

The Senate Committee on Regulated Industries and Utilities offered the following substitute to SB 17:

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 provide that governing authorities of counties and municipalities may authorize sales
3 of such alcoholic beverages during certain times on Sundays; to require a referendum prior
4 to the governing authority of a county or municipality being authorized to permit package
5 sales of alcoholic beverages or sales of alcoholic beverages for consumption on the premises
6 on Sundays during certain time periods; to provide procedures; to change the time on
7 Sundays during which farm wineries may sell certain wine for consumption on the premises;
8 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

11 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
12 amended in Code Section 3-3-7, relating to local authorization and regulation of sales of
13 alcoholic beverages on Sunday, by adding three new subsections to read as follows:

14 "(j)(1) Notwithstanding any other provisions of law, on and after the effective date of this
15 Act, in all counties or municipalities in which the sale of alcoholic beverages is lawful
16 for consumption on the premises, the governing authority of the county or municipality
17 may, by resolution or ordinance conditioned on approval in a referendum, authorize the
18 sale of alcoholic beverages for consumption on the premises on Sundays from ~~12:30 P.M.~~
19 11:00 A.M. until 12:00 Midnight in any licensed establishment which derives at least 50
20 percent of its total annual gross sales from the sale of prepared meals or food in all of the
21 combined retail outlets of the individual establishment where food is served and in any
22 licensed establishment which derives at least 50 percent of its total annual gross income
23 from the rental of rooms for overnight lodging.

24 (2) Any governing authority desiring to permit and regulate Sunday sales pursuant to this
25 subsection, but only after a referendum election, shall so provide by proper resolution or
26

27 ordinance conditioned on a referendum. Not less than ten nor more than 60 days after the
 28 date of approval of such resolution or ordinance, it shall be the duty of the election
 29 superintendent of the county or municipality to issue the call for an election for the
 30 purpose of submitting the question of Sunday sales to the electors of the county or
 31 municipality for approval or rejection. The superintendent shall set the date of the
 32 election for a day not less than 30 nor more than 60 days after the date of the issuance of
 33 the call. The superintendent shall cause the date and purpose of the election to be
 34 published in the official organ of the county once a week for two weeks immediately
 35 preceding the date thereof. The ballot shall have written or printed thereon the words:

36 '() YES Shall the governing authority of (name of municipality or county) be
 37 authorized to permit and regulate Sunday sales of distilled spirits or
 38 () NO alcoholic beverages for beverage purposes by the drink?'

39 All persons desiring to vote for approval of Sunday sales shall vote 'Yes,' and those
 40 persons desiring to vote for rejection of Sunday sales shall vote 'No.' If more than
 41 one-half of the votes cast on the question are for approval of Sunday sales, the governing
 42 authority may by appropriate resolution or ordinance permit and regulate Sunday sales
 43 by licensees. Otherwise, such Sunday sales shall not be permitted. The expense of the
 44 election shall be borne by the county or municipality in which the election is held. It
 45 shall be the duty of the superintendent to hold and conduct the election. It shall be his
 46 further duty to certify the result thereof to the Secretary of State.

47 (3) Notwithstanding this subsection or any other provision of law, all county or
 48 municipal resolutions or ordinances enacted prior to April 6, 1984, pursuant to the
 49 authorizations granted by subsections (a) through (i) of this Code section are declared to
 50 be valid and shall remain in full force and effect unless affirmatively repealed by the
 51 governing authority of the county or municipality.

52 "(j.1)(1) Notwithstanding any other provisions of law, all counties or municipalities in
 53 which the governing authority prior to the effective date of this Act has been authorized
 54 pursuant to a referendum to permit the sale of alcoholic beverages for consumption on
 55 the premises on Sundays from 12:30 P.M. until 12:00 Midnight in any licensed
 56 establishment which derives at least 50 percent of its total annual gross sales from the
 57 sale of prepared meals or food in all of the combined retail outlets of the individual
 58 establishment where food is served and in any licensed establishment which derives at
 59 least 50 percent of its total annual gross income from the rental of rooms for overnight
 60 lodging may, by resolution or ordinance conditioned on approval in a referendum,
 61 authorize the sale of alcoholic beverages for consumption on the premises in any such
 62 establishments on Sundays for an additional hour and a half during the time period of
 63 11:00 A.M. until 12:30 P.M.

