

House Bill 1142

By: Representatives Shaw of the 176th, Smyre of the 135th, Peake of the 141st, Beskin of the 54th, and Beverly of the 143rd

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 authorize retailers of malt beverages and wines to conduct tasting events at which
3 samples of malt beverages and wines may be served; to provide for definitions; to provide
4 for terms and conditions of tasting events; to revise provisions for purposes of conformity;
5 to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "3-3-26.

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

17 **SECTION 2.**

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

19 "CHAPTER 15

20 3-15-1.

21 As used in this chapter, the term:

22 (1) 'Licensed premises' means any premises of a licensee which may be or are required
23 to be licensed by the commissioner to sell any alcoholic beverages in unbroken packages

24 or to sell or dispense any alcoholic beverages for consumption on the premises and which
25 are so licensed.

26 (2) 'Licensee' means the holder of a retailer license for the sale of malt beverages or
27 wines, or both malt beverages and wines.

28 (3) 'Sample' means a small amount of a malt beverage or wine.

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

31 (5) 'Tasting operator' means a manufacturer, wholesaler, or retailer licensed under this
32 title or any contracted third-party agent thereof.

33 3-15-2.

34 (a) Notwithstanding any other provision of this title, in all counties and municipalities in
35 which the sale of malt beverages and wines is lawful, retailers to whom the commissioner
36 has issued a retailer license for malt beverages or wines, or both malt beverages and wines,
37 shall be authorized to allow or conduct tasting events on its licensed premises.

38 (b) The tasting events authorized under subsection (a) of this Code section shall be
39 conducted in accordance with the following terms and conditions:

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

42 (2) Only food that is lawful to be sold on the licensed premises, under this title or under
43 any rules or regulations of the commissioner, may be served as part of a tasting event;

44 (3) Only malt beverages and wines that the licensee is licensed to sell on the licensed
45 premises may be offered as samples as part of a tasting event;

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

48 (5) The tasting event shall be conducted on the licensed premises by a tasting operator;

49 (6) A manufacturer, wholesaler, or retailer that contracts with any third-party agent to
50 conduct a tasting event pursuant to this Code section shall be responsible for any
51 violation of this title by such agent which occurs during or in conjunction with the tasting
52 event;

53 (7) A tasting operator shall not pay a retailer, and a retailer shall not accept, a fee or
54 compensation of any kind, including the provision of any malt beverages or wines at no
55 cost or at a reduced cost, to allow or conduct a tasting event under this chapter;

56 (8) All malt beverages and wines provided or consumed during the tasting event shall
57 be purchased from the retailer at no more than the retail price; provided, however, that
58 a retailer may conduct a tasting event on its own licensed premises using malt beverages
59 and wines from its own inventory;

- 60 (9) The tasting operator shall ensure that all applicable excise, sales, and use taxes on any
61 malt beverages or wines provided at the tasting event have been paid;
- 62 (10) More than one tasting event may be held on the licensed premises each day, but
63 only one tasting operator shall conduct a tasting event on the licensed premises at any one
64 time;
- 65 (11) A tasting operator may refuse a sample to any consumer and may refuse a sample
66 of a particular brand or type of malt beverage or wine to any consumer;
- 67 (12) If a tasting event is advertised, it shall be open to the public;
- 68 (13) Except as provided in paragraph (14) of this subsection, all malt beverages and
69 wines purchased for and provided at the tasting event which remain unconsumed
70 thereafter shall be removed from the licensed premises and disposed of;
- 71 (14) Any broken package containing any malt beverages or wines used in a tasting event
72 held by a retailer that is not licensed by a county or municipality for retail sales for
73 consumption on the premises, or by a contracted third-party agent thereof, shall be kept
74 locked in a secure room or cabinet by the licensee except when in use during a tasting
75 event; and
- 76 (15) Such other terms and conditions as may be required by the governing authority of
77 the county or municipality that are not in conflict with any provisions of this chapter."

78

SECTION 3.

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