

The House Committee on Regulated Industries offers the following substitute to SB 146:

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 regulations as to the sale and consumption of
3 alcoholic beverages; to provide that in counties and municipalities in which Sunday sales of
4 alcoholic beverages for consumption on the premises is authorized as a result of a
5 referendum the hours of such sales may be extended without the passage of an additional
6 referendum; to provide that governing authorities of counties and municipalities in which the
7 sale of alcoholic beverages is lawful may authorize sales of such alcoholic beverages for
8 consumption off the premises during a certain time on Sundays; to provide a limited
9 exception to the distance requirements for certain sales of alcoholic beverages in areas
10 designated as historic districts if so permitted by the local governing authority; to remove
11 certain exceptions to the distance requirements for sales of alcoholic beverages; to provide
12 that retail package liquor stores may conduct tasting events at which samples of alcoholic
13 beverages may be served; to provide for definitions; to provide for terms and conditions of
14 tasting events; to provide for the promulgation of rules and regulations by the state revenue
15 commissioner; to specify that manufacturers and wholesalers may provide samples of
16 alcoholic beverages to retail dealers under certain conditions; to revise provisions for
17 purposes of conformity; to provide for related matters; to repeal conflicting laws; and for
18 other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

21 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
22 amended in Code Section 3-3-7, relating to local authorization and regulation of sales of
23 alcoholic beverages on Sunday, by revising subsection (j.1) and adding new subsections to
24 read as follows:

25 "(j.1)(~~1~~) Notwithstanding any other provisions of law, in all counties or municipalities in
26 which the governing authority prior to May 8, 2018, has been authorized pursuant to a

27 referendum to permit the sale of alcoholic beverages for consumption on the premises on
 28 Sundays, such governing authority of the county or municipality, as appropriate, may by
 29 adoption of a resolution or ordinance authorize the sale of alcoholic beverages for
 30 consumption on the premises on Sundays from 11:00 A.M. until 12:00 Midnight for
 31 consumption on the premises on Sundays from 12:30 P.M. until 12:00 Midnight in any
 32 licensed establishment which derives at least 50 percent of its total annual gross sales from
 33 the sale of prepared meals or food in all of the combined retail outlets of the individual
 34 establishment where food is served and in any licensed establishment which derives at least
 35 50 percent of its total annual gross income from the rental of rooms for overnight lodging
 36 may, by resolution or ordinance conditioned on approval in a referendum, authorize the
 37 sale of alcoholic beverages for consumption on the premises of any such establishments
 38 on Sundays for an additional hour and a half during the time period of 11:00 A.M. until
 39 12:30 P.M.

40 ~~(2) Any governing authority desiring to permit and regulate Sunday sales pursuant to this~~
 41 ~~subsection shall so provide by proper resolution or ordinance conditioned on approval in~~
 42 ~~a referendum election. Not less than ten nor more than 60 days after the date of approval~~
 43 ~~of such resolution or ordinance, it shall be the duty of the election superintendent of the~~
 44 ~~county or municipality to issue the call for an election for the purpose of submitting the~~
 45 ~~question of Sunday sales to the electors of the county or municipality for approval or~~
 46 ~~rejection. The superintendent shall set the date of the election for a day not less than 30~~
 47 ~~nor more than 60 days after the date of the issuance of the call. The superintendent shall~~
 48 ~~cause the date and purpose of the election to be published in the official organ of the~~
 49 ~~county once a week for two weeks immediately preceding the date thereof. The ballot~~
 50 ~~shall have written or printed thereon the words:~~

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

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

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

68 "(s) Notwithstanding other laws, in all counties or municipalities in which package sales
 69 by retailers of malt beverages and wine are lawful, the governing authority of the county
 70 or municipality, as appropriate, may by adoption of a resolution or ordinance authorize
 71 package sales by retailers, other than retail package liquor stores, of malt beverages and
 72 wine for consumption off the premises on Sundays from 11:00 A.M. until 12:00 Midnight.
 73 The provisions of this subsection are in addition to or cumulative of and not in lieu of any
 74 other provisions of this title granting certain authority to a county or municipality relative
 75 to package sales by retailers.

76 (t) Notwithstanding other laws, in all counties or municipalities in which package sales by
 77 retailers of malt beverages, wine, and distilled spirits are lawful, the governing authority
 78 of the county or municipality, as appropriate, may by adoption of a resolution or ordinance
 79 authorize package sales by retailers, other than retail package liquor stores, of malt
 80 beverages, wine, and distilled spirits for consumption off the premises on Sundays from
 81 11:00 A.M. until 12:00 Midnight. The provisions of this subsection are in addition to or
 82 cumulative of and not in lieu of any other provisions of this title granting certain authority
 83 to a county or municipality relative to packages sales by retailers."

84 **SECTION 2.**

85 Said title is further amended by revising subsection (a) of Code Section 3-3-21, relating to
 86 sales of alcoholic beverages near churches, school buildings, or other sites, as follows:

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

88 (A) Any distilled spirits in or within 100 yards of any church building or within 200
 89 yards of any school building, educational building, school grounds, or college campus;
 90 provided, however, that nothing in this subparagraph shall prohibit licensees for retail
 91 sales of closed packages of alcoholic beverages for consumption off the premises from
 92 selling distilled spirits in or within 200 yards of any college campus owned or operated
 93 by a private international college specializing in art and design and located within a
 94 designated historic district of a nonconsolidated county or municipality, where so
 95 permitted by resolution or ordinance of such county or municipality;

96 (B) Any wine or malt beverages within 100 yards of any school building, school
 97 grounds, or college campus. This subparagraph shall not apply at any location for
 98 which a license has been issued prior to July 1, 1981, nor to the renewal of such license.