64 (2) Any governing authority desiring to permit and regulate Sunday sales pursuant to this
 65 subsection, but only after a referendum election, shall so provide by proper resolution or
 66 ordinance conditioned on a referendum. Not less than ten nor more than 60 days after the
 67 date of approval of such resolution or ordinance, it shall be the duty of the election
 68 superintendent of the county or municipality to issue the call for an election for the
 69 purpose of submitting the question of Sunday sales to the electors of the county or
 70 municipality for approval or rejection. The superintendent shall set the date of the
 71 election for a day not less than 30 nor more than 60 days after the date of the issuance of
 72 the call. The superintendent shall cause the date and purpose of the election to be
 73 published in the official organ of the county once a week for two weeks immediately
 74 preceding the date thereof. The ballot shall have written or printed thereon the words:

75 '() YES Shall the governing authority of (name of municipality or county) be
 76 authorized to permit and regulate Sunday sales of distilled spirits or
 77 alcoholic beverages for beverage purposes by the drink from 11:00
 78 () NO A.M. to 12:30 P.M.?'

79 All persons desiring to vote for approval of such Sunday sales shall vote 'Yes,' and those
 80 persons desiring to vote for rejection of such Sunday sales shall vote 'No.' If more than
 81 one-half of the votes cast on the question are for approval of such Sunday sales, the
 82 governing authority may by appropriate resolution or ordinance permit and regulate such
 83 Sunday sales by licensees. Otherwise, such Sunday sales shall not be permitted. The
 84 expense of the election shall be borne by the county or municipality in which the election
 85 is held. It shall be the duty of the superintendent to hold and conduct the election. It
 86 shall be his or her further duty to certify the result thereof to the Secretary of State.

87 (3) Notwithstanding this subsection or any other provision of law, all county or
 88 municipal resolutions or ordinances enacted prior to April 6, 1984, pursuant to the
 89 authorizations granted by subsections (a) through (i) of this Code section are declared to
 90 be valid and shall remain in full force and effect unless affirmatively repealed by the
 91 governing authority of the county or municipality."

92 "(p)(1) Notwithstanding other laws, on and after the effective date of this Act in each
 93 county or municipality in which package sales of malt beverages and wine by retailers
 94 are lawful, but package sales of distilled spirits by retailers are not lawful, the governing
 95 authority of the county or municipality, as appropriate, may authorize package sales by
 96 retailers of malt beverages and wine on Sundays between the hours of ~~12:30 P.M.~~ 11:00
 97 A.M. and 11:30 P.M., if such Sunday sales of both malt beverages and wine are approved
 98 by referendum as provided in paragraph (2) of this subsection.

99 (2) Any On and after the effective date of this Act, any governing authority desiring to
 100 permit and regulate package sales by retailers of both malt beverages and wine on

101 Sundays between the hours of ~~12:30 P.M.~~ 11:00 A.M. and 11:30 P.M., pursuant to
 102 paragraph (1) of this subsection, shall so provide by proper resolution or ordinance
 103 specifying the hours during such period when such package sales may occur. Upon
 104 receipt of the resolution or ordinance, the election superintendent shall issue the call for
 105 an election for the purpose of submitting the question of Sunday package sales by
 106 retailers of both malt beverages and wine to the electors of that county or municipality
 107 for approval or rejection. The election superintendent shall issue the call and shall
 108 conduct the election on a date and in the manner authorized under Code Section
 109 21-2-540. The election superintendent shall cause the date and purpose of the election
 110 to be published once a week for four weeks immediately preceding the date of the
 111 election in the official organ of the county. The ballot shall have written or printed
 112 thereon the words:

113 '() YES Shall the governing authority of (name of county or municipality) be
 114 authorized to permit and regulate package sales by retailers of both malt
 115 () NO beverages and wine on Sundays between the hours of ~~12:30 P.M.~~ 11:00
 116 A.M. and 11:30 P.M.?'

