

The House Committee on Regulated Industries offers the following substitute to HB 276:

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 modernize certain terms, repeal certain obsolete provisions, and remove or correct  
3 certain inconsistent references; to define and change certain definitions applicable to  
4 alcoholic beverages; to consolidate and revise certain provisions related to occupational  
5 license taxes; to change certain provisions relating to promulgation of rules and regulations  
6 governing advertising of distilled spirits and other alcoholic beverages; to repeal in its  
7 entirety Article 3 of Chapter 3, relating to prohibited conduct on licensed premises; to repeal  
8 certain provisions relating to certain forms and filings applicable to licenses or taxes; to  
9 change certain provisions relating to dispensing, serving, or selling alcoholic beverages to  
10 or taking orders for alcoholic beverages from persons under 18 years of age; to change  
11 certain provisions relating to the sale or furnishing of alcoholic beverages to patients or  
12 inmates of Central State Hospital and to the sale or possession of alcoholic beverages near  
13 or upon the grounds of such hospital; to repeal certain provisions relating to retail dealer's  
14 signs and signs advertising the Georgia lottery; to remove the requirement that a permit be  
15 issued by the commissioner of revenue for educational and promotional distillery tours and  
16 tastings; to change certain provisions relating to the production of malt beverages in private  
17 residences, consumption, transportation and delivery, and home-brew special events; to  
18 change certain provisions relating to required markings on certain containers of malt  
19 beverages; to change certain provisions applicable to brewpub licenses; to change certain  
20 provisions relating to annual permits for educational and promotional brewery tours; to  
21 change certain provisions relating to the household production of wine; to amend Code  
22 Section 51-1-40 of the Official Code of Georgia Annotated, relating to liability for acts of  
23 intoxicated persons, so as to make a cross-reference consistent; to amend Code Section  
24 52-7-8.3 of the Official Code of Georgia Annotated, relating to operation of watercraft,  
25 identification, and operation by minors, so as to make a cross-reference consistent; to provide  
26 for related matters; to provide for effective dates; to repeal conflicting laws; and for other  
27 purposes.

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

29 SECTION 1.

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

32 "3-1-2.

33 As used in this title, the term:

34 (1) 'Alcohol' means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from  
35 whatever source or by whatever process produced.

36 (2) 'Alcoholic beverage' means and includes all alcohol, distilled spirits, ~~beer~~, malt  
37 ~~beverage beverages~~, ~~wine wines~~, or fortified ~~wine wines~~.

38 (3) 'Beer' means any malt beverage.

39 (4) 'Brewer' means any person engaged in manufacturing malt beverages.

40 (5) 'Brewery' means any licensed premises used for the purpose of manufacturing malt  
41 beverages.

42 ~~(3)(6) 'Brewpub' means any eating dining establishment in which beer or malt beverages~~  
43 ~~are manufactured or brewed, subject to the barrel production limitation prescribed in~~  
44 ~~Code Section 3-5-36, for retail consumption on the premises and solely in draft form. As~~  
45 ~~used in this paragraph, the term 'eating establishment' means an establishment which is~~  
46 ~~licensed to sell distilled spirits, beer, malt beverages, or wines and which derives at least~~  
47 ~~50 percent of its total annual gross food and beverage sales from the sale of prepared~~  
48 ~~meals or food; provided, however, that barrels of beer sold to licensed wholesale dealers~~  
49 ~~for distribution to retailers and retail consumption dealers, as authorized pursuant to~~  
50 ~~subparagraph (C) of paragraph (2) of Code Section 3-5-36, shall not be used when~~  
51 ~~determining the total annual gross food and beverage sales.~~

52 ~~(4)(7) 'Broker' means any person who that purchases or obtains an alcoholic beverage~~  
53 ~~from an importer, distillery, brewery distiller, brewer, or winery vintner and sells the~~  
54 ~~alcoholic beverage to another broker, an importer, or a wholesaler without having custody~~  
55 ~~of the alcoholic beverage or maintaining a stock of the alcoholic beverage.~~

56 ~~(5)(8) 'Commissioner' means the state revenue commissioner.~~

57 ~~(6)(9) 'County or municipality' or 'municipality or county' means those political~~  
58 ~~subdivisions of this state as defined by law and includes any form of political subdivision~~  
59 ~~consolidating a county with one or more municipalities.~~

60 (10) 'Denaturants' means materials authorized for use pursuant to Chapter I of Title 27  
61 of the Code of Federal Regulations.

