

House Bill 1159

By: Representatives Kelley of the 16<sup>th</sup>, Martin of the 49<sup>th</sup>, Quick of the 117<sup>th</sup>, Caldwell of the 20<sup>th</sup>, Frye of the 118<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 3 of the Official Code of Georgia Annotated, relating to malt  
2 beverages, so as to provide for a brewer to sell at wholesale a certain quantity of malt  
3 beverages under certain conditions; to ensure the collection of all applicable taxes; to provide  
4 for statutory construction; to provide for related matters; to repeal conflicting laws; and for  
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 5 of Title 3 of the Official Code of Georgia Annotated, relating to malt beverages,  
9 is amended by revising Code Section 3-5-27, relating to malt beverages acquired by retail  
10 dealers from persons other than licensed wholesale dealers declared contraband, as follows:

11 "3-5-27.

12 Any malt beverage possessed, sold, or offered for sale by a retail dealer which was  
13 purchased or otherwise acquired from any person other than a wholesale dealer authorized  
14 to do business under this chapter or a licensed brewer as provided in Code Section 3-5-27.1  
15 is declared to be contraband and shall be seized by the commissioner or the appropriate  
16 local authorities and disposed of by the commissioner in the manner provided in this title."

17 **SECTION 2.**

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

19 "3-5-27.1.

20 (a) A brewer licensed in this state may sell at wholesale up to 5,000 barrels per calendar  
21 year of malt beverages manufactured on its licensed premises. Any such sales shall be  
22 made only to a licensed retail dealer whose licensed premises is located within the same  
23 county in which the brewer's licensed premises is located.

24 (b) A licensed brewer shall pay all excise taxes on any malt beverages sold at wholesale  
25 in compliance with Code Sections 3-5-60, 3-5-80, and 3-5-81, as is required of a licensed

26 wholesale dealer, and shall maintain such tax reports, documentation, and other  
27 information on any malt beverages sold at wholesale as may be required by the  
28 commissioner through rules and regulations to ensure collection of all applicable taxes.  
29 (c) This Code section shall not be construed to authorize a holder of a brewpub license to  
30 sell malt beverages at wholesale."

31 **SECTION 3.**

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