117 All persons desiring to vote for approval of package sales by retailers of malt beverages
 118 and wine on Sundays between the hours of ~~12:30 P.M.~~ 11:00 A.M. and 11:30 P.M. shall
 119 vote 'Yes,' and all persons desiring to vote for rejection of package sales by retailers of
 120 malt beverages and wine on Sundays between the hours of ~~12:30 P.M.~~ 11:00 A.M. and
 121 11:30 P.M. shall vote 'No.' If more than one-half of the votes cast on the question are for
 122 approval of Sunday package sales by retailers of malt beverages and wine on Sundays
 123 between the hours of ~~12:30 P.M.~~ 11:00 A.M. and 11:30 P.M., the resolution or ordinance
 124 approving such Sunday package sales by retailers of malt beverages and wine shall
 125 become effective upon the date so specified in that resolution or ordinance. The expense
 126 of the election shall be borne by the county or municipality in which the election is held.
 127 The election superintendent shall canvass the returns, declare the result of the election,
 128 and certify the result to the Secretary of State.

129 (3) Whenever package sales of malt beverages and wine on Sundays between the hours
 130 of ~~12:30 P.M.~~ 11:00 A.M. and 11:30 P.M. are authorized by a county or municipality
 131 pursuant to this subsection, Sunday package sales by retailers of malt beverages and wine
 132 may be made only by licensed retailers that are licensed to sell by the package.

133 (4) The provisions of this subsection are in addition to or cumulative of and not in lieu
 134 of any other provisions of this title relative to the sale of malt beverages and wine by
 135 retailers."

136 "(p.1)(1) Notwithstanding other laws, all counties or municipalities in which the
 137 governing authority prior to the effective date of this Act has been authorized pursuant

138 to a referendum to permit package sales of malt beverages and wine, but not distilled
 139 spirits, by retailers on Sundays between the hours of 12:30 P.M. and 11:30 P.M. may
 140 authorize package sales by retailers of malt beverages and wine on Sundays for an
 141 additional hour and a half during the time period of 11:00 A.M. until 12:30 P.M., if such
 142 Sunday sales of both malt beverages and wine are approved by referendum as provided
 143 in paragraph (2) of this subsection.

144 (2) Any governing authority desiring to permit and regulate package sales by retailers
 145 of both malt beverages and wine on Sundays between the hours of 11:00 A.M. and 12:30
 146 P.M., pursuant to paragraph (1) of this subsection, shall so provide by proper resolution
 147 or ordinance specifying the hours during such period when such package sales may occur.
 148 Upon receipt of the resolution or ordinance, the election superintendent shall issue the
 149 call for an election for the purpose of submitting the question of Sunday package sales
 150 by retailers of both malt beverages and wine to the electors of that county or municipality
 151 for approval or rejection. The election superintendent shall issue the call and shall
 152 conduct the election on a date and in the manner authorized under Code Section
 153 21-2-540. The election superintendent shall cause the date and purpose of the election
 154 to be published once a week for four weeks immediately preceding the date of the
 155 election in the official organ of the county. The ballot shall have written or printed
 156 thereon the words:

157 '() YES Shall the governing authority of (name of county or municipality) be
 158 authorized to permit and regulate package sales by retailers of both malt
 159 () NO beverages and wine on Sundays between the hours of 11:00 A.M. and 12:30
 160 P.M.?'

