

Senate Bill 236

By: Senators Brass of the 28th, Jones of the 25th, Miller of the 49th, Robertson of the 29th,
Beach of the 21st and others

AS PASSED SENATE

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 allow food service establishments licensed to sell distilled spirits for consumption
3 on the premises to sell mixed drinks for off-premises consumption in approved containers
4 under certain conditions; to provide for definitions; to provide for the Commissioner of
5 Revenue to promulgate certain rules and regulations; to provide for related matters; to
6 provide for an effective date; to repeal conflicting 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 adding a new Code section to read as follows:

11 "3-3-11.

12 (a) For purposes of this Code section, the term:

13 (1) 'Approved container' means a tamper evident container that:

14 (A) Does not contain openings or straw holes;

15 (B) Is sealed in a manner that is visibly apparent if the container has been subsequently
16 opened or tampered with; and

17 (C) Has an affixed label or marking that identifies the licensee that prepared and sold
18 the mixed drink.

19 (2) 'Curbside pick-up' means when a licensee furnishes purchased goods to a customer's
20 vehicle within a clearly designated pick-up area located within a paved parking area
21 adjacent to the licensed premises.

22 (3) 'Food service establishment' means any establishment holding a valid food service
23 permit from its respective county health department.

24 (4) 'Mixed drink' means a beverage prepared by combining distilled spirits with
25 nonalcoholic liquid or liquids and that:

26 (A) Is prepared on the day of sale by an employee of the licensee;

27 (B) Contains no more than 3 ounces of distilled spirits; and

28 (C) Is sealed in an approved container.

29 (b) Notwithstanding any other contrary provision of law and unless otherwise prohibited
30 by local ordinance or resolution, any food service establishment which is licensed to sell
31 distilled spirits for consumption on the premises may sell mixed drinks for off-premises
32 consumption in approved containers, provided that such mixed drinks are:

33 (1) Sold to an individual 21 years of age or older who shall be limited to two mixed
34 drinks per entree ordered;

35 (2) Accompanied by a food order and a sales receipt with a time stamp that indicates the
36 date and time of such purchases;

37 (3) Sold for personal use and not for resale and picked up in person by the same
38 individual customer to whom the mixed drinks and entrees were sold and from whom the
39 food service establishment received payment; provided, however, that such individual
40 customer shall not include a delivery service or third-party agent; and

41 (4) Furnished with the accompanying food order to the customer on the premises or by
42 way of curbside pick-up.

43 (c) If transported in a motor vehicle, the customer shall place the mixed drink in a locked
44 glove compartment, a locked trunk, or the area behind the last upright seat of a motor
45 vehicle that is not equipped with a trunk.

46 (d) Sales of mixed drinks for off-premises consumption shall be taxed in accordance with
47 Code Sections 3-4-130 through 3-4-133.

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

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SECTION 2.

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

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SECTION 3.

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