

House Bill 152 (COMMITTEE SUBSTITUTE)

By: Representatives Duncan of the 26th, Dudgeon of the 25th, Tankersley of the 160th, Martin of the 49th, Frye of the 118th, 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 impose certain requirements upon holders of certain alcohol licenses and those who
3 issue such licenses; to provide for definitions; to change certain provisions relating to notice
4 to the Department of Revenue of violations relating to the sale of alcoholic beverages to
5 underage persons; to require self-reporting of disciplinary actions to the department by
6 persons licensed to manufacture, distribute, or sell alcoholic beverages; to provide for fines
7 and penalties; to provide for the reporting of certain disciplinary actions by counties and
8 municipalities which issue licenses or permits for the manufacture, distribution, or sale of
9 alcoholic beverages; to provide for the state revenue commissioner to promulgate certain
10 rules and regulations; to prohibit individuals under a certain age from being bouncers for or
11 entering certain establishments; to provide for related matters; to provide for effective dates
12 and applicability; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
16 amended by adding a new paragraph to Code Section 3-1-2, relating to definitions, to read
17 as follows:

18 "(2.1) 'Bar' means any premises at which a retailer licensed pursuant to this title to sell
19 alcoholic beverages derives 75 percent or more total annual gross revenue from the sale
20 of alcoholic beverages for consumption on the premises."

21 **SECTION 2.**

22 Said title is further amended by revising Code Section 3-3-2.1, relating to notice to the
23 Department of Revenue of violations relating to the sale of alcoholic beverages to underage
24 persons, as follows:

25 "3-3-2.1.

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

27 (1) 'Disciplinary action' means any citation or arrest arising out of the violation of any
 28 law, rule, regulation, resolution, or ordinance of a governmental entity relating to the
 29 manufacture, distribution, sale, or possession of alcoholic beverages against a licensee,
 30 an employee of a licensee, or any person holding a financial interest in the license of the
 31 licensee on the premises or place of business of any licensee.

32 (2) 'Governmental entity' means the United States government, any state governmental,
 33 any local government, and any department, agency, or instrumentality thereof.

34 (3) 'Licensee' means any person issued a license pursuant to this title by a governmental
 35 entity to operate a bar.

36 (b)(1) Within 45 days of any disciplinary action, the licensee shall notify the department
 37 of the details of such disciplinary action, including the date such action was taken, the
 38 nature of such action, and any other information required by the department, using a
 39 format to be determined by the department.

40 (2) The commissioner may impose a fine not to exceed \$750.00 for each violation of
 41 paragraph (1) of this subsection. A second or subsequent violation of paragraph (1) of
 42 this subsection which occurs within three years from the date of the first violation may
 43 constitute grounds for the suspension, revocation, or cancellation of such person's license.

44 (c) Every ~~Whenever~~ any county or municipality which issues ~~permits or licenses~~
 45 authorizing the manufacture, distribution, or sale of alcoholic beverages ~~is made aware of~~
 46 the fact that the holder of any such permit or license has been convicted of violating
 47 paragraph (1) of subsection (a) of Code Section 3-3-23, prohibiting the furnishing of
 48 alcoholic beverages to underage persons, or takes any ~~shall by resolution or ordinance~~
 49 adopt a policy and implement a process by which any disciplinary action against the holder
 50 of any such permit or license for violating any state law or local ordinance relating to the
 51 sale of alcoholic beverages to underage persons, the county or municipality shall notify a
 52 licensee shall be reported to the department of such violation within 45 days of any officer,
 53 department, agency, or instrumentality of such county or municipality taking such
 54 disciplinary action.

55 (d) The commissioner shall determine and make available the format for the reporting of
 56 disciplinary actions and shall promulgate rules and regulations as to the implementation
 57 and use of such reporting method."

58 **SECTION 2.**

59 Said chapter is further amended by revising Code Section 3-3-24.1, relating to definition and
 60 penalty, as follows:

61 "3-3-24.1.

62 ~~Reserved.~~ (a) As used in this Code section, the term 'bouncer' means an individual
63 primarily performing duties related to verifying age for admittance, security, maintaining
64 order, or safety, or a combination thereof.

65 (b) No person shall allow or require an individual under the age of 21 to serve as a bouncer
66 on a premises or in an establishment where alcoholic beverages are dispensed, served, or
67 sold pursuant to a license issued under this title.

68 (c) No individual under the age of 21 shall enter or be allowed to enter a bar unless he or
69 she is accompanied by his or her parent, guardian, or spouse who is 21 years of age or
70 older."

71 **SECTION 3.**

72 (a) Except as provided in subsection (b) of this section, this Act shall become effective on
73 July 1, 2015.

74 (b) Section 2 of this Act shall become effective on July 1, 2016, and shall be applicable to
75 any disciplinary action which occurs on or after such date.

76 **SECTION 4.**

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