

**Tenn. Code Ann. § 57-2-103**

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\*\*\* CURRENT THROUGH THE 2012 REGULAR SESSION \*\*\*

Title 57 Intoxicating Liquors  
Chapter 2 Local Option--Manufacture Only

Tenn. Code Ann. § 57-2-103 (2012)

**57-2-103. Manufacturing of intoxicating liquors -- Petition -- Election.**

**(a)** The county legislative body of any county shall have the right and power, and such county authorities shall have the duty, to call and direct the county election commission to hold an election at any time, upon the filing and presentation of a petition bearing the genuine signatures of ten percent (10%) or more of the qualified voters of such county, based upon the number of votes cast in the last preceding presidential election in such county. Such petition shall be addressed to the county legislative body, and shall contain such language as to request, or to call upon the county legislative body, to call an election of the qualified voters of the county upon the question of permitting and legalizing the manufacture of intoxicating liquors and other intoxicating drinks within the boundaries of the county.

**(b)** Upon the adoption of a motion or resolution by the county legislative body directing the holding of an election, the county clerk shall file a certified copy of the motion or resolution with the county election commission.

**(c)** If a majority of the qualified votes cast in such election, in a county so holding an election, favors the manufacture of intoxicating liquors or other intoxicating drinks, as herein provided, in that event, it

shall be lawful to manufacture intoxicating liquors and/or intoxicating drinks within the boundaries of such county.

**(d) (1) (A)** Notwithstanding subsections (a)-(c), it shall be lawful to manufacture intoxicating liquors or intoxicating drinks, or both, within the boundaries of those counties included in subdivision (d)(1)(B), if both retail package sales and liquor-by-the-drink have been approved through voter referendum within the county or if the county is included in the Tennessee River resort district as defined in § 57-4-102 and retail package sales have been approved through voter referendum within the county.

**(B)** This subsection (d) shall apply in any county having a population, according to the 2000 federal census or any subsequent federal census, of: [Click here to view image.](#)

and in any county having a population of more than five hundred thousand (500,000), according to the 2000 federal census or any subsequent federal census.

**(2) (A)** The county legislative body of any other county to which subdivision (d)(1)(A) applies may adopt a resolution to apply this subsection (d) within the boundaries of its county. The county mayor shall notify the alcoholic beverage commission if such action is taken and approved.

**(B) (i)** Notwithstanding a county's inclusion in subdivision (d)(1)(B), the county legislative body of any such county may adopt a resolution to remove the county from the application of this subsection (d) subject to the restrictions in subdivision (d)(2)(B)(ii). The county mayor shall notify the alcoholic beverage commission and the Tennessee code commission if such action is taken and approved.

**(ii)** Such action may be taken by the county legislative body until a written notification is filed with the county mayor by any person as an official notice that the person intends to pursue all lawful avenues to manufacture intoxicating liquors or intoxicating drinks, or both, within the boundaries of the county. Once the notice is filed, no action may be taken by the county legislative body unless such interest is withdrawn or the person's application to manufacture such

intoxicating liquors or intoxicating drinks, or both, is denied by the state or federal government.

**(3)** Any facility producing such intoxicating liquors or intoxicating drinks may be located in the unincorporated areas of the county, notwithstanding any other provision of law to the contrary.

**(4)** If a manufacturer that has been issued a license pursuant to this subsection (d) is also issued a license for the retail sale of alcoholic beverages in accordance with § 57-3-204(f) and the manufacturer is located in a county that, pursuant to § 57-5-105, has established a distance requirement that restricts the storage, sale or manufacture of beer from places of public gatherings, then the distance requirements in effect in the county shall apply to the building used for such retail sale with respect to any building used for religious purposes. The measurement shall be a building-to-building measurement.

**(e)** Any manufacturer's license issued pursuant to subsection (c) or (d) shall comply with § 57-3-202.

**(f) (1) (A)** Notwithstanding subsections (a)-(c), it shall be lawful to manufacture high alcohol content beer as defined in § 57-3-101(a) within the boundaries of a municipality if both retail package sales and consumption of alcoholic beverages on the premises have been approved through voter referendum of voters within such municipality and in the unincorporated areas of any county if both retail package sales and consumption of alcoholic beverages on the premises have been approved through voter referendum of voters in any jurisdiction located within the county, or if the county is included in the Tennessee River resort district as defined in § 57-4-102 and retail package sales have been approved through voter referendum within the county, and if the manufacturer also holds a brewer's notice approved by the United States department of the treasury, alcohol and tobacco tax and trade bureau, or any successor federal beer manufacturing permit granted by a federal bureau having jurisdiction over the manufacture of beer.

**(B)** In all jurisdictions not meeting the requirements of subdivision (f)(1)(A), it shall be lawful to manufacture high alcohol content beer as defined in § 57-3-101(a) within the boundaries of a municipality or in

the unincorporated area of such county upon such jurisdiction meeting the requirements of subsections (a)-(c), and if the manufacturer also holds a brewer's notice approved by the United States department of the treasury, alcohol and tobacco tax and trade bureau, or any successor federal beer manufacturing permit granted by a federal bureau having jurisdiction over the manufacture of beer.

**(2)** Notwithstanding any other law to the contrary, it shall be lawful for any manufacturer of high alcohol content beer authorized to manufacture such beverages pursuant to subdivision (f)(1) to also brew beer as this term is defined in § 57-5-101(b) on the same premises of the manufacturer of high alcohol content beer, upon meeting necessary federal, state and local license requirements.

**(3)** The general assembly hereby ratifies any action which may have been taken by the alcoholic beverage commission in issuing a license to a manufacturer of high alcohol content beer prior to June 10, 2011.

**HISTORY:** Acts 1937, ch. 193, § 1; C. Supp. 1950, § 6648.1; impl. am. Acts 1953, ch. 88, § 1; Acts 1972, ch. 740, § 4(65); impl. am. Acts 1978, ch. 934, §§ 7, 22, 36; T.C.A. (orig. ed.), § 57-101; Acts 2009, ch. 524, § 1; 2011, ch. 448, § 12; 2012, ch. 515, § 1.