

Senate Bill 81

By: Senator James of the 35<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 5 of Title 3 of the Official Code of Georgia Annotated,  
2 relating to general provisions relative to malt beverages, so as to provide for conditions under  
3 which kegs of malt beverages may be sold at retail; to provide a definition; to provide for  
4 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 1 of Chapter 5 of Title 3 of the Official Code of Georgia Annotated, relating to  
8 general provisions relative to malt beverages, is amended by adding at the end thereof a new  
9 Code Section 3-5-5 to read as follows:

10 "3-5-5.

11 (a) As used in this Code section, the term 'keg' means a container or barrel containing by  
12 volume more than two gallons of malt beverage.

13 (b) No person licensed under this chapter shall sell malt beverages at retail by the keg  
14 except as provided in subsections (c), (d), and (e) of this Code section.

15 (c) Each keg sold at retail shall be labeled with the name and address of the retail licensee  
16 and an engraved identification number. The Department of Revenue may prescribe the  
17 form of labels to be used for this purpose. The label shall be affixed to a number one or  
18 number two recyclable plastic tag that is attached to the handle on the top chime of the keg.  
19 The engraved identification number, label, and recyclable plastic tag shall be supplied by  
20 the Department of Revenue for a fee not to exceed \$5.00 and securely affixed to the keg  
21 by the licensee making the sale.

22 (d) Each retail licensee shall require each keg purchaser to present positive identification  
23 at the time of purchase. The licensee shall record for each keg sale the date of sale, the size  
24 of keg, the keg identification number, the amount of container deposit, the name, address,  
25 and date of birth of the purchaser, and the form of identification presented by such  
26 purchaser. The purchaser shall sign a statement at the time of purchase attesting to the

1 accuracy of the purchaser's name and address and acknowledging that misuse of the keg  
2 or its contents may result in civil liability, criminal prosecution, or both. The licensee shall  
3 retain the identification form for a minimum of six months following the sale of the keg.  
4 (e) The licensee shall not refund a deposit for a keg that is returned without the required  
5 label and identification number in tact and legible. The licensee shall record the date of  
6 return of the keg and the condition of the label and identification number on the  
7 identification form required under subsection (c) of this Code section. The licensee may  
8 retain any deposit not refunded for this reason. Upon the return of a properly labeled keg  
9 from a consumer, the licensee shall remove the tag from the keg and retain such tag with  
10 the identification form as required under subsection (c) of this Code section. This  
11 requirement shall not apply to permanent identification numbers or other forms of  
12 identification placed on the keg by a manufacturer."

13

**SECTION 2.**

14 All laws and parts of laws in conflict with this Act are repealed.