

House Bill 737

By: Representatives Harrell of the 106th, Spencer of the 180th, Powell of the 32nd, and Mitchell of the 88th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 3 of the Official Code of Georgia Annotated, relating to malt
2 beverages, so as to allow malt beverages produced in private residences to be transported to
3 other locations and consumed by the producer and other individuals; to clarify certain
4 provisions relating to the duties of a local governing authority desiring to allow home-brew
5 special events to be conducted within its jurisdiction; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 5 of Title 3 of the Official Code of Georgia Annotated, relating to malt beverages,
10 is amended by revising Code Section 3-5-4, relating to production of malt beverages in
11 private residences, consumption, and home-brew special events, as follows:

12 "3-5-4.

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

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

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

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

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

22 (b) Except as provided for in ~~subsection~~ subsections (d) and (e) of this Code section, malt
23 beverages produced in compliance with this Code section may only be consumed at the
24 residence where produced, ~~and~~ Such malt beverages may only be consumed by persons of
25 legal drinking age.

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

- 31 (1) The name of the producer;
 32 (2) The address of the residence at which it was produced;
 33 (3) The name and address of the home-brew special event to which it is being
 34 transported; and
 35 (4) The permit number under which the home-brew special event is being held.

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

39 (d) Malt beverages produced under the provisions of this Code section may be removed
 40 from the residence where produced for transportation and delivery by the producer to a
 41 location not licensed under this title for the purpose of consumption by the producer, a
 42 member of the producer's family, or any owner of or guest of any owner at such location
 43 in a quantity not to exceed 128 ounces, provided that such malt beverages are securely
 44 sealed in one or more containers and clearly labeled with the following information:

- 45 (1) The name of the producer; and
 46 (2) The address of the residence at which it was produced.

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

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

60 (2) Home-brew special events shall not be held at any location licensed under this title.

61 ~~(2)~~(3) Consumption of malt beverages at home-brew special events shall be limited
 62 solely to malt beverages produced pursuant to this Code section, and such malt beverages

63 shall only be consumed by the participants in and judges of the home-brew special
64 events.

65 ~~(3) Any local governing authority that issues home-brew special event permits shall~~
66 ~~adopt ordinances or resolutions governing home-brew special events.~~

67 ~~(e)(f)~~ Malt beverages produced pursuant to this Code section shall not be sold, offered for
68 sale, or made available for consumption by the general public."

69 **SECTION 2.**

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