

The House Committee on Regulated Industries offers the following substitute to HB 102:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages,
2 so as to revise certain provisions relating to the issuance of licenses for manufacturing,
3 distributing, and selling of alcoholic beverages and the conduct permitted by those holding
4 such licenses; to authorize samplings for consumption by retail dealers and employees of
5 retail dealers to be conducted by manufacturers and wholesalers of alcoholic beverages and
6 specifically distilled spirits and consumed by retail dealers and retail dealers' employees
7 under certain conditions; to establish the distances from existing retail package liquor stores
8 and from dwelling units that new retail package liquor stores are permitted to be located; to
9 prohibit the issuance of state licenses to businesses to be located in certain areas; to provide
10 for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
14 amended by revising Code Section 3-3-26, relating to allowing or permitting of breaking of
15 packages or drinking of contents thereof on premises, as follows:

16 "3-3-26.

17 (a) No retail dealer shall knowingly and intentionally allow or permit the breaking of any
18 package or packages containing alcoholic beverages on the premises where sold or allow
19 or permit the drinking of the contents of such package or packages on the premises where
20 sold.

21 (b) This Code section shall not apply with respect to sales pursuant to a license for
22 consumption on the premises.

23 (c) Nothing in this Code section shall prohibit a representative or salesperson of a
24 manufacturer or wholesaler from opening a container of alcoholic beverages on the
25 premises of a retail dealer for the purposes of providing a sampling of such alcoholic
26 beverage product to a retail dealer or retail dealer's employee or the drinking or

27 consumption of an alcoholic beverage product by a retail dealer or retail dealer's employee
 28 when done so for the purpose of sampling such alcoholic beverage product, provided that
 29 such sampling of alcoholic beverage products shall be done in a retail dealer's office,
 30 storage room, or other area of the premises closed to the public and in the presence of the
 31 representative or salesperson of the manufacturer or wholesaler."

32 **SECTION 2.**

33 Said title is further amended by revising Code Section 3-4-25, relating to authorization of
 34 the holder of a retail dealer's license to sell only unbroken packages and the prohibition of
 35 breaking of packages or drinking of the contents thereof on premises, as follows:

36 "3-4-25.

37 (a) A retail dealer's license shall authorize the holder to sell distilled spirits only in the
 38 original and unbroken package or packages, which package or packages shall contain not
 39 less than 50 milliliters each.

40 (b) The license shall not permit the breaking of the package or packages on the premises
 41 where sold and shall not permit the drinking of the contents of the package or packages on
 42 the premises where sold.

43 (c) Nothing in this Code section shall prohibit a representative or salesperson of a
 44 manufacturer or wholesaler from opening a container of distilled spirits on the premises of
 45 a retail dealer for the purposes of providing a sampling of such distilled spirits to a retail
 46 dealer or retail dealer's employee or the drinking or consumption of distilled spirits by a
 47 retail dealer or retail dealer's employee when done so for the purpose of sampling such
 48 distilled spirits, provided that such sampling of distilled spirits shall be done in a retail
 49 dealer's office, storage room, or other area of the premises closed to the public."

50 **SECTION 3.**

51 Said title is further amended by revising Code Section 3-4-49, relating to the adoption of
 52 rules and regulations and the determination of location of distilleries or businesses licensed
 53 by municipal or county governing authorities, as follows:

54 "3-4-49.

55 (a) A municipality or county may adopt all reasonable rules and regulations, consistent
 56 with this title, as may fall within the police powers of the municipality or county to regulate
 57 any business described in this chapter; ~~provided, however, that, except as otherwise~~
 58 provided in this Code section.

59 ~~(b) on~~ On and after July 1, 1997 ~~through June 30, 2009~~, no municipality or county shall
 60 authorize the location of a new retail package liquor licensed place of business or the
 61 relocation of an existing retail package liquor licensed place of business engaged in the

62 retail package sales of distilled spirits within 500 yards of any other business licensed to
63 sell package liquor at retail, as measured by the most direct route of travel on the ground;
64 provided, however, that this limitation shall not apply to any hotel licensed under this
65 chapter. The restriction provided for in this subsection shall not apply at any location for
66 which a license has been issued prior to July 1, 1997, nor to the renewal of such license.
67 Nor shall the restriction of this subsection apply to any location for which a new license is
68 applied for if the sale of distilled spirits was lawful at such location at any time during the
69 12 months immediately preceding such application.

70 (b)(c) On and after July 1, 2009, no municipality or county shall authorize the location of
71 a new retail package liquor licensed place of business or the relocation of an existing retail
72 package liquor licensed place of business engaged in the retail package sales of distilled
73 spirits within 1,000 yards of any other business licensed to sell package liquor at retail in
74 this state as measured in a straight line, regardless of any structural impediments, using the
75 portion of the building of the place of business to be licensed closest to any portion of the
76 building of the retail package business currently licensed as the starting point and using the
77 portion of the building of the retail package business currently licensed closest to any
78 portion of the building of the place of business to be licensed as the ending point; provided,
79 however, that this limitation shall not apply to any hotel licensed under this chapter. The
80 restriction provided for in this subsection shall not apply at any location for which a license
81 has been issued prior to July 1, 2009, nor to the renewal of such license. Nor shall the
82 restriction of this subsection apply to any location for which a new license is applied for
83 if the sale of distilled spirits was lawful at such location at any time during the 12 months
84 immediately preceding such application.

85 (c.1)(1) As used in this subsection, the term 'adjacent property' shall mean abutting
86 property solely owned as of July 1, 2009, by the applicant for the license who is also the
87 owner of the property on which the existing retail package business is currently located.

88 (2) Subsection (c) of this Code section shall not apply to the relocation of an existing
89 retail package liquor licensed place of business to adjacent property; provided that the
90 relocated package liquor licensed place of business is within 500 yards of the existing
91 retail package liquor licensed place of business as it exists on July 1, 2009, as measured
92 in a straight line, regardless of any structural impediments, using the portion of the
93 building of the relocated place of business to be licensed closest to any portion of the
94 building of the retail package business currently licensed as the starting point and using
95 the portion of the building of the retail package business currently licensed closest to any
96 portion of the building of the relocated place of business as the ending point.

97 (d) On and after July 1, 2009, no municipality or county shall authorize the location of a
98 new retail package liquor licensed place of business or the relocation of an existing retail

99 package liquor licensed place of business engaged in the retail package sales of distilled
100 spirits within 100 feet of any single-family dwelling unit in this state as measured in a
101 straight line, regardless of any structural impediments, using the portion of the building of
102 the place of business to be licensed closest to any portion of the dwelling unit as the
103 starting point and using the portion of the building of the retail package business currently
104 licensed closest to any portion of the building of the place of business to be licensed as the
105 ending point; provided, however, that this limitation shall not apply to any hotel licensed
106 under this chapter. The restriction provided for in this subsection shall not apply at any
107 location for which a license has been issued prior to July 1, 2009, nor to the renewal of
108 such license. Nor shall the restriction of this subsection apply to any location for which a
109 new license is applied for if the sale of distilled spirits was lawful at such location at any
110 time during the 12 months immediately preceding such application.

111 (e) All municipal and county authorities issuing licenses shall within their respective
112 jurisdictions have authority to determine the location of any distillery, wholesale business,
113 or retail business licensed by them, not inconsistent with this title.

114 (f) No state license shall be issued pursuant to this title to any retail package liquor place
115 of business whose location would violate this Code section."

116

SECTION 4.

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