

Tenn. Op. Atty. Gen. No. 87-28 (Tenn.A.G.), 1987 WL 272970

\*1 Office of the Attorney General

State of Tennessee  
Opinion No. 87-28  
February 23, 1987

**ALCOHOL: Beer: Licenses: Liquor: Permits:**

A person must be 18 years old to obtain a **permit** to engage in the retail sale of alcoholic beverages; there currently exists no statewide minimum **age** requirement for obtaining a **permit** under Chapter 4 of Title 57 to sell alcoholic beverages for on-premises consumption or for obtaining a **permit** to sell **beer** under Chapter 5 of Title 57. T.C.A. § 1-3-114, 57-3-101, et seq., 57-3-210, 57-4-101, et seq., 57-4-203, 57-5-101, et seq., -105, -108.

**TAXATION: Classification of Property: Property Tax: Tax Liens:**

Upon sale of land, formerly afforded “greenbelt” tax treatment, but which is sold rendering it incapable of qualifying for “greenbelt” status, such land is impressed with a lien for roll-back taxes which can be enforced against a buyer even though seller is primarily liable for the indebtedness; assuming seller is liable for roll-back taxes, the effect of seller's death will impose liability for payment upon his estate for the debt. T.C.A. §§ 30-2-402, 67-5-1001 et seq., -1003, -1004, -1005, -1006, -1007, -1008.

**Age Requirement for Obtaining a Permit to Sell Beer or Alcoholic Beverages in Tennessee**

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QUESTION

What is the minimum **age** that a person must be to obtain a **permit** to sell **beer** or alcoholic beverages in Tennessee?

OPINION

A person must be 18 years old to obtain a **permit** under Chapter 3 of Title 57 of the Tennessee Code Annotated to engage in the retail sale of alcoholic beverages in Tennessee. There currently exists no statewide minimum **age** requirement for obtaining a **permit** under Chapter 4 of Title 57 to sell alcoholic beverages for on-premises consumption, or for obtaining a **permit** to sell **beer** under Chapter 5 of that Title.

ANALYSIS

With regard to the **age** requirement for obtaining a license to engage in the retail sale of alcoholic beverages under Chapter 3 of Title 57 of the Tennessee Code Annotated, T.C.A. § 57-3-210(h) provides as follows:

No manufacturer, wholesaler or retailer, or any employee thereof, engaged in the physical manufacture, storage, sale or distribution of alcoholic beverages shall be a person under the **age** of eighteen (18) years, and it shall be unlawful for any wholesaler, or retailer, to employ any person under eighteen (18) years of **age** for the physical storage, sale, or distribution of alcoholic beverages, or to **permit** any such person under said **age** on its place of business to engage in the manufacture, storage, sale or distribution of alcoholic beverages.

Thus, it is the opinion of this office that an individual under the **age** of 18 is not eligible to obtain a license to engage in the retail sale of liquor under Chapter 3 if he or she intends to engage in the physical manufacture, storage, sale or distribution of alcoholic beverages. Most individual license holders would have such involvement in the business that they would be engaged in the physical storage, sale or distribution of alcoholic beverages.

\*2 I refer you to two previous opinion letters of this office, issued on July 2, 1986, and January 11, 1982, in which we indicated that § 57-3-210(h) does not apply to corporations and thus does not prohibit the carrying on of a retail liquor business by a corporation which has a minority or majority stockholder under the **age** of 18, so long as the stockholder is not engaged in any of the prohibited acts under that subsection.

The code sections governing the on-premises consumption of alcoholic beverages, Chapter 4 of Title 57, do not specifically provide a minimum **age** requirement for obtaining a **permit** to sell alcoholic beverages for consumption on the premises. Chapter 4 does establish a minimum **age** for purchasing liquor-by-the-drink (21), and also for selling, transporting, possessing or dispensing liquor-by-the-drink in the course of one's employment (18). T.C.A. § 57-4-203(b).

Furthermore, there appears to be no provision outside of Chapter 4 which establishes a minimum **age** requirement for obtaining a **permit** to sell liquor-by-the-drink. Although T.C.A. § 57-3-210(h), quoted above, applies to all “retailers” engaged in the sale of alcoholic beverages, this Office has previously opined that the term “retailer” as used in Chapter 3 of Title 57 does not apply to liquor-by-the-drink retailers under Chapter 4. See Op.Tenn.Atty.Gen. 85-094 (March 29, 1985), ———. Thus T.C.A. § 57-3-210(h) does not establish a minimum **age** for obtaining a **permit** to sell liquor for on-premises consumption.

It should be noted that the Code does contain a general requirement that any person who is 18 years of **age** or older shall not be prohibited from entering into any profession or from performing any services on the basis of his minority. See T.C.A. § 1-3-114.

The Code also does not specifically establish a minimum **age** for obtaining a **permit** to sell **beer**. T.C.A. § 57-5-105 establishes the requirements one must meet in order to obtain a license to sell **beer** outside the limits of a town or city in a county not governed by a metropolitan government. No **age** requirement is provided. In addition, it has been held that the county legislative body or the county **beer** board in such counties may not impose additional requirements. See e.g. *Perry v. Sevier County Beer Commission*, 181 Tenn. 696, 184 S.W.2d 32 (1944); *Wright v. State*, 171 Tenn. 628, 106 S.W.2d 866 (1937).

T.C.A. § 57-5-108 sets forth the requirements which one must meet in order to obtain a license to sell **beer** within cities, towns and metropolitan areas. Again, no minimum **age** is specifically provided. However, incorporated cities and towns and those counties governed by a metropolitan government are given the authority to impose additional restrictions fixing zones and territories and providing hours of opening and closing and such other rules and regulations as will promote public health, morals and safety. See T.C.A. § 57-5-108(a)(1) and (b)(1). Therefore, to determine the **age** requirement for obtaining a license to sell **beer** within an incorporated city, town, or metropolitan area, the rules and regulations of each local body must be consulted. Again, however, it should be noted that the Code does contain a general requirement that any person who is 18 years of **age** or older shall not be prohibited from entering into any profession or from performing any services on the basis of his minority. See T.C.A. § 1-3-114. Thus, any minimum **age** requirement for obtaining a **permit** to sell **beer** must not be higher than 18 years of **age**.

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