

House Bill 737 (COMMITTEE SUBSTITUTE)

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

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 change certain provisions relative to the regulation of alcoholic beverages; to repeal  
3 and reserve Code Section 3-3-24.1, relating to a definition and a penalty; to allow malt  
4 beverages produced in private residences to be transported to other locations and consumed  
5 by the producer and other individuals; to clarify certain provisions relating to the duties of  
6 a local governing authority desiring to allow home-brew special events to be conducted  
7 within its jurisdiction; to provide for related matters; to repeal conflicting laws; and for other  
8 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 repealing and reserving Code Section 3-3-24.1, relating to a definition and  
13 penalty, as follows:

14 "3-3-24.1.

15 ~~(a) For purposes of this Code section, the term 'business establishment primarily engaged~~  
16 ~~in the retail sale of alcoholic beverages in unbroken packages' means an individual,~~  
17 ~~partnership, corporation, association, or other business entity which derives from its retail~~  
18 ~~sale of alcoholic beverages in unbroken packages at least 75 percent of its total annual~~  
19 ~~gross income.~~

20 ~~(b) Reserved.~~

21 ~~(c) Any person violating this Code section shall be guilty of a misdemeanor, except that~~  
22 ~~the violation of this Code section by a person under 17 years of age shall constitute a~~  
23 ~~delinquent act under Chapter 11 of Title 15 and not a misdemeanor Reserved."~~

24 **SECTION 2.**

25 Said title is further amended by revising Code Section 3-5-4, relating to production of malt  
 26 beverages in private residences, consumption, and home-brew special events, as follows:

27 "3-5-4.

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~~ subsections (d) and (e) of this Code section, malt  
 38 beverages produced in compliance with this Code section may only be consumed at the  
 39 residence where produced, and Such malt beverages may only be consumed by persons of  
 40 legal drinking age.

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

46 (1) The name of the producer;

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

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

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

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

54 (d) Malt beverages produced under the provisions of this Code section may be removed  
 55 from the residence where produced for transportation and delivery by the producer to a  
 56 location not licensed under this title; provided, however, that the purpose of removal of  
 57 such malt beverages from the residence where produced shall be limited to consumption  
 58 by the producer, a member of the producer's family, or any owner of or guest of any owner  
 59 at such location in a quantity not to exceed 128 ounces; and provided, further, that such

60 malt beverages shall be securely sealed in one or more containers and clearly labeled with  
 61 the following information:

62 (1) The name of the producer; and

63 (2) The address of the residence at which it was produced.

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

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

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

78 ~~(2)(3)~~ Consumption of malt beverages at home-brew special events shall be limited  
 79 solely to malt beverages produced pursuant to this Code section, and such malt beverages  
 80 shall only be consumed by the participants in and judges of the home-brew special events.

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

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

85 **SECTION 3.**

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