

House Bill 517 (AS PASSED HOUSE AND SENATE)

By: Representatives Williams of the 119<sup>th</sup>, Quick of the 117<sup>th</sup>, Frye of the 118<sup>th</sup>, Tankersley of the 160<sup>th</sup>, Williamson of the 115<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to the  
2 regulation of alcoholic beverages generally, so as to provide for local control of distance  
3 requirements for grocery stores as to the retail sale of wine and malt beverages for  
4 consumption off the premises only such that grocery stores shall be allowed to open in  
5 locations near college campuses such as downtown areas, if so permitted by the local  
6 governing authority; to provide legislative findings; to provide for a definition; to provide  
7 for related matters; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 The General Assembly finds that there are neighborhoods and downtown areas in this state  
11 near college campuses that are underserved by grocery stores, making it difficult for residents  
12 who live in such neighborhoods and downtown areas to access daily essentials and adequate  
13 food supplies and nutrition, especially those residents who do not own automobiles. The  
14 General Assembly further finds that owners of grocery stores may be reluctant to locate such  
15 stores in areas in which it is not possible to sell packages of wine and malt beverages when  
16 such sales are permitted elsewhere in the county or municipality. The General Assembly  
17 further finds that allowing a local governing authority of a county or municipality to have  
18 local control of the distance requirements for the package sales of wine and malt beverages  
19 near college campuses will permit such local governments to determine how to best serve the  
20 public health, safety, and welfare of its citizens.

21 **SECTION 2.**

22 Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to alcoholic  
23 beverages, is amended by revising subsection (a) of Code Section 3-3-21, relating to sales  
24 of alcoholic beverages near churches, school buildings, or other sites, as follows:

25 "(a)(1) No person knowingly and intentionally may sell or offer to sell:

- 26 (A) Any distilled spirits in or within 100 yards of any church building or within 200  
 27 yards of any school building, educational building, school grounds, or college campus;
- 28 (B) Any wine or malt beverages within 100 yards of any school building, school  
 29 grounds, or college campus. This subparagraph shall not apply at any location for which  
 30 a license has been issued prior to July 1, 1981, nor to the renewal of such license. Nor  
 31 shall this subparagraph apply at any location for which a new license is applied for if  
 32 the sale of wine and beer was lawful at such location at any time during the 12 months  
 33 immediately preceding such application; Nothing in this subparagraph shall prohibit  
 34 a grocery store licensed for the retail sale of only wine and malt beverages for  
 35 consumption off the premises from selling wine or malt beverages within 100 yards of  
 36 any college campus, where so permitted by resolution or ordinance of the county or  
 37 municipality. As used in this subparagraph, the term 'grocery store' means a retail  
 38 establishment which has at least 85 percent of its total retail floor space reserved for the  
 39 sale of food and other nonalcoholic items, conducts all of its sales inside the building  
 40 containing its retail floor space, and meets such other criteria as may be required by the  
 41 local governing authority of the county or municipality; or
- 42 (C) Any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic  
 43 treatment center owned and operated by this state or any county or municipal  
 44 government therein. This paragraph shall not apply to any business having a license in  
 45 effect on July 1, 1981.
- 46 (2) As used in this subsection, the term 'school building' or 'educational building' shall  
 47 apply only to state, county, city, or church school buildings and to such buildings at such  
 48 other schools in which are taught subjects commonly taught in the common schools and  
 49 colleges of this state and which are public schools or private schools as defined in  
 50 subsection (b) of Code Section 20-2-690."

51 **SECTION 3.**

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