

House Bill 1436 (COMMITTEE SUBSTITUTE)

By: Representatives Smith of the 113<sup>th</sup>, Ehrhart of the 36<sup>th</sup>, Chambers of the 81<sup>st</sup>, Drenner of the 86<sup>th</sup>, Burkhalter of the 50<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 6 of Title 3 of the Official Code of Georgia Annotated,  
2 relating to general provisions relative to wine, so as to authorize restaurant patrons to remove  
3 for off-premises consumption a resealed partially consumed bottle of wine that was  
4 purchased with a full-course meal; to provide for a definition of the term full-course meal;  
5 to amend Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,  
6 relating to miscellaneous provisions of the uniform rules of the road, so as to provide that a  
7 resealed partially consumed bottle of wine that was purchased with a full-course meal is not  
8 an open alcoholic beverage container for purposes of the prohibition against possessing an  
9 open container of alcohol in the passenger area of a motor vehicle; to provide for related  
10 matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Article 1 of Chapter 6 of Title 3 of the Official Code of Georgia Annotated, relating to  
14 general provisions relative to wine, is amended by inserting at the end thereof a new Code  
15 Section 3-6-4 to read as follows:

16 "3-6-4.

17 (a) As used in this Code section, the term 'full-course meal' means a meal consisting of a  
18 salad or vegetable, an entree, a beverage, and bread.

19 (b) Notwithstanding any other contrary provision of law, any establishment which is  
20 licensed to sell alcoholic beverages for consumption on the premises may permit a patron  
21 to remove one unsealed bottle of wine per patron for consumption off premises, if the  
22 patron has purchased a full-course meal and consumed a portion of the bottle of wine on  
23 the premises with such meal on the establishment's premises. A partially consumed bottle  
24 of wine that is to be removed from the premises must be securely resealed by the licensee  
25 or its employees before removal from the premises. The partially consumed bottle of wine  
26 shall be placed in a bag or other container that is secured in such a manner that it is visibly

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apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine and full-course meal shall be provided by the licensee and attached to the container. If transported in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk."

## SECTION 2.

Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to miscellaneous provisions of the uniform rules of the road, is amended by striking paragraph (2) of subsection (a) of Code Section 40-6-253, relating to consumption of alcoholic beverages or possession of open container of alcoholic beverage in passenger area, and inserting in its place a new paragraph (2) to read as follows:

"(2) 'Open alcoholic beverage container' means any bottle, can, or other receptacle that:

(A) Contains any amount of alcoholic beverage; and

(B)(i) Is open or has a broken seal; or

(ii) The contents of which are partially removed.

A bottle of wine that has been resealed and is transported pursuant to Code Section 3-6-4 shall not constitute an open alcoholic beverage container for purposes of this Code section."

### SECTION 3.

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