

House Bill 256

By: Representative Parham of the 122nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 5 of Title 3 of the Official Code of Georgia Annotated,
2 relating to state license requirements and regulations for manufacture, distribution, and sale
3 of malt beverages, so as to change certain provisions relating to delivery, receipt, and storage
4 of malt beverages sold by wholesale dealers to retail dealers; to change certain provisions
5 relating to brewer-wholesaler relations and license requirements for shippers of beer; to
6 provide for brand pricing by wholesalers and nondisclosure of information related thereto;
7 to change certain provisions relating to applicability of Code Sections 3-5-29 through 3-5-33;
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 2 of Chapter 5 of Title 3 of the Official Code of Georgia Annotated, relating to state
12 license requirements and regulations for manufacture, distribution, and sale of malt
13 beverages, is amended by striking Code Section 3-5-28, relating to delivery, receipt, and
14 storage of malt beverages sold by wholesale dealers to retail dealers, and inserting in lieu
15 thereof the following:

16 "3-5-28.

17 Any other provision of this title or any agreement or understanding between a brewer
18 or shipper and a wholesaler or between wholesalers notwithstanding, any malt beverages
19 sold by a wholesale dealer to a retail dealer shall be either delivered ~~only~~ to the premises
20 of a licensed or the licensed retail dealer and by the wholesale dealer or picked up by the
21 licensed retail dealer at the premises of the wholesale dealer. If malt beverages are
22 delivered by a wholesale dealer, they shall be transported only by a conveyance owned, or
23 leased, and operated, or controlled by a wholesale by the wholesale dealer ~~who is~~
24 ~~designated to deal in the brands of malt beverages sold and is licensed to make sales and~~
25 ~~deliveries within the municipality or county in which the sale or delivery is made and may~~
26 be delivered to any licensed retail dealer in this state. If malt beverages are picked up by

1 the retail dealer, they shall be transported only by a conveyance owned, leased, operated,
 2 or controlled by the retail dealer and may be picked up from any licensed wholesale dealer
 3 in this state. The malt beverages so sold shall not be delivered to, received, or stored at any
 4 place other than premises for which state and local retail licenses have been issued."

5 SECTION 2.

6 Said article is further amended by striking Code Section 3-5-31, relating to
 7 brewer-wholesaler relations and license requirements for shippers of beer, and inserting in
 8 lieu thereof the following:

9 "3-5-31.

10 (a) No shipper shall be permitted to ship beer into the state without first obtaining a proper
 11 license from the commissioner in the manner provided in this title.

12 (b) In addition to the bond required in Code Section 3-5-25.1 and such other
 13 documentation required by the commissioner pursuant to this title, each shipper shall:

14 (1) Submit with his or her application one label for each brand of beer to be shipped for
 15 the first time by the shipper into the state;

16 (2) Designate in the application for registration sales territories for each of its brands sold
 17 in Georgia; and

18 (3) ~~Name~~ Designate one licensed wholesaler ~~in for~~ each territory ~~who, within the~~
 19 ~~territory, shall be the exclusive distributor of the brand within the territory~~ designated as
 20 provided in paragraph (2) of this subsection.

21 (c) Designations of wholesalers or wholesalers' territories as provided in this Code section
 22 shall be initially approved by the commissioner and shall not be changed nor initially
 23 disapproved except for cause. The commissioner shall determine cause after a hearing
 24 under regulations promulgated by the commissioner for such purposes.

25 (d) The provisions of paragraphs (2) and (3) of subsection (b) of this Code section, any
 26 other provision of this title, or any agreement or understanding between a brewer or shipper
 27 and a wholesaler or between wholesalers notwithstanding, any licensed wholesaler shall
 28 be authorized to sell malt beverages to any licensed retail dealer in this state, and any
 29 licensed retail dealer shall be authorized to buy malt beverages from any licensed
 30 wholesaler in this state, without regard to whether the retail dealer maintains a place of
 31 business in the designated territory of the wholesaler."

