

House Bill 472 (COMMITTEE SUBSTITUTE)

By: Representatives Smith of the 131st, Ehrhart of the 36th, Maxwell of the 17th, Lindsey of the 54th, and Benfield of the 85th

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 the terms and conditions that exist for owners and operators of brewpubs; to
3 provide for definitions; to increase the maximum quantity of barrels of beer that may be
4 manufactured and sold; to remove that requirement that beer be sold solely in draft form; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
9 amended by revising paragraph (3) of Code Section 3-1-2, relating to definitions, as follows:
10 "(3) 'Brewpub' means any eating establishment in which beer or malt beverages are
11 manufactured or brewed, subject to the barrel production limitation prescribed in Code
12 Section 3-5-36 for retail consumption on the premises and solely in draft form. As used
13 in this ~~article~~ paragraph, the term 'eating establishment' means an establishment which
14 is licensed to sell distilled spirits, beer, malt beverages, or wines and which derives at
15 least 50 percent of its total annual gross food and beverage sales from the sale of prepared
16 meals or food; provided, however, that barrels of beer sold to licensed wholesale dealers
17 for distribution to retailers and retail consumption dealers, as authorized pursuant to
18 subparagraph (C) of paragraph (2) of Code Section 3-5-36, shall not be used when
19 determining the total annual gross food and beverage sales."

20 **SECTION 2.**

21 Said title is further amended by revising paragraph (2) of Code Section 3-5-36, relating to
22 the brewpub exception to the three-tier distribution system, as follows:
23 "(2) A brewpub license authorizes the holder of such license to:
24 (A) Manufacture on the licensed premises not more than ~~5,000~~ 10,000 barrels of beer
25 in a calendar year solely for retail sale on the premises ~~and solely in draft form;~~

26 (B) Operate an eating establishment that shall be the sole retail outlet for such beer and
27 may offer for sale any other alcoholic beverages produced by other manufacturers
28 which are authorized for retail sale under this title, including wine, distilled spirits, and
29 malt beverages, provided that such alcoholic beverages are purchased from a licensed
30 wholesaler for consumption on the premises only; and, provided, further, that in
31 addition to draft beer manufactured on the premises, each brewpub licensee shall offer
32 for sale commercially available canned or bottled malt beverages from licensed
33 wholesalers; and

34 (C) Notwithstanding any other provision of this paragraph, sell up to a maximum of
35 ~~500~~ 5,000 barrels annually of such beer to licensed wholesale dealers for distribution
36 to retailers and retail consumption dealers;"

37 **SECTION 3.**

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