

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 method of measuring distances from existing retail  
8 package liquor stores 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 and in the  
 50 presence of the representative or salesperson of the manufacturer or wholesaler."

51 **SECTION 3.**

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

55 "3-4-49.

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

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

62 relocation of an existing retail package liquor licensed place of business engaged in the  
63 retail package sales of distilled spirits within 500 yards of any other business licensed to  
64 sell package liquor at retail, as measured by the most direct route of travel on the ground;  
65 provided, however, that this limitation shall not apply to any hotel licensed under this  
66 chapter. The restriction provided for in this subsection shall not apply at any location for  
67 which a license has been issued prior to July 1, 1997, nor to the renewal of such license.  
68 Nor shall the restriction of this subsection apply to any location for which a new license is  
69 applied for if the sale of distilled spirits was lawful at such location at any time during the  
70 12 months immediately preceding such application.

71 ~~(b)~~(c) On and after July 1, 2009, no municipality or county shall authorize the location of  
72 a new retail package liquor licensed place of business or the relocation of an existing retail  
73 package liquor licensed place of business engaged in the retail package sales of distilled  
74 spirits within 500 yards of any other business licensed to sell package liquor at retail in this  
75 state as measured in a straight line, regardless of any structural impediments, using the  
76 portion of the building of the place of business to be licensed closest to any portion of the  
77 building of the retail package business currently licensed as the starting point and using the  
78 portion of the building of the retail package business currently licensed closest to any  
79 portion of the building of the place of business to be licensed as the ending point; provided,  
80 however, that this limitation shall not apply to any hotel licensed under this chapter. The  
81 restriction provided for in this subsection shall not apply at any location for which a license  
82 has been issued prior to July 1, 2009, nor to the renewal of such license. Nor shall the  
83 restriction of this subsection apply to any location for which a new license is applied for  
84 if the sale of distilled spirits was lawful at such location at any time during the 12 months  
85 immediately preceding such application.

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

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

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

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

103 **SECTION 4.**

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