consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state.

An open container means any container containing alcoholic beverages or beer, the contents of which are immediately capable of being consumed, or the seal has been broken. An open container is in the possession of the driver when it is not in the possession of any passenger and is not located in a closed glove compartment, trunk, or other non-passenger area of the vehicle; and a motor vehicle is in operation if its engine is operating, whether or not the motor vehicle is moving. Violation of this law is a Class C Misdemeanor.

Note-Local ordinances may completely prohibit open containers of alcoholic beverages in motor vehicles.

### ***Proximate Cause***

The consumption of alcoholic beverages or beer, rather than the sale or furnishing of the alcoholic beverage or beer, is the direct cause of injuries inflicted upon another by an intoxicated person.

## ***Dram Shop Law***

Notwithstanding the provisions of Proximate Cause, a judgment awarding damages to or on behalf of any party who has suffered injury or death against any person who has sold alcoholic beverages or beer may be awarded if a jury has determined beyond a reasonable doubt that the sale of the alcoholic beverage or beer by that person was the proximate cause of the injury or death and the individual sold the alcoholic beverage or beer to either:

1. a person under the age of 21 and that individual caused the injury or death as a direct result of the consumption of the alcoholic beverage alcohol or beer that was sold; or
2. an obviously intoxicated person who caused the injury or death as a direct result of the consumption of the alcoholic beverage or beer that was sold.

## ***Short Title-Alcohol Server Responsibility and Training Act***

Act requiring mandatory training for service of alcoholic beverages.

## ***Application for Server Permits***

In order to serve liquor and/or wine, a server must obtain a Server's Permit from the Tennessee Alcoholic Beverage Commission. Any individual is eligible for the server permit by completing an application and meeting the following criteria.

- Has not been convicted of any felony within the previous four years.
- No conviction of any crime related to sale of alcoholic beverages alcohol or beer, schedules 1 and 2 controlled substances, or sex-related crime or embezzlement in past eight years.
- At least eighteen (18) years of age.
- No server or employee permit revocation in a foreign jurisdiction within the past five years.
- No ownership interest in any establishment or operation that has had its license or permit revoked in the past eight years.
- Successful completion of alcohol awareness training within one year of submitting application.

Follow the following process for obtaining a Tennessee Server Permit:

1. Go to the TABC website at <https://rlps.abc.tn.gov/citizenaccess/>
2. Complete the application process and pay the permit fee. (If you have any reason to believe your permit could be denied, do not take the class until you are sure.)
3. Take a class. (Be sure to bring your RLPS ID number to the class.)
4. Look for an email from the TABC notifying you that your permit is ready (assuming your application is approved).

## ***Permit Renewal***

Employee and/or Server Permits must be renewed every five years. The application process is the same as for original permits.

## Section 2: Checking Identification and Prohibited Practices Penalties

### Sales to Minors Prohibited

- Any licensee who sells or furnishes alcoholic beverages to any person under 21 is guilty of a Class A Misdemeanor.
- Any person under 21 who purchases, attempts to purchase, receives, or has in their possession in a public place alcoholic beverages is guilty of a Class A Misdemeanor.
- Any person who knowingly makes a false statement or exhibits fake ID is guilty of a Class A Misdemeanor.
- Penalties for persons who are under 18 years of age are \$50 or not less than twenty hours of community service work (not suspendable or waivable). Penalties for persons 18 years or older but less than 21 are not less than \$50 nor more than \$200 or by imprisonment in local jail workhouse for five to thirty days.
- In addition to any criminal penalty imposed in this section, the violator (less than 21 but at least 18 years) must prepare and send to Dept. of Safety, Driver Control Division, within five working days, an order of denial of driving privileges.
- The provisions of this chapter do not prohibit any person 18 years or older from selling, transporting, possessing, or dispensing alcoholic beverages in the course of such person's employment.

### Other Prohibited Sales

It is unlawful for any licensee or other person to sell or furnish any alcoholic beverage:

- To any person known to be insane or mentally impaired; or
- To any person who is visibly intoxicated; or
- To any person who is known to habitually drink alcoholic beverages to excess; or
- To any person who is known to be a habitual user of narcotics or other habit-forming drugs.

A violation of this subsection is a Class A Misdemeanor.

### Hours of Sale

The table below indicates the business hours the sale of alcoholic beverages or beer is prohibited within specific types of establishments.

