

House Bill 460

By: Representatives Stephens of the 164th, Greene of the 151st, Kidd of the 145th, and Tanner of the 9th

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 4 of Title 3 of the Official Code of Georgia Annotated, relating to distilled
2 spirits, so as to change certain provisions relating to manufacturing of distilled spirits and the
3 promotion such of products; to change certain provisions relating to the number of samples
4 of distilled spirits that may provided to a person in a calendar day; to provide for definitions
5 of certain terms; to authorize retail sales of distilled spirits manufactured by a distiller to be
6 sold on the premises of the distillery; to require a license for retail sales; to specify the
7 quantity of distilled spirits that may be sold at retail; to provide for the conditions under
8 which such retail sales may be conducted; to provide for the collection of excise taxes; to
9 provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 4 of Title 3 of the Official Code of Georgia Annotated, relating to distilled spirits,
13 is amended by revising Code Section 3-4-180, relating to tastings of distilled spirits,
14 definitions, and general provisions, as follows:

15 "3-4-180.

16 (a) As used in this Code section, the term:

17 (1) 'Free tastings' means the provision of complimentary samples of distilled spirits to
18 the public for consumption on the premises of a distiller.

19 (2) 'Sample' means one-half of one ounce of distilled spirits.

20 (b) The commissioner shall, upon proper application therefor, issue an annual permit to
21 any distiller licensed in this state authorizing such distiller to conduct educational and
22 promotional distillery tours which may include free tastings on the premises by members
23 of the public of tax-paid varieties of distilled spirits manufactured by such distiller.

24 (c) No distiller conducting free tastings under this Code section shall provide, directly or
25 indirectly, more than the ~~one sample~~ three samples to a person in one calendar day. Free

26 tastings shall be held in a designated tasting area on the premises of the distiller, and all
27 open bottles shall be visible at all times."

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SECTION 2.

30 Said chapter is further amended by adding a new Code section to read as follows:

31 "3-4-181.

32 (a) As used in this Code section, the term:

33 (1) 'Licensed premises' means a location where the distiller is licensed pursuant to this
34 chapter for the manufacturing, distilling, rectifying, or blending of distilled spirits and
35 includes areas where the distilled spirits are produced or stored and any other areas
36 normally used by the distillery to conduct business.

37 (2) 'Retail sales' means sales of distilled spirits in sealed bottles at retail only to
38 consumers and not for resale.

39 (b) The commissioner shall, upon proper application therefor, issue a license for retail
40 sales to a distiller licensed in this state authorizing such distiller to offer retail sales of
41 distilled spirits manufactured by the distiller at its licensed premises. The distilled spirits
42 sold by the distiller pursuant to such license for retail sales shall be limited to those distilled
43 spirits manufactured by the distiller at the distillery upon whose licensed premises the retail
44 sales are being conducted. The distiller shall sell no more than two bottles of such distilled
45 spirits to the same consumer per day not to exceed three and a half liters of distilled spirits
46 to the same consumer per day.

47 (c) Retail sales made pursuant to this Code section shall be conducted in a designated retail
48 sales area on the licensed premises that may be the same area as the designated tasting area
49 for free tastings conducted pursuant to Code Section 3-4-180.

50 (d) Any distiller conducting retail sales at its licensed premises shall remit excise taxes to
51 the department and local governing authorities for the distilled spirits sold in an amount
52 equal to taxes paid by wholesalers on distilled spirits and shall collect and pay applicable
53 Georgia state and local sales tax on such retail sales. The distillery shall maintain such
54 sales tax reports, documentation, and other information as may be required by the
55 commissioner to ensure collection of all applicable taxes."

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SECTION 3.

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