Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2023-119, **Version:** 1

An ordinance amending Title 7 of the Metropolitan Code of Laws pertaining to the definition of beer.

WHEREAS, Title 7 of the Metropolitan Code of Laws currently defines beer as “beer, ale or any other beverage having an alcoholic content of not more than eight percent by weight”; and,

WHEREAS, T.C.A. § 57-5-101 was revised by the Tennessee General Assembly to amend the definition of beer; and,

WHEREAS, T.C.A. § 57-5-101 now defines beer as “products made from the normal alcoholic fermentation of malt or other cereal grains, sugar, or fruit ingredients used to make cider, and having an alcoholic content of not more than eight percent (8%) alcohol by weight and that do not contain distilled spirits or wine as defined in § 57-3-101; provided, that at least fifty-one percent (51%) of the overall alcoholic content by weight in the finished product is obtained by the fermentation of malt, other cereal grains, sugar, or fruit ingredients used to make cider, and no more than forty-nine percent (49%) of the overall alcoholic content by weight in the finished product is obtained by the addition of flavorings or other non-beverage ingredients containing alcohol”; and,

WHEREAS, the current definition of beer in the Metropolitan Code of Laws should be amended to conform to the recently amended state law.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 7.08.010 of the Metropolitan Code of Laws is hereby amended by deleting the definition of “Beer” and replacing it with the following:

> “Beer” means products made from the normal alcoholic fermentation of malt or other cereal grains, sugar, or fruit ingredients used to make cider, and having an alcoholic content of not more than eight percent (8%) alcohol by weight and that do not contain distilled spirits or wine as defined in T.C.A. § 57-3-101; provided, that at least fifty-one percent (51%) of the overall alcoholic content by weight in the finished product is obtained by the fermentation of malt, other cereal grains, sugar, or fruit ingredients used to make cider, and no more than forty-nine percent (49%) of the overall alcoholic content by weight in the finished product is obtained by the addition of flavorings or other non-beverage ingredients containing alcohol.

Section 2. The ordinance shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance updates the definition of beer in the Metropolitan Code of Laws after the definition was amended by the Tennessee General Assembly in April 2023. The Metropolitan Code currently defines beer as “beer, ale or any other beverage having an alcoholic content of not more than eight percent by weight.” The ordinance under consideration would change this definition of beer to match the new definition in state law.

Tennessee Code Annotated section 57-5-101 now defines beer as “products made from the normal alcoholic fermentation of malt or other cereal grains, sugar, or fruit ingredients used to make cider, and having an alcoholic content of not more than eight percent (8%) alcohol by weight and that do not contain distilled spirits or wine as defined in § 57-3-101; provided, that at least fifty-one percent (51%) of the overall alcoholic content by weight in the finished product is obtained by the fermentation of malt, other cereal grains, sugar, or fruit ingredients used to make cider, and no more than forty-nine percent (49%) of the overall alcoholic content by weight in the finished product is obtained by the addition of flavorings or other non-beverage ingredients containing alcohol.”