

The Senate Committee on Regulated Industries and Utilities offered the following substitute to HB 76:

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 for and change certain provisions regulating the sale and consumption of
3 alcoholic beverages; to provide a limited exception to the distance requirements for certain
4 sales of alcoholic beverages in areas designated as historic districts if so permitted by the
5 local governing authority; to remove certain exceptions to the distance requirements for sales
6 of alcoholic beverages; to provide that counties and municipalities in which package sales
7 of distilled spirits are lawful may authorize tasting events in retail package liquor stores upon
8 passage of a referendum; to provide for notification of tasting events; to provide for the
9 remission of taxes applicable to tasting events; to provide for the promulgation of rules and
10 regulations by the state revenue commissioner; to specify that manufacturers and wholesalers
11 may provide samples of alcoholic beverages to retail dealers under certain conditions; to
12 revise provisions for purposes of conformity; to provide for related matters; to repeal
13 conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 style="text-align:center">**SECTION 1.**

16 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
17 amended by revising subsection (a) of Code Section 3-3-21, relating to sales of alcoholic
18 beverages near churches, school buildings, or other sites, as follows:

19 "(a)(1) No person knowingly and intentionally may sell or offer to sell:

20 (A) Any distilled spirits in or within 100 yards of any church building or within 200
21 yards of any school building, educational building, school grounds, or college campus;
22 provided, however, that nothing in this subparagraph shall prohibit licensees for retail
23 sales of closed packages of alcoholic beverages for consumption off the premises from
24 selling distilled spirits in or within 200 yards of any college campus owned or operated
25 by a private international college specializing in art and design and located within a

26 designated historic district of a nonconsolidated county or municipality, where so
 27 permitted by resolution or ordinance of such county or municipality;

28 (B) Any wine or malt beverages within 100 yards of any school building, school
 29 grounds, or college campus. This subparagraph shall not apply at any location for
 30 which a license has been issued prior to July 1, 1981, nor to the renewal of such license.
 31 Nor shall this subparagraph apply at any location for which a new license is applied for
 32 if the sale of wine and beer was lawful at such location at any time during the 12
 33 months immediately preceding such application. ~~Nothing in this subparagraph shall~~
 34 ~~prohibit a grocery store licensed for the retail sale of only wine and malt beverages for~~
 35 ~~consumption off the premises from selling wine or malt beverages within 100 yards of~~
 36 ~~any school building, school grounds, or college campus, where so permitted by~~
 37 ~~resolution or ordinance of the county or municipality. As used in this subparagraph, the~~
 38 ~~term 'grocery store' means a retail establishment which has a total retail floor space of~~
 39 ~~at least 10,000 square feet of which at least 85 percent is reserved for the sale of food~~
 40 ~~and other nonalcoholic items, conducts all of its sales inside the building containing its~~
 41 ~~retail floor space, and meets such other criteria as may be required by the local~~
 42 ~~governing authority of the county or municipality~~ Nothing in this subparagraph shall
 43 prohibit licensees for retail sales of closed packages of alcoholic beverages for
 44 consumption off the premises from selling wine or malt beverages within 100 yards of
 45 any college campus owned or operated by a private international college specializing
 46 in art and design and located within a designated historic district of a nonconsolidated
 47 county or municipality, where so permitted by resolution or ordinance of such county
 48 or municipality; or

49 (C) Any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic
 50 treatment center owned and operated by this state or any county or municipal
 51 government therein. This paragraph shall not apply to any business having a license
 52 in effect on July 1, 1981.

53 (2) As used in this subsection, the term 'school building' or 'educational building' shall
 54 apply only to state, county, city, or church school buildings and to such buildings at such
 55 other schools in which are taught subjects commonly taught in the common schools and
 56 colleges of this state and which are public schools or private schools as defined in
 57 subsection (b) of Code Section 20-2-690."

58

SECTION 2.

59 Said title is further amended by revising Code Section 3-3-26, relating to allowing or
 60 permitting the breaking of packages or drinking of contents thereof on premises, as follows:

61 "3-3-26.

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

68 (b) Nothing in this title shall be construed to prohibit a representative or salesperson of a
 69 manufacturer or wholesaler from opening a package of alcoholic beverages on the premises
 70 of a retail package liquor store or other retail dealer for the purpose of providing samples
 71 of such alcoholic beverage product to a retail dealer or its employees for consumption on
 72 the licensed premises, provided that:

73 (1) All samples are provided and consumed in the presence of a representative or
 74 salesperson of the manufacturer or wholesaler in an office, storage room, or other area
 75 of the licensed premises of the retail dealer that is closed to the public; and

76 (2) Such representative or salesperson of the manufacturer or wholesaler removes from
 77 the licensed premises any packages he or she brought onto such licensed premises in
 78 order to provide samples of alcoholic beverage products.

79 For purposes of this subsection, the term 'sample' means a small amount of any malt
 80 beverage, wine, or distilled spirits.

81 (c) The commissioner shall promulgate and enforce such rules and regulations as he or she
 82 may deem reasonable and necessary to effectuate the provisions of this Code section."

83 **SECTION 3.**

84 Said title is further amended by revising Code Section 3-4-25, relating to holder of retail
 85 dealer's license authorized to sell only unbroken packages and prohibition against the
 86 breaking of packages or drinking of the contents thereof on the premises, as follows:

87 "3-4-25.

88 (a) Except as provided in Code Section 3-3-26 or Chapter 15 of this title, a ~~A~~ retail dealer's
 89 license shall authorize the holder to sell distilled spirits only in the original and unbroken
 90 package or packages, which ~~package or packages~~ shall contain not less than 50 milliliters
 91 each.

