

The House Committee on Regulated Industries offers the following substitute to HB 124:

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 make certain changes relating to requirements governing the sale of distilled spirits
3 and other alcoholic beverages; to provide that an election in which the votes cast are for
4 disapproval of Sunday package sales by retailers of malt beverages, wine, and distilled spirits
5 shall not nullify the prior election results for approval of Sunday package sales by retailers
6 of malt beverages and wine; to change and provide for further clarification of the definition
7 of the term "retailer"; to provide for codification of regulatory business practices of a retailer
8 or retail package liquor store; to provide for related matters; to repeal conflicting laws; and
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
13 amended by revising paragraph (2) of subsection (q) of Code Section 3-3-7, relating to local
14 authorization and regulation of sales of alcoholic beverages on Sunday, as follows:

15 "(2) Any governing authority desiring to permit and regulate package sales by retailers
16 of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 P.M.
17 and 11:30 P.M., pursuant to paragraph (1) of this subsection, shall so provide by proper
18 resolution or ordinance specifying the hours during such period when such package sales
19 may occur. Upon receipt of the resolution or ordinance, the election superintendent shall
20 issue the call for an election for the purpose of submitting the question of Sunday
21 package sales by retailers of malt beverages, wine, and distilled spirits to the electors of
22 that county or municipality for approval or rejection. The election superintendent shall
23 issue the call and shall conduct the election on a date and in the manner authorized under
24 Code Section 21-2-540. The election superintendent shall cause the date and purpose of
25 the election to be published once a week for four weeks immediately preceding the date

26 of the election in the official organ of the county. The ballot shall have written or printed
27 thereon the words:

28 '() YES Shall the governing authority of (name of county or municipality) be
29 authorized to permit and regulate package sales by retailers of malt
30 () NO beverages, wine, and distilled spirits on Sundays between the hours of 12:30
31 P.M. and 11:30 P.M.?'

32 All persons desiring to vote for approval of package sales by retailers of malt beverages,
33 wine, and distilled spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M.
34 shall vote 'Yes,' and all persons desiring to vote for rejection of package sales by retailers
35 of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 P.M.
36 and 11:30 P.M. shall vote 'No.' If more than one-half of the votes cast on the question are
37 for approval of Sunday package sales by retailers of malt beverages, wine, and distilled
38 spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M., the resolution or
39 ordinance approving such Sunday package sales by retailers of malt beverages, wine, and
40 distilled spirits shall become effective upon the date so specified in that resolution or
41 ordinance. If more than one-half of the votes cast on the question are for disapproval of
42 Sunday package sales by retailers of malt beverages, wine, and distilled spirits on
43 Sundays between the hours of 12:30 P.M. and 11:30 P.M., such rejection shall not nullify
44 the prior election results for approval of Sunday package sales by retailers of malt
45 beverages and wine on Sundays between the hours of 12:30 P.M. and 11:30 P.M.
46 pursuant to subsection (p) of this Code section. The expense of the election shall be
47 borne by the county or municipality in which the election is held. The election
48 superintendent shall canvass the returns, declare the result of the election, and certify the
49 result to the Secretary of State."

50 **SECTION 2.**

51 Said title is further amended by revising paragraph (19) of and by adding a new paragraph
52 to Code Section 3-1-2, relating to definitions relative to alcoholic beverages generally, as
53 follows:

54 "(19) 'Retailer' or 'retail dealer' means, except as to distilled spirits, any person who sells
55 alcoholic beverages, either in unbroken packages or for consumption on the premises, at
56 retail only to consumers and not for resale. With respect to distilled spirits, the term
57 ~~means any person who sells distilled spirits in unbroken packages at retail only to~~
58 ~~consumers and not for resale~~ shall have the same meaning as the term 'retail package
59 liquor store.'

60 (19.1) 'Retail package liquor store' means a retail business establishment owned by an
61 individual, partnership, corporation, association, or other business entity:

62 (A) Primarily engaged in the retail sale of distilled spirits, malt beverages, and wine
 63 in unbroken packages, not for consumption on the premises, except as authorized under
 64 this chapter; and

65 (B) Which derives from such retail sale of alcoholic beverages in unbroken packages
 66 at least 75 percent of its total annual gross sales from the sale of a combination of
 67 distilled spirits, malt beverages, and wine."

68 **SECTION 3.**

69 Said title is further amended by adding a new Code section as follows:

70 "3-4-28.

71 (a) A retail package liquor store shall not sell, offer for sale, display, or keep in stock for
 72 sale or furnish at its licensed premises where distilled spirits are offered for sale, any
 73 products or services except the following:

74 (1) Wines, if the retail package liquor store holds a valid and current license to sell wine
 75 at that place of business;

76 (2) Malt beverages, if the retail package liquor store holds a valid and current license to
 77 sell malt beverages at that place of business;

78 (3) Cigarettes, cigars, cigar cutters, loose tobacco, chewing tobacco, and snuff, if
 79 properly licensed under the laws of this state to do so, and cigarette papers, lighters, and
 80 matches;

81 (4) Single-serving pain medications, over-the-counter birth control devices, chewing
 82 gum and breath mints, and manufactured package consumable single serving snack items
 83 not requiring any preparation for consumption that are related to the consumption of
 84 alcoholic beverages, such as chips, peanuts, crackers, and single-serving cheeses;

85 (5) Beverages containing no alcohol which are commonly used to dilute distilled spirits.
 86 Such beverages may be, but are not required to be, dispensed through the use of a
 87 vending machine;

88 (6) Packaged ice, ice chests, coozies, and individual can and bottle coolers. For purposes
 89 of this paragraph, the term 'packaged ice' means ice in packages of five pounds or greater
 90 that is in compliance with the laws of this state and any rules or regulations of the
 91 Department of Agriculture;

92 (7) Paper, styrofoam, or plastic cups;

93 (8) Gift bags for wine and distilled spirits with tissue inserts which contain only products
 94 authorized for sale or display under this Code section;

95 (9) Lottery tickets issued by the Georgia Lottery Corporation and any approved Georgia
 96 Lottery Corporation lottery materials, provided such retail package liquor store is an
 97 authorized retailer of the Georgia Lottery Corporation;

- 98 (10) Bar supplies, limited to the following:
99 (A) Corkscrews, bottle stoppers, openers, straws, swizzle stirrers, and wine aerators;
100 and
101 (B) Bar-related containers and wares made of glass, plastic, metal, or ceramic
102 materials, along with items utilized in the preparation and preservation of alcoholic
103 beverages;
104 (11) Cocktail olives, aromatic bitters, sauces, onions, cherries, lemons, limes, and sugars
105 or salts produced and marketed specifically for the preparation of drinks containing
106 alcoholic beverages;
107 (12) Alcoholic beverage drink recipe booklets, bar guides, and consumer-oriented
108 alcoholic beverage publications;
109 (13) Products copackaged with alcoholic beverages, provided that the products are
110 limited to items authorized for sale under this Code section;
111 (14) Check cashing services;
112 (15) Money order sales;
113 (16) Automated teller machine service; and
114 (17) Gift certificates for use only at the issuing retail package liquor store.
115 (b) The commissioner may promulgate such rules and regulations he or she deems
116 necessary and appropriate for the enforcement of this Code section."

117 **SECTION 4.**

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