99 Nor shall this subparagraph apply at any location for which a new license is applied for
 100 if the sale of wine and beer was lawful at such location at any time during the 12
 101 months immediately preceding such application. ~~Nothing in this subparagraph shall~~
 102 ~~prohibit a grocery store licensed for the retail sale of only wine and malt beverages for~~
 103 ~~consumption off the premises from selling wine or malt beverages within 100 yards of~~
 104 ~~any school building, school grounds, or college campus, where so permitted by~~
 105 ~~resolution or ordinance of the county or municipality. As used in this subparagraph, the~~
 106 ~~term 'grocery store' means a retail establishment which has a total retail floor space of~~
 107 ~~at least 10,000 square feet of which at least 85 percent is reserved for the sale of food~~
 108 ~~and other nonalcoholic items, conducts all of its sales inside the building containing its~~
 109 ~~retail floor space, and meets such other criteria as may be required by the local~~
 110 ~~governing authority of the county or municipality~~ Nothing in this subparagraph shall
 111 prohibit licensees for retail sales of closed packages of alcoholic beverages for
 112 consumption off the premises from selling wine or malt beverages within 100 yards of
 113 any college campus owned or operated by a private international college specializing
 114 in art and design and located within a designated historic district of a nonconsolidated
 115 county or municipality, where so permitted by resolution or ordinance of such county
 116 or municipality; or
 117 (C) Any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic
 118 treatment center owned and operated by this state or any county or municipal
 119 government therein. This paragraph shall not apply to any business having a license
 120 in effect on July 1, 1981.
 121 (2) As used in this subsection, the term 'school building' or 'educational building' shall
 122 apply only to state, county, city, or church school buildings and to such buildings at such
 123 other schools in which are taught subjects commonly taught in the common schools and
 124 colleges of this state and which are public schools or private schools as defined in
 125 subsection (b) of Code Section 20-2-690."

126 SECTION 3.

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

129 "3-3-26.

130 (a) Except as provided in this Code section or Chapter 15 of this title, no retail package
 131 liquor store ~~No retail dealer~~ shall knowingly and intentionally allow or permit the breaking
 132 of any package or packages containing alcoholic beverages on the premises where sold or
 133 allow or permit the drinking of the contents of such package or packages on the premises

134 where sold. ~~This Code section shall not apply with respect to sales pursuant to a license~~
 135 ~~for consumption on the premises.~~

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

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

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

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

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

151 **SECTION 4.**

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

155 "3-4-25.

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

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

164 **SECTION 5.**

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

166

"CHAPTER 15167 3-15-1.168 As used in this chapter, the term:

169 (1) 'Licensed premises' means any premises in which any alcoholic beverages are sold
170 in unbroken packages and shall include any premises which are required by law to be
171 licensed to sell any alcoholic beverages in unbroken packages.

172 (2) 'Licensee' means the holder of a retail package liquor store license.

173 (3) 'Operator' means an owner, licensee, operator, manager, or person in charge of any
174 licensed premises.

175 (4) 'Sample' means a small amount of any malt beverage, wine, or distilled spirits.

176 (5) 'Tasting event' means a scheduled event hosted by a licensee at which free samples
177 may be provided and that may be open to the general public or limited by invitation.

178 3-15-2.

179 Notwithstanding any other provision of this title, in all counties and municipalities in which
180 the sale of alcoholic beverages is lawful, retail package liquor stores shall be authorized to
181 conduct up to 24 tasting events per calendar year, subject to the following terms and
182 conditions:

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

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

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

191 (4) If the tasting event is for malt beverages, a consumer shall not be served more than
192 eight ounces of malt beverages during such tasting event. If the tasting event is for wine,
193 a consumer shall not be served more than five ounces of wine during such tasting event.
194 If the tasting event is for distilled spirits, a consumer shall not be served more than one
195 and one-half ounces of distilled spirits during such tasting event;

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

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

202 (7) Any operator or employee of the licensee may refuse to provide any brand, type, or
 203 quantity of alcoholic beverage to any consumer;

204 (8) The licensee shall notify the department prior to holding a tasting event using a
 205 method to be established by department rules and regulations;

206 (9) Any broken package containing alcoholic beverages on the licensed premises that is
 207 not licensed for retail sales for consumption on the premises shall be kept locked in a
 208 secure room or cabinet by the operator of the licensed premises except when in use
 209 during a tasting event;

210 (10) Representatives and salespersons of manufacturers or wholesalers may attend a
 211 tasting event; provided, however, that such representatives and salespersons shall not host
 212 the tasting event, pour any alcoholic beverage, or provide anything of value to any
 213 consumer or to the licensee or an employee of a licensee; and

214 (11) Any other terms, conditions, and limitations as may be required or imposed by the
 215 governing authority of the county or municipality.

216 3-15-3.

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

219 3-15-4.

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

224 **SECTION 6.**

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