

House Bill 472 (AS PASSED HOUSE AND SENATE)

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

To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to change the terms and conditions that exist for owners and operators of brewpubs; to provide for definitions; to increase the maximum quantity of barrels of beer that may be manufactured and sold; to remove that requirement that beer be sold solely in draft form; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is amended by revising paragraph (3) of Code Section 3-1-2, relating to definitions, as follows:

"(3) 'Brewpub' means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in Code Section 3-5-36 for retail consumption on the premises and solely in draft form. As used in this ~~article~~ paragraph, the term 'eating establishment' means an establishment which is licensed to sell distilled spirits, beer, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food; provided, however, that barrels of beer sold to licensed wholesale dealers for distribution to retailers and retail consumption dealers, as authorized pursuant to subparagraph (C) of paragraph (2) of Code Section 3-5-36, shall not be used when determining the total annual gross food and beverage sales."

SECTION 2.

Said title is further amended by revising paragraph (2) of Code Section 3-5-36, relating to the brewpub exception to the three-tier distribution system, as follows:

"(2) A brewpub license authorizes the holder of such license to:

(A) Manufacture on the licensed premises not more than ~~5,000~~ 10,000 barrels of beer in a calendar year solely for retail sale on the premises ~~and solely in draft form;~~

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

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

SECTION 3.

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