

House Bill 607

By: Representatives Kirby of the 114th, Dollar of the 45th, Stover of the 71st, Caldwell of the 20th, Brockway of the 102nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated,
2 relating to prohibited acts relative to alcoholic beverages, so as to define certain terms; to
3 provide that beer and wine clubs may ship a certain quantity of alcoholic beverage into the
4 state without the payment of state taxes; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to
9 prohibited acts relative to alcoholic beverages, is amended by revising Code Section 3-3-32,
10 relating to shipment of alcoholic beverages into state by nonresident without license who is
11 in business of selling alcoholic beverages in another state, as follows:

12 "3-3-32.

13 (a) ~~Any~~ Except as provided in subsection (d) of this Code section, any person in the
14 business of selling alcoholic beverages in another state or country who knowingly and
15 intentionally ships or causes to be shipped any alcoholic beverages directly to any resident
16 of this state who does not hold a valid manufacturer's, importer's, broker's, or wholesaler's
17 license issued by the State of Georgia is in violation of this chapter.

18 (b) Any person found by the commissioner to be in violation of subsection (a) of this Code
19 section shall be issued a cease and desist order by certified mail or statutory overnight
20 delivery. Any person who, after receiving a cease and desist order, is found by the
21 commissioner to be in violation of subsection (a) of this Code section for a second or
22 subsequent occurrence, within a two-year period of the first violation, shall be guilty of a
23 felony and, upon conviction thereof, shall be punished by a fine not to exceed \$10,000.00.
24 This subsection shall not apply to any person who has registered brands for sale with the
25 commissioner pursuant to Code Section 3-4-152, 3-5-31 or 3-6-22 and who shall have
26 current licenses and posted adequate surety bonds as required by this title; provided,

27 however, violations of the provisions of subsection (a) of this Code section shall constitute
28 grounds for the commissioner to take appropriate administrative action against such person,
29 including suspension or cancellation of license and forfeiture of bonds.

30 (c) This Code section shall not apply to the direct shipment of sacramental alcoholic
31 beverages to bona fide religious organizations as authorized by the commissioner.

32 (d)(1) As used in this subsection, the term:

33 (A) 'Beer club' means a monthly or quarterly subscription that a person can join to
34 automatically receive preselected high quality beverages.

35 (B) 'Wine club' means a monthly or quarterly subscription that a person can join to
36 automatically receive preselected high quality beverages.

37 (2) Beer clubs and wine clubs shall be authorized to ship, and citizens who are 21 years
38 of age or older shall be authorized to receive, up to six one liter or smaller bottles of
39 alcoholic beverage per month for personal use free of state taxes. Such shipments shall
40 be made to a residential or business address and shall require the signature of an adult
41 who is 21 years of age or older."

42 **SECTION 2.**

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