

Senate Bill 335

By: Senators Jones of the 25th, Murphy of the 27th, Millar of the 40th, Staton of the 18th, Unterman of the 45th 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 provide that local governing authorities may authorize retail dealers and retail
3 consumption dealers to conduct tasting events at which samples of malt beverages and wine
4 may be served; to remove the prohibition against brewpub licensees offering or permitting
5 free sampling by customers; to provide for terms and conditions of tasting events; to revise
6 provisions for purposes of conformity; to provide for related matters; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
11 amended by revising Code Section 3-3-26, relating to allowing or permitting the breaking
12 of packages or drinking of contents thereof on premises, as follows:

13 "3-3-26.

14 ~~No~~ Except as provided in Chapter 15 of this title, no retail dealer package liquor store shall
15 knowingly and intentionally allow or permit the breaking of any package or packages
16 containing alcoholic beverages on the premises where sold or allow or permit the drinking
17 of the contents of such package or packages on the premises where sold. ~~This Code section~~
18 ~~shall not apply with respect to sales pursuant to a license for consumption on the premises."~~

19 **SECTION 2.**

20 Said title is further amended by revising Code Section 3-4-25, relating to holder of retail
21 dealer's license authorized to sell only unbroken packages and prohibition against the
22 breaking of packages or drinking of the contents thereof on the premises, as follows:

23 "3-4-25.

24 (a) ~~A~~ Except as provided in Chapter 15 of this title, a retail dealer's license shall authorize
 25 the holder to sell distilled spirits only in the original and unbroken package or packages,
 26 which ~~package or packages~~ shall contain not less than 50 milliliters each.

27 (b) ~~The~~ Except as provided in Chapter 15 of this title, a retail dealer's license shall not
 28 permit the breaking of the package or packages on the premises where sold and shall not
 29 permit the drinking of the contents of the package or packages on the premises where sold."

30 **SECTION 3.**

31 Said title is further amended by revising Code Section 3-5-36, relating to the brewpub
 32 exception to the three-tier distribution system, as follows:

33 "3-5-36.

34 A limited exception to the provisions of Code Sections 3-5-29 through 3-5-32 providing
 35 a three-tier system for the distribution and sale of malt beverages shall exist for owners and
 36 operators of brewpubs, subject to the following terms and conditions:

37 (1) No individual shall be permitted to own or operate a brewpub without first obtaining
 38 a proper license from the commissioner in the manner provided in this title, and each
 39 brewpub licenseholder shall comply with all other applicable state and local license
 40 requirements;

41 (2) A brewpub license authorizes the holder of such license to:

42 (A) Manufacture on the licensed premises not more than 10,000 barrels of ~~beer~~ malt
 43 beverages in a calendar year solely for retail sale on the premises;

44 (B) Operate an eating establishment that shall be the sole retail outlet for ~~such beer~~
 45 malt beverages manufactured on the licensed premises and may offer for sale any other
 46 alcoholic beverages produced by other manufacturers which are authorized for retail
 47 sale under this title, including wine, distilled spirits, and other malt beverages, provided
 48 that such alcoholic beverages are purchased from a licensed wholesaler for
 49 consumption on the premises only; and; provided, further, that in addition to draft ~~beer~~
 50 malt beverages manufactured on the premises, each brewpub licensee shall offer for
 51 sale commercially available canned or bottled malt beverages from licensed
 52 wholesalers; and

53 (C) Notwithstanding any other provision of this paragraph, sell up to a maximum
 54 of 5,000 barrels annually of ~~such beer~~ malt beverages manufactured on the licensed
 55 premises to licensed wholesale dealers for distribution to retailers and retail
 56 consumption dealers;

57 (3) Possession of a brewpub license shall not prevent the holder of such license from
 58 obtaining a retail consumption dealer's license or a retailer's license for the same
 59 premises;

60 (4) A brewpub license does not authorize the holder of such license to sell alcoholic
 61 beverages by the package for consumption off the premises;

62 ~~(5) A brewpub licensee shall not offer or permit any free sampling of beer by its~~
 63 ~~customers on the premises of a brewpub;~~

64 ~~(6)~~(5) The commissioner shall not issue a brewpub license if the brewpub premises are
 65 located in a county or municipality in which the sale of alcoholic beverages is prohibited;
 66 and

67 ~~(7)~~(6) A brewpub licensee shall:

68 (A) Pay all state and local license fees and excise taxes applicable to individuals
 69 licensed by this state as manufacturers, retailers, and, where applicable, wholesalers
 70 under this title;

71 (B) At the request of the commissioner, provide an irrevocable letter of credit or an
 72 Irrevocable Standby Financial Guarantee Bond in favor of the State of Georgia in an
 73 amount sufficient to guarantee such brewpub licensee's estimated tax liability for the
 74 first year of operation; and

75 (C) Measure ~~beer~~ malt beverages manufactured on the licensed premises and otherwise
 76 comply with applicable regulations respecting excise and enforcement tax
 77 determination of such ~~beer~~ malt beverages as required by this title."

78 **SECTION 4.**

79 Said title is further amended by adding a new chapter to read as follows:

80 "CHAPTER 15

81 3-15-1.

82 As used in this chapter, the term:

83 (1) 'Licensed premises' means any premises in which any alcoholic beverages are sold
 84 in unbroken packages or sold or dispensed for consumption on the premises and shall
 85 include any premises which are required by law to be licensed to sell any alcoholic
 86 beverages in unbroken packages or to sell or dispense any alcoholic beverages for
 87 consumption on the premises.

88 (2) 'Licensee' means the holder of a retailer license or a retail consumption dealer license.

89 (3) 'Operator' means an owner, licensee, operator, manager, or person in charge of any
 90 licensed premises.

91 (4) 'Sample' means a small amount of a malt beverage or wine.

92 (5) 'Tasting event' means a scheduled event hosted by a licensee at which samples may
 93 be provided and that may be open to the general public or limited by invitation.

94 3-15-2.

95 (a) Notwithstanding any other provision of this title, in all counties and municipalities in
 96 which the sale of malt beverages and wine is lawful, the governing authority of the county
 97 or municipality, as appropriate, desiring to authorize retailers and retail consumption
 98 dealers to conduct tasting events shall so provide by resolution or ordinance.

99 (b) Any tasting event authorized under subsection (a) of this Code section shall be subject
 100 to the following terms and conditions:

101 (1) A tasting event shall only take place on the licensed premises and only at times at
 102 which malt beverages and wine may be lawfully sold on such licensed premises;

103 (2) Only food that is lawful to sell on the licensed premises, under this title or under any
 104 rules or regulations of the commissioner, may be served as part of a tasting event. Such
 105 food shall be offered at no cost to the consumer;

106 (3) Only malt beverages and wine that the licensee is licensed to sell on the licensed
 107 premises may be offered as samples as part of a tasting event, and such malt beverages
 108 and wine shall be owned by the licensee;

109 (4) During the same calendar day, a consumer shall not be served more than four ounces
 110 of any combination of malt beverages or wine;

111 (5) Any operator or employee of the licensee may refuse a sample to any consumer and
 112 may refuse to provide a sample of any brand or type of malt beverage or wine to any
 113 consumer;

114 (6) If a tasting event is advertised, it shall be open to the public;

115 (7) Any broken package containing malt beverages or wine on the licensed premises that
 116 is not licensed for retail sales for consumption on the premises shall be kept locked in a
 117 secure room or cabinet by the operator of the licensed premises except when in use
 118 during a tasting event; and

119 (8) Such other terms and conditions as may be required by the governing authority of the
 120 county or municipality."

121 **SECTION 5.**

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