

Senate Bill 194

By: Senators Hufstetler of the 52nd and Albers of the 56th

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 3 and 40 of the Official Code of Georgia Annotated, relating to alcoholic
2 beverages and motor vehicles and traffic, respectively, so as to authorize the production of
3 distilled spirits by a person in his or her private residence; to provide limitations on such
4 production of distilled spirits; to provide for the limited transportation and delivery of such
5 distilled spirits; to prohibit the sale of such distilled spirits; to exempt such distilled spirits
6 from excise taxes; to revise the definition of an open alcoholic beverage container; to provide
7 for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
11 amended by adding a new Code section to read as follows:

12 "3-4-4.

13 (a)(1) Distilled spirits may be produced by a person in his or her private residence
14 subject to the limitations provided in this Code section.

15 (2) The total quantity of distilled spirits that may be produced in any private residence
16 shall be as follows:

17 (A) Not more than 5 gallons per calendar year if there is only one person of legal
18 drinking age living in such residence; or

19 (B) Not more than 10 gallons per calendar year if there are two or more persons of
20 legal drinking age living in such residence;

21 provided, however, that no more than 2.5 gallons shall be produced in a 90 day period.

22 (b) Except as provided for in subsection (c) of this Code section, distilled spirits produced
23 in compliance with this Code section may only be consumed at the residence where
24 produced. Such distilled spirits may only be consumed by persons of legal drinking age.

25 (c) Distilled spirits produced under the provisions of this Code section may be removed
26 from the residence where produced for transportation and delivery by the producer to a
27 location not licensed under this title; provided that not more than 60 ounces of distilled
28 spirits produced in the same residence shall be transported at one time; and provided,
29 further, that such distilled spirits shall be securely sealed in one or more containers and
30 clearly labeled with the following information:

31 (1) The name of the producer; and

32 (2) The address of the residence at which it was produced.

33 If transported in a motor vehicle, the securely sealed containers shall be placed in a locked
34 glove compartment, a locked trunk, or the area behind the last upright seat of a motor
35 vehicle that is not equipped with a trunk.

36 (d) Distilled spirits produced pursuant to this Code section shall not be sold, offered for
37 sale, or made available for consumption by the general public and shall not be subject to
38 any excise tax imposed by this chapter."

39 **SECTION 2.**

40 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
41 amended in Code Section 40-6-253, relating to consumption of alcoholic beverages or

42 possession of open container of alcoholic beverage in passenger area, by revising
43 paragraph (2) as follows:

44 "(2) 'Open alcoholic beverage container' means any bottle, can, or other receptacle that:

45 (A) Contains any amount of alcoholic beverage; and

46 (B)(i) Is open or has a broken seal; or

47 (ii) The contents of which are partially removed.

48 A container that has been sealed or resealed pursuant to Code Section 3-4-4, 3-5-4, or
49 3-6-4 shall not constitute an open alcoholic beverage container for purposes of this Code
50 section."

51 **SECTION 3.**

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