<u>Type of Establishment</u>	<u>Weekday Hours</u>	<u>Sunday Hours</u>
Hotels, motels, restaurants, clubs, convention centers	3:00 am–8:00 am	3:00 am–10:00 am
Hotels, motels and restaurants licensed under 57-4-102(24)(B)	1:00 am–8:00 am	1:00 am–10:00 am
Establishments in terminal building of commercial airport and commercial airline travel clubs	3:00 am–8:00 am	3:00 am–10:00 am
Establishments located within a Historical district (i.e. National Historic landmark) 57-4-102(25)	5:00 am–8:00 am	5:00 am–10:00 am

Food stores may sell wine on July 4 and any other holiday besides Easter, Thanksgiving, and Christmas. Although food stores may not sell wine on Sundays until January, they may sell wine on the expanded holidays before January.

NOTE: Local Government May Opt to Extend Sunday Prohibited Hours to 12 Noon

### ***Restrictions on Sealed or Unsealed Packages or Gifts***

No licensee may sell any wine or other alcoholic beverage in any sealed or unsealed package for consumption outside of the premises. However, a licensed restaurant may permit a customer who purchases an unsealed package of wine in connection with a food purchase and consumes a portion of the wine on the premises to remove the partially filled package from the premises.

No licensee shall give away any sealed package or any drink of wine or alcoholic beverage to a customer with the exception of a hotel providing accommodations to a registered guest up to four 750ml sealed complimentary packages of alcoholic beverages or wine.

### ***Method of Sale***

Sales of wine and alcoholic beverages by licensees shall be conducted in the same manner as the sale of food within the establishment. No curb service of such beverages is lawful.

### ***Ownership of Beverages Sold***

It is a Class C Misdemeanor for any licensee to sell or serve on premises any wine or alcoholic beverage unless the beverage is owned by the licensee.

It is unlawful for a person, firm, or corporation to sell wine or other alcoholic beverage without complying with the provisions of the law.

### ***Sign Required-Penalty for Noncompliance***

Each holder of a license to sell wine or other alcoholic beverage for on-premises consumption shall display a proper sign in the location where such sales are permitted (a sign 6' high and 14' wide). The signs shall read "The consumption of alcoholic beverages during pregnancy can cause birth defects, including fetal alcohol syndrome and fetal alcohol effects."

"Misdemeanor-State law prescribes a maximum penalty of eleven (11) months and twenty-nine (29) days imprisonment and a fine not to exceed \$2,500 for carrying weapons where alcoholic beverages are sold or served."

The Misdemeanor Sign belongs in on-premises establishments. The Pregnancy/Warning Sign belongs in retail establishments and on-premise establishments. Failure to post is a Class C Misdemeanor.

## **Rules for the Sale of Liquor by the Drink**

- On-Premise Employees' Activities Restricted-An on-premise licensee shall not allow any employee to dance with customers on the licensed premises. Customers are also not allowed to purchase food or drink for any employee on the licensed premises. The presence or activity of so-called "B" girls is specifically prohibited.
- Restriction As to Age of Dispensing Employees-No person under the age of 18 years shall be permitted to dispense, serve, or sell alcoholic or malt beverages in any licensed establishment.
- Prohibited Practices-No licensee or employee or agent of a licensee shall give away any sealed package, or any drink, of wine or alcoholic beverage. "Give" for the purposes of this paragraph, shall include:
  1. Offering or delivering any free drink to any person or group of persons;
  2. Offering or delivering unlimited drinks for a fixed price if the actual cost of all ingredients, including the alcohol and all applicable taxes, of the drinks actually served to a customer exceeds the fixed price charged;
  3. Awarding any wine or alcoholic beverages as a prize or free drink or encouraging or conducting any game or contest which involves drinking or uses wine or alcohol as a prize or free drink.
  4. Happy Hour Restrictions - No licensee or employee or agent of a licensee shall engage in any of the following promotional practices during the period beginning with 10:00 p.m., prevailing time, until the time set by law for closing of such licensed establishments:
    - o Serve two or more drinks or containers of alcoholic beverages at one time; or
    - o Sell, or offer to sell, or deliver to any person or group of persons any drink that is priced less than the price regularly charged for that drink in that size during the same calendar week, except at private functions not open to the public; or
    - o Increase the volume of alcohol contained in any such drink during any calendar week without increasing proportionately the price regularly charged for such drink