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Definition of Beer

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Definition of Beer

Reference Number: CTAS-334

The transportation, storage, sale, distribution, possession, and manufacture of "beer" in Tennessee is regulated under the statutes set out in *Tennessee Code Annotated*, Title 57, Chapter 5. "Beer" is defined as "beer, ale or other malt beverages **having an alcoholic content of not more than eight percent (8%) by weight**, except wine as defined in T.C.A. § 57-3-101(a)(24); 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 nonbeverage ingredients containing alcohol." T.C.A. § 57-5-101. The statutory definition of "beer" is based on alcoholic content, so that any beverage containing the percentage of alcohol set out in the statutory definition is regulated under these statutes regardless of the identity of the fruit or grain used to produce it. Attorney General Opinion 94-75 (7/8/94) (refers to older statute which defined beer as 5% alcohol or less). All references to "beer" herein refer to the statutory definition.

All businesses engaged in the sale, distribution, manufacture and storage of beer are required to obtain a permit from the county or city where the business is located. T.C.A. § 57-5-103.

Wine and alcoholic beverages having more than eight percent (8%) in alcoholic content are not regulated locally, but are regulated at the state level by the Tennessee Alcoholic Beverage Commission ("ABC"). T.C.A. §§ 57-3-104, 57-4-201. These beverages may not be sold unless the city or county has authorized their sale by local referendum. T.C.A. § 57-3-102. Once such a referendum has passed, permits are issued by the ABC. T.C.A. § 57-3-104.

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