

The Senate Regulated Industries and Utilities Committee offered the following substitute to HB 1436:

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 food item; to amend Article 11 of Chapter 6 of Title 40 of the Official Code  
5 of Georgia Annotated, relating to miscellaneous provisions of the uniform rules of the road,  
6 so as to provide that a resealed partially consumed bottle of wine that was purchased with a  
7 food item is not an open alcoholic beverage container for purposes of the prohibition against  
8 possessing an open container of alcohol in the passenger area of a motor vehicle; to provide  
9 for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

15 "3-6-4.

16 Notwithstanding any other contrary provision of law, any establishment which is licensed  
17 to sell alcoholic beverages for consumption on the premises may permit a patron to remove  
18 one unsealed bottle of wine per patron for consumption off premises, if the patron has  
19 purchased a food item and consumed a portion of the bottle of wine on the premises with  
20 such food item on the establishment's premises. A partially consumed bottle of wine that  
21 is to be removed from the premises must be securely resealed by the licensee or its  
22 employees before removal from the premises. The partially consumed bottle of wine shall  
23 be placed in a bag or other container that is secured in such a manner that it is visibly  
24 apparent if the container has been subsequently opened or tampered with, and a dated  
25 receipt for the bottle of wine and food item shall be provided by the licensee and attached  
26 to the container. If transported in a motor vehicle, the container with the resealed bottle of

1 wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the  
2 last upright seat of a motor vehicle that is not equipped with a trunk."

3 **SECTION 2.**

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

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

10 (A) Contains any amount of alcoholic beverage; and

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

12 (ii) The contents of which are partially removed.

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

15 **SECTION 3.**

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