

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

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"3-5-5.

(a) As used in Code section 3-5-5, the term:

(1) 'Keg' means any brewery-sealed container or barrel containing, by liquid volume, more than two gallons of malt beverage.

(2) 'Retail dealer', 'retail licensee' or 'licensee' means a person holding either a retail dealer license, a permit issued by the commissioner authorizing the sale of alcoholic beverages for consumption only on the premises for a period not to exceed one day, or a beverage alcohol caterer license.

(b) No person licensed under this chapter shall sell malt beverages at retail by the keg except as provided in subsections (c), (d), and (e) of this Code section. The commissioner may take punitive action against violators, up to and including revocation of the state retail dealer's license of any licensed retail dealer who fails to comply with this Code section. The undertaking of any punitive action allowed under this Code section shall not prohibit criminal prosecution for sale to underage persons.

(c) Each retail licensee selling kegs containing malt beverages for consumption off licensed premises shall require each keg purchaser to present a Georgia driver's license or other proper identification at the time of purchase. The licensee shall record for each keg

1 sale: the date of sale; the size of keg; the keg identification number; the amount of
2 container deposit; the name; address; date of birth of the purchaser; and the form of
3 identification presented by such purchaser. The purchaser shall sign a statement at the time
4 of purchase attesting to the accuracy of the purchaser's name and address, the location
5 where the contents of the keg will be consumed, and acknowledging that a violation of
6 Code Section 3-3-23, as it relates to furnishing alcoholic beverages to persons under the
7 age of 21 years, may result in civil liability, criminal prosecution, or both. The licensee
8 shall retain the identification form and purchaser's signed statement attesting to the
9 accuracy of the purchaser's name and address and acknowledging that a violation of Code
10 Section 3-3-23, as it relates to furnishing alcoholic beverages to persons under the age of
11 21 years, may result in civil liability, criminal prosecution, or both, for a minimum of six
12 months following the sale of the keg.

13 (d) Each keg sold at retail for consumption off licensed premises shall be labeled with the
14 name and address of the retail licensee, the keg identification number, and the state alcohol
15 license number of the business. The Department of Revenue will prescribe the form of
16 registration label or tag to be used for this purpose. The registration label or tag shall be
17 supplied by the Department of Revenue without fee and securely affixed to the keg by the
18 licensee making the sale. In addition to the label or tag, the Department of Revenue shall
19 provide guidelines to the licensee on the information to be recorded on the identification
20 form required under subsection (c) of this Code section.

21 (e) The licensee shall record the date of return of the keg on the identification form
22 required under subsection (c) of this Code section. If there is no label or tag affixed to the
23 keg or if the identification number is not legible, the licensee shall indicate this fact on the
24 identification form required under subsection (c) of this Code section. The licensee shall
25 not refund a deposit for a keg that is returned without the required label or tag and
26 identification number intact and legible.

27 (f) The removal of the required label shall be unlawful until such time that it is lawfully
28 returned to the retailer by the purchaser. Possession of a keg without the required label and
29 identification number shall be unlawful and subject to penalty pursuant to Code Section
30 3-3-9."

31 **SECTION 2.**

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