

House Bill 661

By: Representative Mitchell of the 88<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 13 of Title 3 of the Official Code of Georgia Annotated, relating to the  
2 sale of alcoholic beverages by Regional Economic Assistance Projects, so as to provide for  
3 a retail license for off-premises consumption for a developer, owner, or operator of a  
4 Regional Economic Assistance Project; to provide for related matters; to provide an effective  
5 date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 13 of Title 3 of the Official Code of Georgia Annotated, relating to the sale of  
9 alcoholic beverages by Regional Economic Assistance Projects, is amended by revising Code  
10 Section 3-13-1, relating to definitions pertaining to the sale of alcoholic beverages by  
11 Regional Economic Assistance Projects, as follows:

12 "3-13-1.

13 As used in this chapter, the term:

14 (1) 'Alcoholic beverages ~~for consumption on premises~~' shall mean malt beverages, wine,  
15 or distilled spirits by the drink for consumption on the premises ~~only~~ or for off-premises  
16 when sold by no more than one retail licensee within a REAP.

17 (2) 'Licensee' shall mean the developer, owner, or operator of the REAP or the  
18 developer, owner, or operator of or any certified project or facility located in a REAP to  
19 whom a state retail on-premises or off-premises consumption dealer license is issued.

20 (3) 'Regional Economic Assistance Project' or 'REAP' shall have the same meaning as  
21 in Code Section 50-8-190 and shall specifically include any certified project or facility  
22 located in a REAP."

**SECTION 2.**

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Said chapter is further amended by revising Code Section 3-13-2, relating to state license requirements to sell alcoholic beverages, as follows:

"3-13-2.

(a) A REAP shall be authorized to sell alcoholic beverages for consumption on premises and for off-premises consumption by one retail licensee within the REAP on days and at times authorized in any jurisdiction within this state for the sale of alcoholic beverages, upon obtaining a state license from the commissioner for the sale of alcoholic beverages.

(b) Prior to the issuance of a state license, the applicant shall obtain a license for the sale of alcoholic beverages from the local governing authority of any county or municipal corporation in which the REAP of developer, owner, or operator to be issued a state license is wholly or partially located; provided, however, that if said local governing authority is not authorized by ordinance or resolution to issue licenses for the sale of alcoholic beverages for consumption on premises, then no local license shall be required. If the local governing authority authorizes the issuance of licenses for the sale of alcoholic beverages for consumption on premises or off-premises by resolution or ordinance after a state license has been issued or renewed, the licensee shall have 60 days after such an ordinance or resolution is passed to obtain the local license. If the applicant or licensee fails to obtain such local license, the applicant shall be denied a state license or the state license shall be subject to suspension or revocation by the commissioner.

(c) A state license issued pursuant to this chapter shall entitle the licensee the right to sell alcoholic beverages for consumption on premises and for one licensee within a REAP the right to sell alcoholic beverages for off-premises consumption on days and at times authorized in any jurisdiction within this state for the sale of alcoholic beverages, regardless of what local ordinance or regulations may be in effect in any jurisdiction in which the REAP is wholly or partially located. The sale of alcoholic beverages for consumption on premises by a licensee and for off-premises consumption by one retail licensee on days and at times authorized by subsection (a) of this Code section which differ from those days and times permitted under a licensee's local license shall not constitute lawful grounds for the denial, revocation, suspension, or nonrenewal of said local license by the local governing authority.

(d) A state license issued pursuant to this chapter shall entitle the licensee the right to sell alcoholic beverages for consumption on premises anywhere within the REAP and for one licensee within a REAP the right to sell alcoholic beverages for on-premises and off-premises consumption."

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**SECTION 3.**

59 This Act shall become effective upon its approval by the Governor or upon its becoming law  
60 without such approval.

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**SECTION 4.**

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