161 All persons desiring to vote for approval of package sales by retailers of malt beverages
 162 and wine on Sundays between the hours of 11:00 A.M. and 12:30 P.M. shall vote 'Yes,'
 163 and all persons desiring to vote for rejection of package sales by retailers of malt
 164 beverages and wine on Sundays between the hours of 11:00 A.M. and 12:30 P.M. shall
 165 vote 'No.' If more than one-half of the votes cast on the question are for approval of
 166 Sunday package sales by retailers of malt beverages and wine on Sundays between the
 167 hours of 11:00 A.M. and 12:30 P.M., the resolution or ordinance approving such Sunday
 168 package sales by retailers of malt beverages and wine shall become effective upon the
 169 date so specified in that resolution or ordinance. The expense of the election shall be
 170 borne by the county or municipality in which the election is held. The election
 171 superintendent shall canvass the returns, declare the result of the election, and certify the
 172 result to the Secretary of State.

173 (3) Whenever package sales of malt beverages and wine on Sundays between the hours
 174 of 11:00 A.M. and 12:30 P.M. are authorized by a county or municipality pursuant to this

175 subsection, Sunday package sales by retailers of malt beverages and wine may be made
 176 only by licensed retailers that are licensed to sell by the package.

177 (4) The provisions of this subsection are in addition to or cumulative of and not in lieu
 178 of any other provisions of this title relative to the sale of malt beverages and wine by
 179 retailers."

180 "(q)(1) Notwithstanding other laws, on and after the effective date of this Act in each
 181 county or municipality in which package sales of malt beverages, wine, and distilled
 182 spirits by retailers are all lawful, the governing authority of the county or municipality,
 183 as appropriate, may authorize package sales by retailers of malt beverages, wine, and
 184 distilled spirits on Sundays between the hours of ~~12:30 P.M.~~ 11:00 A.M. and 11:30 P.M.,
 185 if such Sunday sales of malt beverages, wine, and distilled spirits are approved by
 186 referendum as provided in paragraph (2) of this subsection. If the governing authority
 187 seeks authorization for Sunday sales of alcoholic beverages pursuant to this subsection,
 188 the governing authority shall seek authorization of package sales by retailers of all
 189 alcoholic beverages, including malt beverages, wine, and distilled spirits, and not of only
 190 one type of alcoholic beverage.

191 (2) ~~Any~~ On and after the effective date of this Act, any governing authority desiring to
 192 permit and regulate package sales by retailers of malt beverages, wine, and distilled
 193 spirits on Sundays between the hours of ~~12:30 P.M.~~ 11:00 A.M. and 11:30 P.M., pursuant
 194 to paragraph (1) of this subsection, shall so provide by proper resolution or ordinance
 195 specifying the hours during such period when such package sales may occur. Upon
 196 receipt of the resolution or ordinance, the election superintendent shall issue the call for
 197 an election for the purpose of submitting the question of Sunday package sales by
 198 retailers of malt beverages, wine, and distilled spirits to the electors of that county or
 199 municipality for approval or rejection. The election superintendent shall issue the call
 200 and shall conduct the election on a date and in the manner authorized under Code Section
 201 21-2-540. The election superintendent shall cause the date and purpose of the election
 202 to be published once a week for four weeks immediately preceding the date of the
 203 election in the official organ of the county. The ballot shall have written or printed
 204 thereon the words:

205 '() YES Shall the governing authority of (name of county or municipality) be
 206 authorized to permit and regulate package sales by retailers of malt
 207 () NO beverages, wine, and distilled spirits on Sundays between the hours of ~~12:30~~
 208 ~~P.M.~~ 11:00 A.M. and 11:30 P.M.?'

