

Guns in Bars Injunction Denied

Monday, July 13th, 2009, by Blake Farmer

A new law allowing guns in restaurants that serve alcohol will go into effect at midnight. An injunction requested by nine waiters and four handgun carry permit holders was denied Monday afternoon.

Attorneys representing the waiters and handgun owners contest the new state law is too vague. It allows for gun permit holders to carry their firearms in restaurants, but not if the establishment does more than 50-percent of its business in alcohol. Attorney David Raybin says the ratio of food to alcohol can change nightly.

“No one could possibly know whether that particular establishment serves food 50-percent of the time or not.”

The Tennessee Attorney General argues that there’s no harm in letting the new law take effect. If hand gun carriers are confused about where they can go, the state says they can stay out of restaurants altogether.

Davidson County Chancellor Claudia Bonnyman denied the injunction, partly because the restaurant group couldn’t prove anyone was in imminent danger. Also, any restaurant can deny gun carriers by posting signs. But Bonnyman scheduled arguments about the law’s vagueness to start in the next 90 days.

Randy Rayburn is named as a plaintiff in the case and says he will post signs banning firearms in his three Nashville restaurants. He says, however, the new law corners him into policing for concealed weapons.

“My concern as a restaurant owner and a business person is that this law places a burden on the businesses. Perhaps the legislature in its wisdom should look at allowing the burden to be placed on opting in.”

Rayburn says the law, as written, places too much liability on restaurants, even those that opt out.