



Dear City Official,

Your MTAS Management Consultant is out of the office this week and forwarded your message to me for response. The hours for selling beer automatically align with the ABC hours with the passage of liquor by the drink, but the city has some authority to restrict Sunday hours and/or extend beer sales hours generally by ordinance. Tennessee Code Annotated § 57-5-301(b)(5)(A) provides:

In any county in which an incorporated municipality has authorized the sale of liquor by the drink, as provided for in chapter 4 of this title, the hours for the sale of beer as defined in § 57-6-102, in that part of the county outside of incorporated municipalities and in all of its municipalities which have authorized the sale of liquor by the drink, shall be the same as the hours authorized by the rules and regulations promulgated by the alcoholic beverage commission for establishments selling liquor by the drink; provided, however, that the county legislative body of any such county and the governing body of each municipality within the county which has authorized the sale of liquor by the drink shall have the authority to extend the hours for the sale of beer as defined in § 57-6-102, within the territorial jurisdiction of each governing body. This subdivision (b)(5)(A) shall not apply to counties and municipalities that have legalized the sale of liquor by the drink by a county-wide referendum.

The language of this section, which requires the hours for the sale of beer to align with the hours set by ABC, uses mandatory language and is not dependent on the passage of a municipal ordinance. The city may only decrease the hours by ordinance on Sundays by starting at 12 noon instead of 10:00 a.m., as permitted under Tennessee Compilation Rules and Regulations § 0100-01-03(2). However, the city may also authorize an extension of beer sales hours by ordinance beyond those allowed by the ABC regulations (see language of the code section quoted above). Thus, beer permit holders should follow the ABC hours unless the city has passed an ordinance decreasing Sunday hours and/or extending beer sales hours.

You also asked if alcohol and beer sales are restricted on election days. Neither the General Assembly nor the ABC have restricted election day alcoholic beverage sales. The only days that the state has prohibited alcohol and beer sales are for Christmas, Thanksgiving, and Easter. Tennessee Code Annotated § 57-3-406(h) provides that “a retailer shall not sell or give away any alcoholic beverages on Christmas, Thanksgiving, or Easter.” No other specific days are restricted except Sunday sales for wine in food/grocery stores until December 31, 2018.

Please let me know if you have any additional questions.

Thank you,

Stephanie Allen O'Hara  
MTAS Legal Consultant