



Designated Managers Course References to Tennessee Code Annotated

TCA § 57-1-201, 57-1-209, 57-3-204(c) and 57-3-709

After the conclusion of business on June 30, 2016, no permit shall be issued by the Commission for Retail employees. Any permit issued by such time shall remain in effect and be valid for five years after the permits issuance, and any employee of a retail package store who has a valid permit on July 1, 2016, shall not be required to be a certified clerk until that permit expires.

TCA § 57-3-104

Covers enforcement and administration by commission licensing procedures.

TCA § 57-3-210(h)

Employees that store, sell or otherwise come in contact with alcoholic beverages must be 18.

TCA § 57-3-210(i)

Employees that store, sell or otherwise come in contact with alcohol cannot have a conviction of a felony involving moral turpitude within the past 10 years.

TCA § 57-3-211

The food store license must be posted in a public place and a copy of the ABC rules and regulations must be kept at the store.

TCA § 57-3-404

Covers regulations for purchase and sale of intoxicating liquors.

TCA 57-3-406 (e) and (h)

State law sets the hours for selling wine at 8 am until 10 pm Monday through Thursday and 8 am until 11 pm on Fridays and Saturdays. There can be no wine sales on Sundays. Additionally, there are no wine sales on Christmas, Thanksgiving, Labor Day, New Year's Day and the Fourth of July.

TCA 57-3-802(2)(a)

"Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed eighteen percent (18%) by volume. No other product shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine.

TCA § 57-3-806(d)(2) and (3)

It is required that 20% of your total sales must be food sales that fit the definition of the 5% tax rate. This is calculated on an annual basis one good month not enough – need 12 consecutive months. It is required that you maintain sales and purchase records through accounting methods that are customary or reasonable in the retail food store business so the ABC can review. Currently, there are store that do not have that information or do not meet the requirement. They are given a 12-month period to meet the criteria. After the one year remedial plan there will be a review by the TABC. If fail the business fails to comply with 20% food sales – then license will be revoked or suspended

TCA 57-3-812(c)

Only a designated manager may place an order for wine or pay the wholesaler.

TCA 57-3-813

All payments to wholesalers by [food stores] shall be made by electronic funds transfer, credit card, debit card, or such other method as approved by the commission that will facilitate full payment at or near the time of delivery.

TCA § 57-3-815

Prohibits wholesalers, distilleries and wineries from providing any services to or for the benefit of a retail food store wine licensee including, but not limited to, services involving shelving, dressing, displaying, or setting inventory owned or purchased by the retail food store licensee.

TCA § 57-3-818(c)

Food stores pay an annual fee based on the number of certified clerks.

TCA § 57-3-903

The advertising, sale or offer to sell of wine by any retailer at less than cost to the retailer shall be prima facie evidence of both a violation of this part, and of intent to injure competitors or destroy substantially or lessen competition." makes it a Class C Misdemeanor, meaning that an individual can be arrested, tried and convicted for selling wine below the 20% markup.

TCA § 57-3-904

Any individual who, as a director, officer, partner, member, or agent of any person violating this part, assists or aids, directly or indirectly, in such violation, equally with the person for whom such individual acts, commits a Class C misdemeanor."

TCA 57-3-907

Prohibits the sale of wine with any other item.

TCA § 57-3-908

Allows TABC to levy a fine up to \$1,000 for a first offense, \$2,500 for a second offense and \$5,000 for a third.

TCA 57-3-909(c)

There are two broad exceptions to the 20% markup. The law specifically authorizes "closeouts and case discounts."

TCA § 57-5-101(b)

"Beer" means beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than five percent (5%) by weight, except wine as defined in § 57-3-101; provided, however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol.

TCA § 67-6-102, 67-6-228

Provides that sales of food and food ingredients are subject to a state rate of 5.00% plus the applicable local tax rate.

For more information please call 866.681.7880, visit TopShelfEDU.com, or email us at office@TopShelfEDU.com