

Senate Bill 99

By: Senators Polak of the 42nd, Starr of the 44th, James of the 35th, Walker of the 22nd, Hecht of the 34th and others

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

10 "3-5-5.

11 (a) As used in this Code section, the term 'keg' means any brewery-sealed container or
12 barrel containing, by liquid 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. The commissioner
15 may take punitive action against violators, up to and including revocation of the state retail
16 dealer's license of any licensed retail dealer who fails to comply with this Code section.
17 The undertaking of any punitive action allowed under this Code section shall not prohibit
18 criminal prosecution for sale to underage persons.

19 (c) Each retail licensee selling kegs containing malt beverages for consumption off
20 licensed premises shall require each keg purchaser to present a Georgia driver's license or
21 other valid identification at the time of purchase. The licensee shall record for each keg
22 sale the date of sale, the size of keg, the keg identification number, the amount of container
23 deposit, the name, address, and date of birth of the purchaser, and the form of identification
24 presented by such purchaser. The purchaser shall sign a statement at the time of purchase
25 attesting to the accuracy of the purchaser's name and address and acknowledging that
26 misuse of the keg or its contents may result in civil liability, criminal prosecution, or both.

1 The licensee shall retain the identification form and purchaser's signed statement attesting
 2 to the accuracy of the purchaser's name and address and acknowledging that misuse of the
 3 keg or its contents may result in civil liability, criminal prosecution, or both, for a
 4 minimum of six months following the sale of the keg.

5 (d) Each keg sold at retail for consumption off licensed premises shall be labeled with the
 6 name and address of the retail licensee, an identification number, the state alcohol license
 7 number of the business, and the exact date and time of purchase. The Department of
 8 Revenue will prescribe the form of registration label or tag to be used for this purpose. The
 9 registration label or tag shall be supplied by the Department of Revenue without fee and
 10 securely affixed to the keg by the licensee making the sale.

11 (e) The licensee shall not refund a deposit for a keg that is returned without the required
 12 label and identification number in tact and legible. The licensee shall record the date of
 13 return of the keg and the condition of the label and identification number on the
 14 identification form required under subsection (c) of this Code section. The licensee may
 15 retain any deposit not refunded for this reason. Upon the return of a properly labeled keg
 16 from a consumer, the licensee shall remove the tag from the keg and retain such tag with
 17 the identification form as required under subsection (c) of this Code section. This
 18 requirement shall not apply to permanent identification numbers or other forms of
 19 identification placed on the keg by a manufacturer.

20 (f) The removal of the required label shall be unlawful. Possession of a keg without the
 21 required label and identification number shall be unlawful and subject to penalty pursuant
 22 to Code Section 3-3-9.

23 (g) Retail licensees that sell kegs for consumption off licensed premises shall display at
 24 all times in a prominent place a printed card with a minimum height of 20 inches and a
 25 width of 14 inches, with each letter to be a minimum of one-fourth inch in height, which
 26 shall read as follows:

27 NOTICE TO PURCHASERS OF BEER KEGS
 28 PROPER IDENTIFICATION AND REGISTRATION REQUIRED
 29 BY LAWS OF THE STATE OF GEORGIA"

30 **SECTION 2.**

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