

House Bill 124 (AS PASSED HOUSE AND SENATE)

By: Representatives Harrell of the 106th, Taylor of the 79th, Powell of the 32nd, Fludd of the 64th, Cooke of the 18th, and others

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 make certain changes relating to requirements governing the sale of distilled spirits
3 and other alcoholic beverages by retailers; to provide that an election in which the votes cast
4 are for disapproval of Sunday package sales by retailers of malt beverages, wine, and
5 distilled spirits shall not nullify the prior election results for approval of Sunday package
6 sales by retailers of malt beverages and wine; to change and provide for further clarification
7 of the definition of the term "retailer"; to provide for related matters; to repeal conflicting
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
12 amended by revising paragraph (2) of subsection (q) of Code Section 3-3-7, relating to local
13 authorization and regulation of sales of alcoholic beverages on Sunday, as follows:

14 "(2) Any governing authority desiring to permit and regulate package sales by retailers
15 of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 P.M.
16 and 11:30 P.M., pursuant to paragraph (1) of this subsection, shall so provide by proper
17 resolution or ordinance specifying the hours during such period when such package sales
18 may occur. Upon receipt of the resolution or ordinance, the election superintendent shall
19 issue the call for an election for the purpose of submitting the question of Sunday
20 package sales by retailers of malt beverages, wine, and distilled spirits to the electors of
21 that county or municipality for approval or rejection. The election superintendent shall
22 issue the call and shall conduct the election on a date and in the manner authorized under
23 Code Section 21-2-540. The election superintendent shall cause the date and purpose of
24 the election to be published once a week for four weeks immediately preceding the date
25 of the election in the official organ of the county. The ballot shall have written or printed
26 thereon the words:

27 '() YES Shall the governing authority of (name of county or municipality) be
 28 authorized to permit and regulate package sales by retailers of malt
 29 () NO beverages, wine, and distilled spirits on Sundays between the hours of 12:30
 30 P.M. and 11:30 P.M.?'

31 All persons desiring to vote for approval of package sales by retailers of malt beverages,
 32 wine, and distilled spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M.
 33 shall vote 'Yes,' and all persons desiring to vote for rejection of package sales by retailers
 34 of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 P.M.
 35 and 11:30 P.M. shall vote 'No.' If more than one-half of the votes cast on the question are
 36 for approval of Sunday package sales by retailers of malt beverages, wine, and distilled
 37 spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M., the resolution or
 38 ordinance approving such Sunday package sales by retailers of malt beverages, wine, and
 39 distilled spirits shall become effective upon the date so specified in that resolution or
 40 ordinance. If more than one-half of the votes cast on the question are for disapproval of
 41 Sunday package sales by retailers of malt beverages, wine, and distilled spirits on
 42 Sundays between the hours of 12:30 P.M. and 11:30 P.M., such rejection shall not nullify
 43 the prior election results for approval of Sunday package sales by retailers of malt
 44 beverages and wine on Sundays between the hours of 12:30 P.M. and 11:30 P.M.
 45 pursuant to subsection (p) of this Code section. The expense of the election shall be
 46 borne by the county or municipality in which the election is held. The election
 47 superintendent shall canvass the returns, declare the result of the election, and certify the
 48 result to the Secretary of State."

49 **SECTION 2.**

50 Said title is further amended by revising paragraph (19) of and by adding a new paragraph
 51 to Code Section 3-1-2, relating to definitions relative to alcoholic beverages generally, as
 52 follows:

53 "(19) 'Retailer' or 'retail dealer' means, except as to distilled spirits, any person who sells
 54 alcoholic beverages, either in unbroken packages or for consumption on the premises, at
 55 retail only to consumers and not for resale. With respect to distilled spirits, the term
 56 ~~means any person who sells distilled spirits in unbroken packages at retail only to~~
 57 ~~consumers and not for resale.~~ shall have the same meaning as the term 'retail package
 58 liquor store.'

59 (19.1) 'Retail package liquor store' means a retail business establishment owned by an
 60 individual, partnership, corporation, association, or other business entity:

61 (A) Primarily engaged in the retail sale of distilled spirits, malt beverages, and wine
62 in unbroken packages, not for consumption on the premises, except as authorized under
63 this chapter; and

64 (B) Which derives from such retail sale of alcoholic beverages in unbroken packages
65 at least 75 percent of its total annual gross sales from the sale of a combination of
66 distilled spirits, malt beverages, and wine."

67 **SECTION 3.**

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