

House Bill 271

By: Representatives Carpenter of the 4<sup>th</sup>, Powell of the 171<sup>st</sup>, Hatchett of the 150<sup>th</sup>, Dollar of the 45<sup>th</sup>, and Williams of the 148<sup>th</sup>

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 change certain licensing requirements of farm wineries and fruit growers; to remove  
3 certain limitations as to tasting rooms for Georgia farm wineries licensed as fruit growers;  
4 to authorize a farm winery to sell a certain amount of wine at wholesale without offering its  
5 products for sale to a licensed wholesaler; to provide for related matters; to repeal conflicting  
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is  
10 amended by revising subsection (e) of Code Section 3-4-24, relating to issuance to fruit  
11 growers of license to manufacture distilled spirits, storage and disposition, limitations upon  
12 manufacture and sale, insurance of manufacturer's or distiller's license in certain counties or  
13 municipalities, and tasting limitations for certain licensees, as follows:

14 "(e) The commissioner may issue a license pursuant to this Code section to a fruit grower  
15 licensed as a farm winery, authorizing such fruit grower to manufacture distilled spirits and  
16 fortified wines for sale exclusively through a licensed and designated wholesaler; ~~provided,~~  
17 ~~however, that the farm winery has no more than one tasting room located on its licensed~~  
18 ~~premises. For purposes of this subsection, the term 'licensed premises' shall mean the~~  
19 ~~premises for which the farm winery license is issued or property located contiguous to the~~  
20 ~~farm winery and owned by the winery."~~

21 **SECTION 2.**

22 Said title is further amended by revising subsection (b) and paragraph (1) of subsection (c)  
23 of Code Section 3-6-21.1, relating to licensing and taxation requirements of farm wineries  
24 to engage in retail and wholesale sales of wine, as follows:

25 "(b) The commissioner may authorize any Georgia farm winery to offer wine samples and  
26 to make retail sales of its wine and the wine of any other Georgia farm winery in tasting  
27 rooms at the winery and at five additional locations in this state for consumption on the  
28 premises and in closed packages for consumption off the premises; ~~provided, however, that~~  
29 ~~notwithstanding any other provisions of this title to the contrary, if the licensee is also~~  
30 ~~issued a license pursuant to Code Section 3-4-24, the commissioner shall not authorize~~  
31 ~~more than one tasting room for such Georgia farm winery and shall require that such~~  
32 ~~tasting room shall be located on the licensed premises of the Georgia farm winery; and~~  
33 ~~provided, further, that the Georgia farm winery shall not sell its wine or the wine of any~~  
34 ~~other farm winery in more than one tasting room, and such tasting room shall be located~~  
35 ~~on the licensed premises of the Georgia farm winery. For purposes of this subsection, the~~  
36 ~~term 'licensed premises' shall mean the premises for which the farm winery license is~~  
37 ~~issued or property located contiguous to the farm winery and owned by the farm winery.~~

38 (c)(1) ~~The commissioner may authorize any~~ Any licensee which is a farm winery shall  
39 be authorized, in accordance with regulations of the commissioner, to sell up to 24,000  
40 gallons ~~per calendar year~~ of its wine at wholesale within the state per calendar year;  
41 ~~provided, however, that the commissioner shall not authorize any licensed farm winery~~  
42 ~~to sell its wine at wholesale unless such licensed farm winery shall have first offered its~~  
43 ~~products for sale at a fair market wholesale price to a licensed Georgia wholesaler and~~  
44 ~~such wholesaler does not accept the farm winery's product within 30 days of such offer."~~

45 **SECTION 2.**

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