209 All persons desiring to vote for approval of package sales by retailers of malt beverages,
 210 wine, and distilled spirits on Sundays between the hours of ~~12:30 P.M.~~ 11:00 A.M. and
 211 11:30 P.M. shall vote 'Yes,' and all persons desiring to vote for rejection of package sales

212 by retailers of malt beverages, wine, and distilled spirits on Sundays between the hours
 213 of ~~12:30 P.M.~~ 11:00 A.M. and 11:30 P.M. shall vote 'No.' If more than one-half of the
 214 votes cast on the question are for approval of Sunday package sales by retailers of malt
 215 beverages, wine, and distilled spirits on Sundays between the hours of ~~12:30 P.M.~~ 11:00
 216 A.M. and 11:30 P.M., the resolution or ordinance approving such Sunday package sales
 217 by retailers of malt beverages, wine, and distilled spirits shall become effective upon the
 218 date so specified in that resolution or ordinance. If more than one-half of the votes cast
 219 on the question are for disapproval of Sunday package sales by retailers of malt
 220 beverages, wine, and distilled spirits on Sundays between the hours of ~~12:30 P.M.~~ 11:00
 221 A.M. and 11:30 P.M., such rejection shall not nullify the prior election results for
 222 approval of Sunday package sales by retailers of malt beverages and wine on Sundays
 223 between the hours of ~~12:30 P.M.~~ 11:00 A.M. and 11:30 P.M. pursuant to subsection (p)
 224 of this Code section. The expense of the election shall be borne by the county or
 225 municipality in which the election is held. The election superintendent shall canvass the
 226 returns, declare the result of the election, and certify the result to the Secretary of State.

227 (3) Whenever package sales of malt beverages, wine, and distilled spirits on Sundays
 228 between the hours of ~~12:30 P.M.~~ 11:00 A.M. and 11:30 P.M. are authorized by a county
 229 or municipality pursuant to this subsection, Sunday package sales by retailers of malt
 230 beverages, wine, and distilled spirits may be made only by licensed retailers that are
 231 licensed to sell by the package.

232 (4) The provisions of this subsection are in addition to or cumulative of and not in lieu
 233 of any other provisions of this title relative to the sale of alcoholic beverages by retailers.”
 234 “(q.1)(1) Notwithstanding other laws, all counties or municipalities in which the
 235 governing authority prior to the effective date of this Act has been authorized pursuant
 236 to a referendum to permit package sales of malt beverages, wine, and distilled spirits by
 237 retailers on Sundays between the hours of 12:30 P.M. and 11:30 P.M. may authorize
 238 package sales by retailers of malt beverages, wine, and distilled spirits on Sundays for an
 239 additional hour and a half during the time period of 11:00 A.M. until 12:30 P.M., if such
 240 Sunday sales of malt beverages, wine, and distilled spirits are approved by referendum
 241 as provided in paragraph (2) of this subsection. If the governing authority seeks
 242 authorization for such Sunday sales of alcoholic beverages pursuant to this subsection,
 243 the governing authority shall seek such authorization of package sales by retailers of all
 244 alcoholic beverages, including malt beverages, wine, and distilled spirits, and not of only
 245 one type of alcoholic beverage.

246 (2) Any governing authority desiring to permit and regulate package sales by retailers
 247 of malt beverages, wine, and distilled spirits on Sundays between the hours of 11:00 A.M.
 248 and 12:30 P.M., pursuant to paragraph (1) of this subsection, shall so provide by proper

249 resolution or ordinance specifying the hours during such period when such package sales
 250 may occur. Upon receipt of the resolution or ordinance, the election superintendent shall
 251 issue the call for an election for the purpose of submitting the question of Sunday
 252 package sales by retailers of malt beverages, wine, and distilled spirits to the electors of
 253 that county or municipality for approval or rejection. The election superintendent shall
 254 issue the call and shall conduct the election on a date and in the manner authorized under
 255 Code Section 21-2-540. The election superintendent shall cause the date and purpose of
 256 the election to be published once a week for four weeks immediately preceding the date
 257 of the election in the official organ of the county. The ballot shall have written or printed
 258 thereon the words:

259 '() YES Shall the governing authority of (name of county or municipality) be
 260 authorized to permit and regulate package sales by retailers of malt
 261 () NO beverages, wine, and distilled spirits on Sundays between the hours of 11:00
 262 A.M. and 12:30 P.M.?'

