

House Bill 152 (AS PASSED HOUSE AND SENATE)

By: Representatives Duncan of the 26th, Dudgeon of the 25th, Tankersley of the 160th, Martin of the 49th, Frye of the 118th, and others

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 prohibit certain conduct related to alcohol; to impose certain requirements upon holders of certain alcohol licenses and those who issue such licenses; to provide for definitions; to change certain provisions relating to notice to the Department of Revenue of violations relating to the sale of alcoholic beverages to underage persons; to require self-reporting of disciplinary actions to the department by persons licensed to manufacture, distribute, or sell alcoholic beverages; to provide for fines and penalties; to provide for the reporting of certain disciplinary actions by counties and municipalities which issue licenses or permits for the manufacture, distribution, or sale of alcoholic beverages; to provide for the state revenue commissioner to promulgate certain rules and regulations; to prohibit individuals under a certain age from being bouncers for or entering certain establishments; to prohibit the manufacture, use, sale, and possession of powdered alcohol; to provide for exceptions; to provide for penalties; to provide for related matters; to provide for effective dates and applicability; 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 adding a new paragraph to Code Section 3-1-2, relating to definitions, to read as follows:

“(2.1) 'Bar' means any premises at which a retailer licensed pursuant to this title to sell alcoholic beverages derives 75 percent or more total annual gross revenue from the sale of alcoholic beverages for consumption on the premises.”

SECTION 2.

Said title is further amended by revising Code Section 3-3-2.1, relating to notice to the Department of Revenue of violations relating to the sale of alcoholic beverages to underage persons, as follows:

"3-3-2.1.

(a) As used in this Code section, the term:

(1) 'Disciplinary action' means any citation or arrest arising out of the violation of any law, rule, regulation, resolution, or ordinance of a governmental entity relating to the manufacture, distribution, sale, or possession of alcoholic beverages against a licensee, an employee of a licensee, or any person holding a financial interest in the license of the licensee on the premises or place of business of any licensee.

(2) 'Governmental entity' means the United States government, any state governmental, any local government, and any department, agency, or instrumentality thereof.

(3) 'Licensee' means any person issued a license pursuant to this title by a governmental entity to operate a bar.

(b)(1) Within 45 days of any disciplinary action, the licensee shall notify the department of the details of such disciplinary action, including the date such action was taken, the nature of such action, and any other information required by the department, using a format to be determined by the department.

(2) The commissioner may impose a fine not to exceed \$750.00 for each violation of paragraph (1) of this subsection. A second or subsequent violation of paragraph (1) of this subsection which occurs within three years from the date of the first violation may constitute grounds for the suspension, revocation, or cancellation of such person's license.

(c) ~~Every~~ Whenever any county or municipality which issues permits or licenses to a licensee authorizing the manufacture, distribution, or sale of alcoholic beverages is made aware of the fact that the holder of any such permit or license has been convicted of violating paragraph (1) of subsection (a) of Code Section 3-3-23, prohibiting the furnishing of alcoholic beverages to underage persons, or takes any shall by resolution or ordinance adopt a policy and implement a process by which any disciplinary action against the holder of any such permit or license for violating any state law or local ordinance relating to the sale of alcoholic beverages to underage persons, the county or municipality shall notify a licensee shall be reported to the department of such violation within 45 days of any officer, department, agency, or instrumentality of such county or municipality taking such disciplinary action.

(d) The commissioner shall determine and make available the format for the reporting of disciplinary actions and shall promulgate rules and regulations as to the implementation and use of such reporting method."

SECTION 3.

Said chapter is further amended by revising Code Section 3-3-24.1, relating to definition and penalty, as follows:

"3-3-24.1.

~~Reserved.~~ (a) As used in this Code section, the term 'bouncer' means an individual primarily performing duties related to verifying age for admittance, security, maintaining order, or safety, or a combination thereof.

(b) No person shall allow or require an individual under the age of 21 to serve as a bouncer on a premises or in an establishment where alcoholic beverages are dispensed, served, or sold pursuant to a license issued under this title.

(c) No individual under the age of 21 shall enter or be allowed to enter a bar unless he or she is accompanied by his or her parent, guardian, or spouse who is 21 years of age or older. This subsection shall not apply to an individual while he or she is attending a live musical concert or live presentation of the performing arts for which he or she has paid an admission charge."

SECTION 4.

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

"3-3-34.

(a) For purposes of this Code section, the term 'powdered alcohol' means a powdered or crystalline substance that contains any amount of alcohol for direct use or reconstitution.

(b)(1) No person shall manufacture, use, offer for use, purchase, offer to purchase, sell, offer to sell, or possess powdered alcohol.

(2) No person licensed or issued a permit pursuant to this title shall use powdered alcohol as an alcoholic beverage or use powdered alcohol to create an alcoholic beverage.

(c) This Code section shall not apply to the use of powdered alcohol for bona fide research purposes by a:

(1) Health care provider that operates primarily for the purpose of conducting scientific research;

(2) State institution;

(3) Private college or university; or

(4) Pharmaceutical or biotechnology company.

(d) Any person convicted of a violation of this Code section shall be guilty of a misdemeanor.

(e) Any violation of this Code section by a person licensed or issued a permit pursuant to this title shall constitute grounds for the suspension and revocation of any and all of such licenses and permits issued to such person."

96 **SECTION 5.**

97 (a) Except as provided in subsection (b) of this section, this Act shall become effective on
98 July 1, 2016.

99 (b) Section 4 of this Act shall become effective upon its approval by the Governor or upon
100 its becoming law without such approval.

101 **SECTION 6.**

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