

House Bill 1158

By: Representatives Kelley of the 16th, Stephens of the 164th, Martin of the 49th, Quick of the 117th, Caldwell of the 20th, 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 clarify that free tastings and free food may be offered by a brewery
3 without conducting a brewery tour; to allow for brewery tours, free souvenirs, free food, and
4 free tastings to be conducted on the same days and at the same times as certain activities by
5 other licensees are permitted within the county or municipality; to provide for local
6 governing authorities to regulate brewery tours and other activities under certain conditions;
7 to provide for related matters; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Chapter 5 of Title 3 of the Official Code of Georgia Annotated, relating to malt beverages,
11 is amended by revising Code Section 3-5-38, relating to permits for free tasting of malt
12 beverages during educational and promotional brewery tours, merchandising, fees for tours,
13 selling of beverages, and administration, as follows:

14 "3-5-38.

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

16 (1) 'Brewery tour' means guided access to the manufacturing portion of the licensed
17 premises of a brewer.

18 (2) 'Free souvenir' means a complimentary sealed container or containers of malt
19 beverages with a total liquid capacity that does not exceed 72 ounces.

20 (3) 'Free tastings' means the provision of complimentary samples of malt beverages to
21 the public for consumption on the premises of a brewer.

22 (4) 'Sample' means a quantity of malt beverages manufactured by the brewer.

23 (b)(1) A brewer licensed in this state may apply to the commissioner for an annual
24 permit authorizing such brewer to conduct educational and promotional brewery tours on
25 the licensed premises of the brewer, free of charge or for a fee, which may include:

26 (A) Free souvenirs;

27 (B) Free food; and

28 (C) Free tastings on the licensed premises of the brewery of malt beverages
29 manufactured by such brewer.

30 (2) No brewer providing free souvenirs pursuant to this subsection shall provide, directly
31 or indirectly, more than one free souvenir to the same individual in one calendar day.
32 Each free souvenir shall consist of malt beverages manufactured by the brewer on the
33 licensed premises.

34 (3) No brewer conducting free tastings pursuant to this subsection shall provide, directly
35 or indirectly, to the same individual in one calendar day more than 36 ounces of malt
36 beverages for consumption on the premises. Free tastings shall be held in a designated
37 tasting area on the licensed premises of the brewer and all open bottles containing malt
38 beverages shall be visible at all times. Free tastings may be conducted and free food may
39 be provided by a brewer to an individual pursuant to this subsection even if a brewery
40 tour is not offered by such brewer or if the individual does not attend a brewery tour.

41 (4) Free souvenirs shall only be provided after the brewery tour and only to individuals
42 who have attended a brewery tour on the same calendar day. Free tastings and free food
43 may be provided before, during, and after a brewery tour. An individual shall be 21 years
44 of age or older to receive a free souvenir or free tasting.

45 (5) The brewer shall pay all excise and use taxes on any samples and all use taxes on any
46 free souvenirs provided pursuant to this subsection.

47 (c) A brewer may provide to the public free of charge or for a fee merchandise such as
48 shirts, glasses, and other promotional items which do not contain alcoholic beverages.

49 (d) If a brewer chooses to charge a fee for a brewery tour pursuant to subsection (b) of this
50 Code section, such brewer may charge varying fees for the brewery tours, provided that
51 such fees are charged prior to the beginning of such tour. The provision of malt beverages
52 by a brewer as part of a brewery tour pursuant to this Code section shall not be deemed a
53 retail sale of alcoholic beverages.

54 (e) No alcoholic beverages shall be sold on any licensed premises for which a permit has
55 been issued pursuant to this Code section.

56 (f) The department shall promulgate and enforce such rules and regulations as it may deem
57 necessary to effectuate the provisions of this Code section.

58 (g) The governing authorities of all counties and municipalities in which the sale of malt
59 beverages for consumption on the premises is lawful shall allow a brewer located within
60 its jurisdiction to whom the commissioner has issued a permit under this Code section to
61 provide brewery tours, free souvenirs, free food, and free tastings on all days and at all
62 times during which consumption on the premises is lawful for any other licensed retailer.
63 The governing authority of any county or municipality may adopt resolutions and

64 ordinances regulating brewery tours, free souvenirs, free food, and free tastings that are not
65 in conflict with this subsection or any other provision of this Code section."

66 **SECTION 2.**

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