92 (b) Except as provided in Code Section 3-3-26 or Chapter 15 of this title, a retail dealer's
 93 ~~The~~ license shall not permit the breaking of the package or packages on the premises where
 94 sold and shall not permit the drinking of the contents of the package or packages on the
 95 premises where sold."

96

SECTION 4.

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

98

"CHAPTER 1599 3-15-1.100 As used in this chapter, the term:101 (1) 'Licensed premises' means any premises in which any alcoholic beverages are sold
102 in unbroken packages and shall include any premises which are required by law to be
103 licensed to sell any alcoholic beverages in unbroken packages.104 (2) 'Licensee' means the holder of a retail package liquor store license.105 (3) 'Operator' means an owner, licensee, operator, manager, or person in charge of any
106 licensed premises.107 (4) 'Sample' means a small amount of any malt beverage, wine, or distilled spirits.108 (5) 'Tasting event' means a scheduled event hosted by a licensee at which free samples
109 may be provided and that may be open to the general public or limited by invitation.110 3-15-2.111 (a) In every county and municipality in which package sales of distilled spirits are lawful,
112 tasting events in retail package liquor stores as provided in this chapter may be authorized
113 after approval as provided in this Code section.114 (b) A governing authority of a county or municipality in which package sales of distilled
115 spirits are lawful that desires to permit tasting events in retail package liquor stores shall
116 so provide by proper resolution or ordinance conditioned on a referendum. It shall be the
117 duty of the election superintendent of the county or municipality to issue the call for an
118 election for the purpose of submitting the question of tasting events in retail package liquor
119 stores to the electors of the county or municipality for approval or rejection in accordance
120 with the provisions of Chapter 2 of Title 21, the 'Georgia Election Code.' The
121 superintendent shall cause the date and purpose of the election to be published in the
122 official organ of the county once a week for two weeks immediately preceding the date
123 thereof. The ballot shall have written or printed thereon the words:124 '() YES Shall the governing authority of (name of municipality or county) be125 () NO authorized to permit tasting events in retail package liquor stores?'126 All persons desiring to vote for approval of tasting events in retail package liquor stores
127 shall vote 'Yes,' and those persons desiring to vote for rejection of tasting events in retail
128 package liquor stores shall vote 'No.' If more than one-half of the votes cast on the
129 question are for approval of tasting events in retail package liquor stores, the governing

130 authority may by appropriate resolution or ordinance permit tasting events in retail package
131 liquor stores. Otherwise, such tasting events in retail package liquor stores shall not be
132 permitted. The expense of the election shall be borne by the county or municipality in
133 which the election is held. It shall be the duty of the superintendent to hold and conduct
134 the election. It shall be his or her further duty to certify the result thereof to the Secretary
135 of State.

136 3-15-3.

137 In counties and municipalities in which a referendum has been approved as provided for
138 in Code Section 3-15-2, retail package liquor stores shall be authorized to conduct up to 52
139 tasting events per calendar year, subject to the following terms and conditions:

140 (1) A tasting event shall only take place on the licensed premises and only at times at
141 which such alcoholic beverages may be lawfully sold on such licensed premises;

142 (2) Only one tasting event per day may be held on the licensed premises and such tasting
143 event shall not exceed four hours;

144 (3) Only one type of alcohol beverage may be served at a tasting event, either malt
145 beverages, wine, or distilled spirits; provided, however, that more than one brand of such
146 type of alcoholic beverage may be offered as samples so long as not more than four
147 packages are open at any one time;

148 (4) If the tasting event is for malt beverages, a consumer shall not be served more than
149 eight ounces of malt beverages during such tasting event. If the tasting event is for wine,
150 a consumer shall not be served more than five ounces of wine during such tasting event.
151 If the tasting event is for distilled spirits, a consumer shall not be served more than one
152 and one-half ounces of distilled spirits during such tasting event;

153 (5) Only alcoholic beverages that the licensee is licensed to sell on the licensed premises
154 may be offered as samples as part of a tasting event, and such alcoholic beverages shall
155 be part of the licensee's inventory;

156 (6) Only food that is lawful to sell on the licensed premises, under this title or under any
157 rules or regulations of the commissioner, may be served as part of a tasting event. Such
158 food shall be offered at no cost to the consumer;

159 (7) Any operator or employee of the licensee may refuse to provide a sample of any
160 brand, type, or quantity of alcoholic beverage to any consumer;

161 (8) If a tasting event is advertised, it shall be open to the public;

162 (9) The licensee shall notify the county or municipality that issued the retail package
163 liquor store license to the licensee prior to holding a tasting event using a method to be
164 established by such county or municipality;

165 (10) Any broken package containing alcoholic beverages on the licensed premises that
166 is not licensed for retail sales for consumption on the premises shall be kept locked in a
167 secure room or cabinet by the operator of the licensed premises except when in use
168 during a tasting event;

169 (11) Representatives and salespersons of manufacturers or wholesalers may attend a
170 tasting event; provided, however, that such representatives and salespersons shall not host
171 the tasting event, pour any alcoholic beverage, or provide anything of value to any
172 consumer or to the licensee or an employee of a licensee during the tasting event; and

173 (12) Any other terms, conditions, and limitations as may be required or imposed by the
174 governing authority of the county or municipality.

175 (b) Any licensee conducting a tasting event pursuant to this Code section shall remit all
176 state and local sales, use, and excise taxes to the proper tax collecting authority.

177 3-15-4.

178 The commissioner shall promulgate and enforce such rules and regulations as he or she
179 may deem reasonable and necessary to effectuate the provisions of this chapter.

180 3-15-5.

181 Upon a violation by a retail dealer of any provision of this chapter or any rule or regulation
182 promulgated thereunder, the commissioner shall have the power to place conditions or
183 limitations on such retail dealer's license and to modify or amend such conditions or
184 limitations."

185 **SECTION 5.**

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