

House Bill 152

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

1 To amend Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to the
2 regulation of alcoholic beverages generally, so as to impose certain requirements upon
3 holders of certain alcohol licenses and those who issue such licenses; to change certain
4 provisions relating to notice to the Department of Revenue of violations relating to the sale
5 of alcoholic beverages to underage persons; to provide for definitions; to require
6 self-reporting of disciplinary actions to the department by persons licensed to manufacture,
7 distribute, or sell alcoholic beverages; to provide for fines and penalties; to provide for the
8 reporting of certain disciplinary actions by counties and municipalities which issue permits
9 or licenses for the manufacture, distribution, or sale of alcoholic beverages; to provide for
10 the commissioner to promulgate certain rules and regulations; to change certain provisions
11 relating to dispensing, serving, selling, or taking orders for alcoholic beverages by persons
12 under 18 years of age; to provide for a definition; to prohibit certain individuals under the age
13 of 21 from being bouncers in certain establishments licensed to sell or serve alcoholic
14 beverages; to provide for exceptions; to provide for related matters; to repeal conflicting
15 laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 style="text-align:center">**SECTION 1.**

18 Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to the regulation of
19 alcoholic beverages generally, is amended by revising Code Section 3-3-2.1, relating to
20 notice to the Department of Revenue of violations relating to the sale of alcoholic beverages
21 to underage persons, as follows:

22 "3-3-2.1.

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

24 (1) 'Disciplinary action' means any action taken by any governmental entity against a
25 licensee, an employee of a licensee, the place of business of any licensee, or any person
26 holding a financial interest in the license of the licensee, including but not limited to:

27 (A) Arrests;

28 (B) Citations issued by any governmental entity;

29 (C) Indictments, presentments, or accusations in any local, state, or federal court;

30 (D) Any written charge or reprimand issued by any governmental entity; and

31 (E) Any civil actions

32 that directly relate to or arise out of activity at the place of business of the licensee.

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

35 (3) 'Licensee' means any person issued a license or permit under this title.

36 (b)(1) Within 15 days of any disciplinary action, the licensee shall notify the department
 37 of the details of such disciplinary action, including the date such action was taken, the
 38 nature of such action, and any other information required by the department, using a
 39 format to be determined by the department.

40 (2) The commissioner shall impose a fine not to exceed \$750.00 for each violation of
 41 paragraph (1) of this subsection. Two or more violations by a licensee of paragraph (1)
 42 of this subsection shall constitute grounds for the suspension, revocation, or cancellation
 43 of such person's license.

44 (c) ~~Every~~ Whenever any county or municipality which issues permits or licenses
 45 authorizing the manufacture, distribution, or sale of alcoholic beverages is made aware of
 46 the fact that the holder of any such permit or license has been convicted of violating
 47 paragraph (1) of subsection (a) of Code Section 3-3-23, prohibiting the furnishing of
 48 alcoholic beverages to underage persons, or takes any shall by resolution or ordinance
 49 adopt a policy and implement a process by which any disciplinary action against the holder
 50 of any such permit or license for violating any state law or local ordinance relating to the
 51 manufacture, distribution, or sale of alcoholic beverages to underage persons, the county
 52 or municipality shall notify shall be reported to the department of such violation within 15
 53 days of any officer, department, agency, or instrumentality of such county or municipality
 54 issuing any citation, indictment, presentment, accusation, or written charge or reprimand
 55 or making an arrest. Such notification shall be made using a format to be determined by
 56 the department. Notwithstanding Code Section 3-6-60 or any other provision of law, any
 57 county or municipality which fails to adopt such a policy or fails to implement such a
 58 process shall not impose or collect an excise tax on the first sale of use of wine by the
 59 package.

60 (d) The commissioner shall determine and make available the format for the reporting of
 61 disciplinary actions by licensees, counties, and municipalities and shall promulgate rules
 62 and regulations as to the implementation and use of such reporting method and compliance
 63 with the provisions of this Code section."

64

SECTION 2.

65 Said chapter is further amended by revising Code Section 3-3-24, relating to dispensing,
66 serving, selling, or taking orders for alcoholic beverages by persons under 18 years of age,
67 as follows:

68 "3-3-24.

69 (a) As used in this Code section, the term 'bouncer' means an individual primarily
70 performing duties related to security, maintaining order, or safety.

71 ~~(a)~~(b) No person shall allow or require a ~~person~~ an individual in ~~his~~ such person's
72 employment under 18 years of age to dispense, serve, sell, or take orders for any alcoholic
73 beverages; provided, however, that a person may allow individuals under 18 years of age
74 in such person's employment in a supermarket, convenience store, brewery, or drugstore
75 to sell or handle alcoholic beverages which are sold for consumption off the premises.

76 ~~(b) This Code section shall not prohibit persons under 18 years of age who are employed~~
77 ~~in supermarkets, convenience stores, breweries, or drugstores from selling or handling~~
78 ~~alcoholic beverages which are sold for consumption off the premises.~~

79 (c) No person shall allow or require an individual under the age of 21 to serve as a bouncer
80 on a premises or in an establishment where alcoholic beverages are dispensed, served, or
81 sold pursuant to a license issued under this title; provided, however, that an active duty
82 member of the regular or reserve component of the United States armed forces, the Georgia
83 Army National Guard, or the Georgia Air National Guard that is under the age of 21 may
84 serve as a bouncer on such premises and in such an establishment.

85 (d) Subsection (c) of this Code section shall not apply to stadiums, coliseums, and
86 auditoriums with a seating capacity in excess of 3,400 individuals."

87

SECTION 3.

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