

House Bill 604

By: Representatives Benfield of the 85<sup>th</sup>, Stephens of the 164<sup>th</sup>, Dollar of the 45<sup>th</sup>, Drenner of the 86<sup>th</sup>, Harbin of the 118<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 5 of Title 3 of the Official Code of Georgia Annotated,  
2 relating to state license requirements and regulations for the manufacture, distribution, and  
3 sale of malt beverages, so as to provide for the sale of malt beverages manufactured by the  
4 brewer for consumption on the premises and in closed packages in limited quantities for  
5 consumption off the premises; to provide for definitions of certain terms; to provide for  
6 tasting rooms; to provide for license requirements; to provide for bonds; to provide for the  
7 payment of taxes; to authorize certain sales under limited circumstances; to provide for  
8 related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Article 2 of Chapter 5 of Title 3 of the Official Code of Georgia Annotated, relating to state  
12 license requirements and regulations for the manufacture, distribution, and sale of malt  
13 beverages, is amended by adding a new Code section to read as follows:

14 "3-5-38.1.

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

16 (1) 'Premises of the licensee' means property on which malt beverages are manufactured  
17 by a licensed brewer or property located contiguous to the property on which malt  
18 beverages are manufactured and owned by a licensed brewer or by an affiliate of such  
19 licensed brewer.

20 (2) 'Premises of a tasting room' means the property on which a tasting room is located,  
21 regardless of whether such property is owned by a licensed brewer or used by a licensed  
22 brewer to manufacture malt beverages.

23 (3) 'Tasting room' means an outlet or location used for the promotion of a licensed  
24 brewer's malt beverages at which samples of such malt beverages are provided to the  
25 public and at which are conducted the sale of such malt beverages at retail for  
26 consumption on the premises and the sale of such malt beverages in closed packages for

27 consumption off the premises. Samples of a licensed brewer's malt beverages in a tasting  
28 room may be given complimentary or provided for a fee.

29 (b) Food may be provided by a licensed brewer of malt beverages on the premises of the  
30 licensee or the premises of a tasting room at no charge. Food may also be provided by and  
31 brought to the premises of the licensee or the premises of a tasting room by any person or  
32 on behalf of any person to whom such permission has been granted by the licensed brewer.

33 (c) The commissioner may authorize any licensee which is a brewer of malt beverages to  
34 sell the malt beverages it manufactures at retail in a tasting room on the premises of the  
35 licensee for consumption on the premises of the licensee and in closed packages for  
36 consumption off the premises of the licensee and to sell the malt beverages it manufactures  
37 at retail for consumption on the premises of a tasting room and in closed packages for  
38 consumption off the premises of a tasting room at one additional location in this state.  
39 Sales of malt beverages for consumption off the premises of the licensee or off the  
40 premises of a tasting room shall not exceed two liters per person.

41 (d) The annual license tax for each license issued pursuant to this Code section shall be  
42 \$50.00.

43 (e) The surety bond shall be required as a condition upon issuance of a license pursuant  
44 to this Code section in the same manner as required pursuant to Code Section 3-5-25.1 with  
45 respect to malt beverages.

46 (f) Except as otherwise provided in Code Section 3-5-90, malt beverages sold at retail by  
47 a brewer as provided in this Code section shall have levied thereon an excise tax as  
48 prescribed by Code Sections 3-5-60 and 3-5-80, and such tax shall be reported and remitted  
49 to the commissioner as provided in Code Sections 3-2-6 and 3-5-81."

50 **SECTION 2.**

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