

The House Committee on Regulated Industries offers the following substitute to SB 68:

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 regulate the sales and sampling of alcoholic beverages; to provide that counties and
3 municipalities with approval of the local housing authority board of commissioners may by
4 resolution or ordinance provide an exception from the prohibition against the sale of
5 alcoholic beverages for consumption on the premises within 100 yards of any housing
6 authority property; to revise certain provisions relating to the issuance of licenses for
7 manufacturing, distributing, and selling of alcoholic beverages and the conduct permitted by
8 those holding such licenses; to authorize samplings for consumption by retail dealers and
9 employees of retail dealers to be conducted by manufacturers and wholesalers of alcoholic
10 beverages and specifically distilled spirits and consumed by retail dealers and retail dealers'
11 employees under certain conditions; to establish the method of measuring distances from
12 existing retail package liquor stores that new retail package liquor stores are permitted to be
13 located; to prohibit the issuance of state licenses to businesses to be located in certain areas;
14 to provide for related matters; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
18 amended by revising subsection (e) of Code Section 3-3-21, relating to sales of alcoholic
19 beverages near churches, school buildings, or other sites, as follows:

20 "(e)(1) As used in this subsection, the term 'housing authority property' means any
21 property containing 300 housing units or fewer owned or operated by a housing authority
22 created by Article 1 of Chapter 3 of Title 8, the 'Housing Authorities Law.'

23 (2) No person knowingly and intentionally may sell any alcoholic beverages for
24 consumption on the premises within 100 yards of any housing authority property;
25 provided, however, that counties and municipalities with the approval of the local
26 housing authority board of commissioners are authorized by resolution or ordinance to

27 exempt such counties and municipalities from the application of this subsection and
 28 provide for such sales. This subsection shall not apply at any location for which a license
 29 has been issued prior to July 1, 2000, nor to the renewal of such license. Nor shall this
 30 subsection apply at any location for which a new license is applied for if the sale of
 31 alcoholic beverages for consumption on the premises was lawful at such location at any
 32 time during the 12 months immediately preceding such application."

33 **SECTION 2.**

34 Said title is further amended by revising Code Section 3-3-26, relating to allowing or
 35 permitting of breaking of packages or drinking of contents thereof on premises, as follows:

36 "3-3-26.

37 (a) No retail dealer shall knowingly and intentionally allow or permit the breaking of any
 38 package or packages containing alcoholic beverages on the premises where sold or allow
 39 or permit the drinking of the contents of such package or packages on the premises where
 40 sold.

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

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

52 **SECTION 3.**

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

56 "3-4-25.

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

60 (b) The license shall not permit the breaking of the package or packages on the premises
 61 where sold and shall not permit the drinking of the contents of the package or packages on
 62 the premises where sold.

63 (c) Nothing in this Code section shall prohibit a representative or salesperson of a
 64 manufacturer or wholesaler from opening a container of distilled spirits on the premises of
 65 a retail dealer for the purposes of providing a sampling of such distilled spirits to a retail
 66 dealer or retail dealer's employee or the drinking or consumption of distilled spirits by a
 67 retail dealer or retail dealer's employee when done so for the purpose of sampling such
 68 distilled spirits, provided that such sampling of distilled spirits shall be done in a retail
 69 dealer's office, storage room, or other area of the premises closed to the public and in the
 70 presence of the representative or salesperson of the manufacturer or wholesaler."

71 **SECTION 4.**

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

75 "3-4-49.

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

80 ~~(b) on~~ On and after July 1, 1997 through June 30, 2009, no municipality or county shall
 81 authorize the location of a new retail package liquor licensed place of business or the
 82 relocation of an existing retail package liquor licensed place of business engaged in the
 83 retail package sales of distilled spirits within 500 yards of any other business licensed to
 84 sell package liquor at retail, as measured by the most direct route of travel on the ground;
 85 provided, however, that this limitation shall not apply to any hotel licensed under this
 86 chapter. The restriction provided for in this subsection shall not apply at any location for
 87 which a license has been issued prior to July 1, 1997, nor to the renewal of such license.
 88 Nor shall the restriction of this subsection apply to any location for which a new license is
 89 applied for if the sale of distilled spirits was lawful at such location at any time during the
 90 12 months immediately preceding such application.

91 ~~(b)(c)(1)~~ On and after July 1, 2009, no municipality or county shall authorize the location
 92 of a new retail package liquor licensed place of business or the relocation of an existing
 93 retail package liquor licensed place of business engaged in the retail package sales of
 94 distilled spirits within 500 yards of any other business licensed to sell package liquor at
 95 retail in this state as measured in a straight line, regardless of any structural impediments,

96 using the portion of the building of the place of business to be licensed closest to any
 97 portion of the building of the retail package business currently licensed as the starting
 98 point and using the portion of the building of the retail package business currently
 99 licensed closest to any portion of the building of the place of business to be licensed as
 100 the ending point; provided, however, that this limitation shall not apply to any hotel
 101 licensed under this chapter.

102 (2) The restriction provided for in this subsection shall not apply at any location for
 103 which:

104 (A) A license has been issued prior to July 1, 2009, nor to the renewal of such license;
 105 or

106 (B) A new license is applied for if the sale of distilled spirits was lawful at such
 107 location at any time during the 12 months immediately preceding such application.

108 (3) If there is a body of water 50 acres or more in size located between the two retail
 109 businesses licensed to sell package liquor at retail in this state, then the 500 yard
 110 restriction provided for in paragraph (1) of this subsection shall be measured by the most
 111 direct route of travel on the ground.

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

115 (2) Subsection (c) of this Code section shall not apply to the relocation of an existing
 116 retail package liquor licensed place of business to adjacent property; provided that the
 117 relocated package liquor licensed place of business is within 500 yards of the existing
 118 retail package liquor licensed place of business as it exists on July 1, 2009, as measured
 119 in a straight line, regardless of any structural impediments, using the portion of the
 120 building of the relocated place of business to be licensed closest to any portion of the
 121 building of the retail package business currently licensed as the starting point and using
 122 the portion of the building of the retail package business currently licensed closest to any
 123 portion of the building of the relocated place of business as the ending point.

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

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

129 **SECTION 5.**

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