

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."

23

**SECTION 2.**

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

26 "3-13-2.

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

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

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

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

58

**SECTION 3.**

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

61

**SECTION 4.**

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