

House Bill 1471

By: Representatives Drenner of the 57th, Holmes of the 48th, Post 1, Mosby of the 59th, Post 3, Heckstall of the 48th, Post 3, Broome of the 141st, Post 2, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to
2 regulation of alcoholic beverages in general, so as to eliminate current provisions relating to
3 local government authorization of certain sales of alcoholic beverages on Sunday; to provide
4 that in any county or municipality in which the sale of alcoholic beverages is lawful for
5 consumption on the premises, the governing authority of the county or municipality may by
6 ordinance or resolution authorize the sale of alcoholic beverages for consumption on the
7 premises in any licensed establishment during certain hours on Sunday; to provide for related
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to regulation of
12 alcoholic beverages in general, is amended by repealing in its entirety Code Section 3-3-7,
13 relating to local government authorization of certain sales of alcoholic beverages on Sunday.

14 style="text-align:center">**SECTION 2.**

15 Said chapter is further amended by striking Code Section 3-3-20, relating to sale of alcoholic
16 beverages on Sundays, election days, and Christmas Day, and inserting in its place a new
17 Code section to read as follows:

18 "3-3-20.

19 (a) Except as provided in subsection (d) of this Code section or except as specifically
20 authorized by law, no person knowingly and intentionally shall sell or offer to sell alcoholic
21 beverages on Sunday.

22 (b)(1) As used in this subsection, the term 'day' means that period of time beginning with
23 the opening of the polls and ending with the closing of the polls.

24 (2)(A) Except as provided in subparagraph (B) of this paragraph and paragraph (3) of
25 this subsection, in any county or municipality in which the sale of alcoholic beverages

1 is authorized, the sale of alcoholic beverages in compliance with such authorization
2 shall be authorized and legal on any election day.

3 (B) The local governing authority of any county in which the sale of alcoholic
4 beverages is authorized and the local governing authority of any municipality in which
5 the sale of alcoholic beverages is authorized may, by ordinance, prohibit the sale of
6 alcoholic beverages on any election days. In any case where the governing authority of
7 a county or municipality has passed an ordinance prohibiting the sale of alcoholic
8 beverages on any election days as authorized by this subparagraph, such prohibition
9 shall apply only within the territorial boundaries for which the election is held but such
10 territorial boundaries shall not include any property owned or operated by a county,
11 municipality, or other political subdivision of this state for airport purposes if no person
12 resides on such publicly owned or operated property.

13 (3)(A) Notwithstanding any other provisions of this subsection, it shall be unlawful for
14 any person to sell alcoholic beverages within 250 feet of any polling place or of the
15 outer edge of any building within which such polling place is established on primary
16 or election days.

17 (B) Any person violating the provisions of this paragraph shall be guilty of a
18 misdemeanor.

19 (c) The governing authority of any county or municipality may, by ordinance or resolution,
20 prohibit the sale of alcoholic beverages on Christmas Day.

21 ~~(d)(1) In all municipalities within any county having a population of 400,000 or more~~
22 ~~according to the United States decennial census of 1990 or any future such census in~~
23 ~~which the sale of alcoholic beverages is lawful, alcoholic beverages may be sold on~~
24 ~~Sundays between the hours of 12:30 P.M. and 12:00 Midnight at festivals. As used in this~~
25 ~~paragraph, the term 'festival' means a specific outdoor public celebration or gathering for~~
26 ~~which a license or permit has been issued by the appropriate governing authority which~~
27 ~~involves the use either of public parks or public streets and which includes entertainment,~~
28 ~~dancing, music, dramatic productions, art exhibition, parades, or the sale of merchandise,~~
29 ~~food or alcohol, or any combination of the foregoing; and which of necessity requires for~~
30 ~~its successful execution the provision and coordination of municipal services to a degree~~
31 ~~significantly over and above that which the city routinely provides under ordinary~~
32 ~~everyday circumstances. The definition of 'festival,' as used in this paragraph, does not~~
33 ~~include events which are solely parades, foot races, or political demonstrations unless~~
34 ~~such parade, foot race, or political demonstration is proposed as an integral part of a~~
35 ~~larger 'festival,' as defined in this paragraph.~~

1 ~~(2) Notwithstanding the provisions of this subsection, all persons and entities selling~~
2 ~~alcoholic beverages pursuant to this subsection shall fully comply with all other~~
3 ~~applicable state and local license and permit requirements.~~

4 (d) In any county or municipality in which the sale of alcoholic beverages is lawful for
5 consumption on the premises, the governing authority of the county or municipality may
6 by ordinance or resolution authorize the sale of alcoholic beverages for consumption on
7 the premises in any licensed establishment:

8 (1) On Sunday from 12:30 P.M. until 12:00 Midnight; and

9 (2) From 12:00 Midnight Saturday until 2:30 A.M. on Sunday."

10 **SECTION 3.**

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