

'THE TENNESSEE RESPONSIBLE VENDOR ACT OF 2006' went into effect July 1, 2007. This law is designed to:

- (1) Eliminate the sale of beer to underage persons;
- (2) Reduce intoxication and reduce accidents, injuries, and deaths in TN which are related to alcohol;
- (3) Encourage vendors to be prudent in their selling practices of beer; and
- (4) Uniformly apply the guidelines statewide.

First, the TN RVA of 2006 requires anyone purchasing beer for off-premise consumption to present identification. This is mandatory for all retailers selling beer for off-premise consumption. Retailers are also required to post signs that are at least 8-1/2" x 11" and contain the following language:

STATE LAW REQUIRES IDENTIFICATION FOR THE SALE OF BEER

The identification used must be a photo ID issued by state or federal government (over 60 years of age does not have to have a photo on the driver's license) and it **CANNOT be expired**. NOTE: This law was changed to exclude requiring ID for any one appearing to be at least 50 years old.

Second, businesses can, on a VOLUNTARY basis, become a part of the "Responsible Vendor Program" which is administered by the Tennessee Alcoholic Beverage Commission.

REQUIREMENTS FOR THE APPLICATION FOR CERTIFICATION OF A RESPONSIBLE VENDOR

1. *You must complete an application provided by the TABC (Tennessee Alcoholic Beverage Commission).*

Be ready to provide the following information on the application:

Identity-Name, address, and phone.

- LLC's are required to provide a copy of the corporate charter and/or certificate of authority.
- Partnerships must provide a copy of the certificate filed with the Tennessee Secretary of State's Office (if a limited partnership), or other document evidencing formation of such partnership is required.

2. *Completed applications provided by the TABC for all currently employed clerks that will include name of beer board issuing the beer permit with the beer boards address and phone number.*

3. *Name of training program being used*

4. *Appropriate application fees are as follows:*

0-15 certified clerks	\$25.00
16-49 certified clerks	\$75.00
50-100 certified clerks	\$150.00
Over 100 certified clerks	\$250.00

Your employees must be certified prior to applying for your Responsible Vendor License. You must send your clerks list with your application.

RENEWAL REQUIREMENTS

Responsible Vendor Certification is valid for one year from the date of issue. Prior to expiration of the certification you must:

1. *Complete a renewal application along with any amended or updated materials to the TABC.*

2. *Submit to the TABC, on a form provided by the TABC:*

- a current list of all clerks
- the date each clerk was hired
- the date already certified clerks received their annual training

In order for a clerk to participate in the Responsible Vendor Program they:

- Must be 18 years of age
- Cannot have been criminally convicted of any violation of laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages **within the past ten (10) years.**
- Cannot have been convicted of any crime involving moral turpitude **within the last ten (10) years.**

Responsible Vendors are not required to perform criminal background checks on employees or clerks; however, the responsible vendor should inquire on the application as to any convictions the employee or clerk has had for the past ten years.

Certified clerks are required to wear a name badge with the clerk's first name clearly visible.

SPECIAL NEEDS EMPLOYEES

Applicants with special needs (inability to read/and or write English, hearing impairment, etc.) must contact the certified program at least one week in advance of the training date to request specific assistance in completing that program.

CERTIFYING EMPLOYEES

If an employee is going to work in multiple locations then **it is the responsibility of the Responsible Vendor to send a list of all locations to class with that employee.**

Each location must have the employees **certificate on file containing the address of that location within a single company.** It is the responsibility of the training program to provide certificates for each location and for the employee.

If all locations are not brought to the attention of the instructor the day of the class, then the employee will have to re-take the class for certifications needed at other locations. If a student is certifying for more than one company, they will be required to take another class for that certification.

INSPECTIONS

Each Responsible Vendor is responsible for maintaining and having the following readily available for inspection by any TABC representative:

- Name, address, and social security number
- Date of hire
- Date of training by certified responsible vendor program
- Date of required annual training related to updated information, policies and procedures.

LOSS OF CLERK CERTIFICATION

A certified clerk will lose their certification for one year from the date of conviction if the:

- Beer board determines that the clerk sold alcoholic beverages to a minor.
- Clerk receives a criminal conviction of a charge involving the sale of alcoholic beverages to a minor.

Certified clerks must attend an annual meeting that covers updated information required by the TABC. These meetings must be held for all clerks within the last calendar quarter of each calendar year.

The Responsible Vendor is responsible for notifying the TABC within 21 days, in writing, if the certified clerk has not attended the annual meeting. Upon notification to the TABC that clerk's certification immediately becomes invalid. This clerk cannot sell beer until they have received the required updated training.

If a clerk loses their certification but continues to work as a clerk and sells beer to an under-aged individual, then the Responsible Vendor shall not be considered a Responsible Vendor when receiving disciplinary actions by the beer board.

61 DAY GRACE PERIOD

Clerks have 61 days from their date of hire to successfully complete the Responsible Vendor training. Clerks are given protective status during this 61 days if they should sell to a minor.

If the clerk does not take their class within 61 days from their date of hire, the Responsible Vendor will continue have the benefits of the Responsible Vendor Program for a period of 30 days but will be subject to disciplinary action by the TABC for failure to train their employees.

Responsible Vendors will lose the privilege of being a Responsible Vendor and will be subject to any disciplinary action by the local beer board if:

- After an additional 30 days from the above, the employee has not completed the training.
- They employ anyone not eligible to be in the program (see clerk requirements on page 1) to work and the employee sells to an underage person.

MISCELLANEOUS

Any Responsible Vendor or their employee refusing to cooperate with agents of the TABC in any way could result in suspension or revocation of the Responsible Vendor status.

Any business that misrepresents to local law enforcement as a Responsible Vendor will be ineligible to participate in the program for three (3) years for the date of misrepresentation.

Any applications for certification as Responsible Vendor submitted to the TABC with charges/offenses pending before the local beer board will not be reviewed until such charges/offenses are concluded. The TABC will approve or deny the application based on the outcome of the pending charges/offenses.

The business must already be enrolled in the Responsible Vendor program to receive benefits from the program if an employee is cited for an offense.