

House Bill 99 (COMMITTEE SUBSTITUTE)

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 if certain requirements are met; to provide for the issuance of home-brew special
6 event permits; to provide for ordinances or resolutions to be adopted by local governing
7 authorities governing home-brew special events; to prohibit sales and limit consumption of
8 malt beverages produced in a private residence; to amend Code Section 40-6-253 of the
9 Official Code of Georgia Annotated, relating to the consumption of alcoholic beverage or
10 possession of open container of alcoholic beverage in the passenger area of a motor vehicle,
11 so as to provide that a sealed container of home-brew shall not constitute an open alcoholic
12 beverage container; to provide for related matters; to repeal conflicting laws; and for other
13 purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

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

20 "3-5-4.

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

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

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

30 (2) The total quantity of malt beverages that may be produced in any private residence
 31 shall be as follows:

32 (A) Not more than 100 gallons per calendar year if there is only one person of legal
 33 drinking age living in such residence; or

34 (B) Not more than 200 gallons per calendar year if there are two or more persons of
 35 legal drinking age living in such residence;

36 provided, however, that no more than 50 gallons shall be produced in a 90 day period.

37 (b) Except as provided for in subsection (d) of this Code section, malt beverages produced
 38 in compliance with this Code section may only be consumed at the residence where
 39 produced and only by persons of legal drinking age.

40 (c) Malt beverages produced under the provisions of this Code section may be removed
 41 from the residence where produced for transportation and delivery by the producer for use
 42 at home-brew special events in a quantity not to exceed 25 gallons, provided that such malt
 43 beverages are securely sealed in one or more containers and clearly labeled with the
 44 following information:

45 (1) The name of the producer;

46 (2) The address of the residence at which it was produced;

47 (3) The name and address of the home-brew special event to which it is being
 48 transported; and

49 (4) The permit number under which the home-brew special event is being held.

50 If transported in a motor vehicle, the securely sealed containers shall be placed in a locked
 51 glove compartment, a locked trunk, or the area behind the last upright seat of a motor
 52 vehicle that is not equipped with a trunk.

53 (d)(1) Notwithstanding any other provision of this title to the contrary, in all counties and
 54 municipalities in which the sale of malt beverages is lawful, the local governing authority
 55 may issue a home-brew special event permit for the holding of home-brew special events,
 56 including contests, tastings, and judgments at locations not otherwise licensed under this
 57 title. The local governing authority shall specify by ordinance or resolution the events
 58 that shall qualify as home-brew special events. A home-brew special event permit shall
 59 cost \$50.00 and shall be valid for not more than six events per calendar year.

60 (2) Consumption of malt beverages at home-brew special events shall be limited solely
 61 to malt beverages produced pursuant to this Code section, and such malt beverages shall
 62 only be consumed by the participants in and judges of the home-brew special events.

63 (3) Any local governing authority that issues home-brew special event permits shall
64 adopt ordinances or resolutions governing home-brew special events.
65 (e) Malt beverages produced pursuant to this Code section shall not be sold, offered for
66 sale, or made available for consumption by the general public."

67 **SECTION 2.**

68 Code Section 40-6-253 of the Official Code of Georgia Annotated, relating to the
69 consumption of alcoholic beverage or possession of open container of alcoholic beverage in
70 the passenger area of a motor vehicle, is amended by revising paragraph (2) of subsection (a)
71 as follows:

72 "(2) 'Open alcoholic beverage container' means any bottle, can, or other receptacle that:

73 (A) Contains any amount of alcoholic beverage; and

74 (B)(i) Is open or has a broken seal; or

75 (ii) The contents of which are partially removed.

76 ~~A bottle of wine~~ container that has been sealed or resealed pursuant to Code Section
77 3-5-4 or 3-6-4 shall not constitute an open alcoholic beverage container for purposes of
78 this Code section."

79 **SECTION 3.**

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