

House Bill 1168 (AS PASSED HOUSE AND SENATE)

By: Representatives Stephens of the 164<sup>th</sup>, Burkhalter of the 50<sup>th</sup>, Parrish of the 156<sup>th</sup>, and Amerson of the 9<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 6 of Title 3 of the Official Code of Georgia Annotated, relating to wine,  
2 so as to authorize sales of wine by a farm winery in tasting rooms at festivals; to permit sales  
3 of distilled spirits, malt beverages, and wines not produced for consumption on the premises  
4 at a tasting room of a winery; to provide for related matters; to repeal conflicting laws; and  
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 6 of Title 3 of the Official Code of Georgia Annotated, relating to wine, is amended  
9 by striking subsections (a) and (b) of Code Section 3-6-21.1, relating to licensing of farm  
10 wineries to engage in retail and wholesale sales, and inserting new subsections (a) and (b)  
11 to read as follows:

12 "(a) As used in this Code section, the term:

13 (1) 'Farm winery' means a domestic winery located on premises, a substantial portion of  
14 which is used for agricultural purposes, including the cultivation of grapes, berries, or  
15 fruits to be utilized in the manufacture or production of wine by the winery, or a domestic  
16 winery which:

17 (A) Makes at least 40 percent of its annual production from agricultural produce grown  
18 in this state;

19 (B) Is owned and operated by persons who are engaged in the production of a  
20 substantial portion of the Georgia agricultural produce used in its annual production;  
21 and for this purpose such production of a substantial portion of such Georgia  
22 agricultural produce shall be determined by the commissioner; and

23 (C) Produces less than 100,000 gallons per year.

24 (2) 'Festival' means a specific outdoor public celebration or gathering for which a license  
25 or permit has been issued by the appropriate governing authority which involves the use  
26 either of public parks or public streets and which includes entertainment, dancing, music,

dramatic productions, art exhibition, parades, or the sale of merchandise, food or alcohol, or any combination of the foregoing. Festival does not include events which are solely parades, foot races, or political demonstrations unless such parade, foot race, or political demonstration is proposed as an integral part of a larger festival.

~~(2)~~(3) 'Tasting room' means an outlet for the promotion of a farm winery's wine by providing samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine can be given complimentary or for a fee.

~~(b)~~(1) The commissioner may authorize any licensee which is a farm winery whose annual production of wine is made in Georgia from at least the percentages of Georgia grown agricultural products provided in paragraph (2) of this subsection during the years of production provided in paragraph (2) of this subsection to sell its wine and the wine of any other Georgia farm winery licensee at retail:

~~(A) In~~ In a tasting room or other facility on the premises of the winery for consumption on the premises and in closed packages for consumption off the premises; ~~and~~ and to sell its wine and the wine of any other Georgia farm winery licensee at retail for

~~(B)(i) For~~ For consumption on the premises and in closed packages for consumption off the premises in tasting rooms at up to five additional locations in the state;

(I) Four of which shall not constitute a festival as defined in this Code section; and

(II) One of which shall be at festivals in the state for up to three days per festival.

~~but only if the annual production of wine by the farm winery is made in Georgia from at least the following percentages of Georgia grown agricultural products during the years of production provided below:~~

(ii) The license for the tasting room at festivals shall be one license entitling the licensee to have tasting rooms which meet the requirements of this Code section at any festival and such license shall be issued for the same fee as a license for any other tasting room permitted under this Code section.

~~(1)~~(2)(A) First-year production: Ten percent from Georgia grown berries, fruits, or grapes

~~(2)~~(B) Second-year production: Twenty percent from Georgia grown berries, fruits, or grapes

~~(3)~~(C) Third-year production: Thirty percent from Georgia grown

1 berries, fruits, or  
 2 grapes  
 3 ~~(4)(D)~~ Fourth-year production and thereafter: Forty percent from  
 4 Georgia grown  
 5 berries, fruits, or  
 6 grapes"

7 **SECTION 2.**

8 Said chapter is further amended by striking paragraph (2) of subsection (b) of Code Section  
 9 3-6-21.3, relating to the sale by farm wineries of wines, distilled spirits, and malt beverages  
 10 on or contiguous to its own premises, and inserting in its place the following:

11 "(2) Notwithstanding any other provisions of this title to the contrary, in all counties or  
 12 municipalities in which the sale of distilled spirits, malt beverages, and wines is lawful,  
 13 the commissioner further may authorize such licensee to make sales of distilled spirits,  
 14 malt beverages, and wines not produced by such licensee for consumption on the  
 15 premises at facilities located on the premises of the winery, ~~or~~ on property located  
 16 contiguous to the winery and owned by the winery or by an affiliate of the winery, or in  
 17 its tasting rooms located on or off the premises of the winery, provided that any alcoholic  
 18 beverages sold pursuant to this paragraph shall be purchased by the winery from a  
 19 licensed wholesaler at wholesale prices."

20 **SECTION 3.**

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