263 All persons desiring to vote for approval of package sales by retailers of malt beverages,
 264 wine, and distilled spirits on Sundays between the hours of 11:00 A.M. and 12:30 P.M.
 265 shall vote 'Yes,' and all persons desiring to vote for rejection of package sales by retailers
 266 of malt beverages, wine, and distilled spirits on Sundays between the hours of 11:00 A.M.
 267 and 12:30 P.M. shall vote 'No.' If more than one-half of the votes cast on the question are
 268 for approval of Sunday package sales by retailers of malt beverages, wine, and distilled
 269 spirits on Sundays between the hours of 11:00 A.M. and 12:30 P.M., the resolution or
 270 ordinance approving such Sunday package sales by retailers of malt beverages, wine, and
 271 distilled spirits shall become effective upon the date so specified in that resolution or
 272 ordinance. If more than one-half of the votes cast on the question are for disapproval of
 273 Sunday package sales by retailers of malt beverages, wine, and distilled spirits on
 274 Sundays between the hours of 11:00 A.M. and 12:30 P.M., such rejection shall not nullify
 275 the prior election results for approval of Sunday package sales by retailers of malt
 276 beverages and wine on Sundays between the hours of 11:00 A.M. and 12:30 P.M.
 277 pursuant to subsection (p) of this Code section. The expense of the election shall be
 278 borne by the county or municipality in which the election is held. The election
 279 superintendent shall canvass the returns, declare the result of the election, and certify the
 280 result to the Secretary of State.

281 (3) Whenever package sales of malt beverages, wine, and distilled spirits on Sundays
 282 between the hours of 11:00 A.M. and 12:30 P.M. are authorized by a county or
 283 municipality pursuant to this subsection, Sunday package sales by retailers of malt
 284 beverages, wine, and distilled spirits may be made only by licensed retailers that are
 285 licensed to sell by the package.

286 (4) The provisions of this subsection are in addition to or cumulative of and not in lieu
 287 of any other provisions of this title relative to the sale of alcoholic beverages by retailers."

288 **SECTION 2.**

289 Said title is further amended by revising Code Section 3-6-21.2, relating to Sunday sales on
 290 farm wineries, off-site sales, and sales in special entertainment districts, as follows:

291 "3-6-21.2.

292 Notwithstanding any other provisions of this title to the contrary, in all counties in which
 293 the sale of wine is lawful by a farm winery and in all municipalities in which the sale of
 294 wine is lawful by a farm winery, a farm winery which is licensed to sell its wine in a tasting
 295 room or other licensed farm winery facility within the county or municipality, as the case
 296 may be, for consumption on the premises or in closed packages for consumption off the
 297 premises shall be authorized to sell its wine and the wine of any other Georgia farm winery
 298 licensee on Sundays from 12:30 P.M. until 12:00 Midnight in ~~the~~ a tasting room or other
 299 licensed farm winery facility, to the same extent as its county or municipal license would
 300 otherwise permit; provided, however, that if such sales of wine on Sundays are lawful at
 301 a time earlier than 12:30 P.M. within the county or municipality in which the licensed
 302 premises of the Georgia farm winery is located, the Georgia farm winery shall be
 303 authorized to sell its wine and the wine of any other Georgia farm winery licensee
 304 beginning at such earlier time. Nothing in this Code section shall be construed so as to
 305 authorize a farm winery to sell wine as provided in this Code section on any other premises
 306 which are not actually located on the property where such farm wine is produced, except
 307 in special entertainment districts designated by the local governing authority of the county
 308 or municipality, as applicable."

309 **SECTION 3.**

310 This Act shall become effective upon its approval by the Governor or upon its becoming law
 311 without such approval.

312 **SECTION 4.**

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