

House Bill 99

By: Representatives Spencer of the 180th, Kidd of the 145th, Harrell of the 106th, Cooke of the 18th, Powell of the 32nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 5 of Title 3 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding malt beverages, so as to change the amount of malt
3 beverages that may be produced by a person in his or her private residence; to provide that
4 malt beverages so produced may be transported and delivered for use at home-brew special
5 events; to provide for the issuance of home-brew special event permits; to provide for rules
6 and regulations to be adopted by the state revenue commissioner governing home-brew
7 special events; to prohibit sales and limit consumption of malt beverages produced in a
8 private residence; to provide for related matters; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Article 1 of Chapter 5 of Title 3 of the Official Code of Georgia Annotated, relating to
13 general provisions regarding malt beverages, is amended by revising Code Section 3-5-4,
14 relating to production of malt beverages by a head of household for consumption within own
15 household, as follows:

16 "3-5-4.

17 ~~(a) A head of a household may produce 50 gallons of malt beverages in any one calendar~~
18 ~~year to be consumed within his or her own household without any requirement to be~~
19 ~~licensed for such purpose. No malt beverages produced under this subsection shall be sold~~
20 ~~or offered for sale. Malt beverages so produced shall not be subject to any excise tax~~
21 ~~imposed by this chapter.~~

22 ~~(b) For purposes of this Code section, a single person who is not a dependent of another~~
23 ~~person for purposes of Georgia income taxation shall be considered a head of a household.~~

24 (a)(1) Malt beverages may be produced by a person in his or her private residence
25 subject to the limitations provided in this Code section.

- 26 (2) The total quantity of malt beverages that may be produced in any private residence
 27 shall be as follows:
- 28 (A) Not more than 100 gallons per calendar year if there is only one person of legal
 29 drinking age living in such residence; or
- 30 (B) Not more than 200 gallons per calendar year if there are two or more persons of
 31 legal drinking age living in such residence;
 32 provided that, no more than 50 gallons shall be produced in a 90 day period.
- 33 (b) Except as provided for in subsection (d) of this Code section, malt beverages produced
 34 in compliance with this Code section may only be consumed at the residence where
 35 produced and only by persons of legal drinking age.
- 36 (c) Malt beverages produced under the provisions of this Code section may be removed
 37 from the residence where produced for transportation and delivery by the producer for use
 38 at home-brew special events in a quantity not to exceed 25 gallons, provided that, such malt
 39 beverages are clearly labeled with the following information:
- 40 (1) The name of the producer;
- 41 (2) The address of the residence at which it was produced;
- 42 (3) The name and address of the home-brew special event to which it is being
 43 transported; and
- 44 (4) The permit number under which the home-brew special event is being held.
- 45 (d)(1) Notwithstanding any other provision of this title to the contrary, in all counties and
 46 municipalities in which the sale of malt beverages is lawful, the commissioner may issue
 47 a home-brew special event permit for the holding of home-brew special events including
 48 contests, tastings, and judgings at locations not otherwise licensed under this title. The
 49 commissioner shall specify by rule or regulation the events that shall qualify as
 50 home-brew special events. A home-brew special event permit shall cost \$50.00 and shall
 51 be valid for not more than six events per calendar year.
- 52 (2) Consumption of malt beverages at home-brew special events shall be limited solely
 53 to malt beverages produced pursuant to this Code section, and such malt beverages shall
 54 only be consumed by the participants in and judges of the home-brew special events.
- 55 (3) The commissioner shall adopt rules and regulations governing home-brew special
 56 events and shall place limitations on the amount of malt beverages that may be served at
 57 each event.
- 58 (e) Malt beverages produced pursuant to this Code section shall not be sold, offered for
 59 sale, or made available for consumption by the general public."

60 **SECTION 2.**

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