

The Senate Committee on Regulated Industries and Utilities offered the following substitute to SB 86:

MOOT

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 authorize retail dealers to offer discounts to consumers through premiums, coupons,
3 or rebates on alcoholic beverages purchased for consumption off the premises; to provide for
4 a definition; to provide certain conditions and requirements for the offering of such
5 discounts; to increase the number of tasting events a retail package liquor store may conduct;
6 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and
7 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 "3-3-12.

13 (a) As used in this Code section, the term 'discount' means a lower price offered through
14 the use of a premium, coupon, or rebate.

15 (b) Notwithstanding any other provision of law, any retail dealer may offer a discount on
16 alcoholic beverages sold for consumption off of the premises, provided that:

- 17 (1) Such discount is offered at all licensed premises owned or operated by the same retail
18 dealer;
- 19 (2) Such discount is not specific to any particular brand of alcoholic beverages;
- 20 (3) All costs related to any such discount, including, but not limited to, printing,
21 advertisement, redemption services, and the actual cost of the discount itself, are borne
22 solely by the retail dealer and shall not be directly or indirectly sourced from a
23 manufacturer premium, coupon, or rebate; and
- 24 (4) The discount does not result in any alcoholic beverages being sold at a price less than
25 the cost which such retail dealer paid for such alcoholic beverages. As used in this
26 paragraph, the term 'cost' means and includes the wholesale price plus the local excise tax
27 imposed, as reflected in invoices which the commissioner may require to be maintained
28 on the site of such retail dealer's place of business."

29 **SECTION 2.**

30 Said title is further amended by revising Code Section 3-15-2, relating to terms and
31 conditions for limited tasting events, as follows:

32 "3-15-2.

33 Notwithstanding any other provision of this title, in all counties and municipalities in which
34 the sale of alcoholic beverages is lawful, retail package liquor stores shall be authorized to
35 conduct up to ~~52~~ 104 tasting events per calendar year, subject to the following terms and
36 conditions:

- 37 (1) A tasting event shall only take place on the licensed premises and only at times at
38 which such alcoholic beverages may be lawfully sold on such licensed premises;
- 39 (2) Only one tasting event per day may be held on the licensed premises and such tasting
40 event shall not exceed four hours;
- 41 (3) Only one type of alcoholic beverage may be served at a tasting event, either malt
42 beverages, wine, or distilled spirits; provided, however, that more than one brand of such

43 type of alcoholic beverage may be offered so long as not more than four packages are
44 open at any one time;

45 (4) If the tasting event is for malt beverages, a consumer shall not be served more than
46 eight ounces of malt beverages during such tasting event. If the tasting event is for wine,
47 a consumer shall not be served more than five ounces of wine during such tasting event.
48 If the tasting event is for distilled spirits, a consumer shall not be served more than one
49 and one-half ounces of distilled spirits during such tasting event;

50 (5) Only alcoholic beverages that the licensee is licensed to sell on the licensed premises
51 may be offered as part of a tasting event, and such alcoholic beverages shall be part of the
52 licensee's inventory;

53 (6) Only food that is lawful to sell on the licensed premises, under this title or under any
54 rules or regulations of the commissioner, may be served as part of a tasting event. Such
55 food shall be offered at no cost to the consumer;

56 (7) Any operator or employee of the licensee may refuse to provide any brand, type, or
57 quantity of alcoholic beverage to any consumer;

58 (8) The licensee shall notify the governing authority of the county or municipality in
59 which the licensed premises is located prior to holding a tasting event;

60 (9) Any broken package containing alcoholic beverages on the licensed premises that is
61 not licensed for retail sales for consumption on the premises shall be kept locked in a
62 secure room or cabinet by the operator of the licensed premises except when in use
63 during a tasting event;

64 (10) Representatives and salespersons of manufacturers or wholesalers may attend a
65 tasting event; provided, however, that such representatives and salespersons shall not host
66 the tasting event, pour any alcoholic beverage, or provide anything of value to any
67 consumer or to the licensee or an employee of a licensee; and

68 (11) Any other terms, conditions, and limitations as may be required or imposed by the
69 governing authority of the county or municipality in which the licensed premises is
70 located."

71 **SECTION 3.**

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

74 **SECTION 4.**

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