62 (11) 'Denatured alcohol' or 'denatured distilled spirits' means alcohol to which  
 63 denaturants have been added to render the alcohol unfit for beverage purposes or internal  
 64 human medicinal use.

65 ~~(7)~~(12) 'Department' means the Department of Revenue.

66 (13) 'Dessert wine' means a wine having an alcoholic strength of more than 14 percent  
 67 alcohol by volume but not more than 24 percent alcohol by volume.

68 (14) 'Dining establishment' means an establishment which is licensed to sell distilled  
 69 spirits, malt beverages, or wines, or a combination thereof, and which derives at least 50  
 70 percent of its total annual gross food and beverage sales from the sale of prepared meals  
 71 or food; provided, however, that any barrels of malt beverages sold to licensed  
 72 wholesalers, as authorized pursuant to subparagraph (C) of paragraph (2) of Code  
 73 Section 3-5-36, shall not be included when determining the total annual gross food and  
 74 beverage sales.

75 ~~(8)~~(15) 'Distilled spirits' means any alcoholic beverage obtained by distillation or  
 76 containing more than 24 percent alcohol by volume.

77 (16) 'Distiller' means any person engaged in distilling, rectifying, or blending any  
 78 distilled spirits. The term 'distiller' shall not include a person that blends wine with  
 79 distilled spirits to produce a fortified wine.

80 (17) 'Distillery' means any licensed premises used for the purpose of manufacturing  
 81 distilled spirits.

82 (18) 'Farm winery' means a vintner that makes at least 40 percent of its annual  
 83 production from agricultural produce grown in the state where the vintner's winery is  
 84 located and such winery:

85 (A) Is located on premises, a substantial portion of which is used for agricultural  
 86 purposes, including the cultivation of grapes, berries, or fruits to be utilized in the  
 87 manufacture or production of wine by the vintner; or

88 (B) Is owned and operated by persons that are engaged in the production of a  
 89 substantial portion of the agricultural produce used in the vintner's annual production.

90 For purposes of this paragraph, the commissioner shall determine what is a substantial  
 91 portion of such premises or agricultural produce.

92 (19) 'Fermented apple beverage' means any alcoholic beverage containing not more than  
 93 6 percent alcohol by volume made from the fermentation of the juice of apples. For  
 94 purposes of this title, the term 'fermented apple beverage' shall be deemed a malt  
 95 beverage.

96 ~~(9)~~(20) 'Fortified wine' means any alcoholic beverage containing not more than 24  
 97 percent alcohol by volume made from fruits, berries, or grapes either by natural

98 fermentation or by natural fermentation with brandy added. The term 'fortified wine'  
 99 includes, but is not limited to, brandy.

100 (21) 'Fruit grower' means any person that grows perishable fruits in this state and  
 101 manufactures distilled spirits from such perishable fruits.

102 ~~(10)(22) 'Gallon' or 'wine gallon' means a United States gallon of liquid measure~~  
 103 ~~equivalent to the volume of 231 cubic inches or the nearest equivalent metric~~  
 104 ~~measurement.~~

105 ~~(10.1) 'Hard cider' means an alcoholic beverage obtained by the fermentation of the juice~~  
 106 ~~of apples, containing not more than 6 percent alcohol by volume, including, but not~~  
 107 ~~limited to flavored or carbonated cider. For purposes of this title, hard cider shall be~~  
 108 ~~deemed a malt beverage. The term does not include 'sweet cider.'~~

109 (23) 'Georgia farm winery' means a farm winery that is licensed by the commissioner to  
 110 manufacture wine in this state.

111 ~~(11)(24) 'Importer' means any person who that:~~

112 (A) Imports ~~imports~~ an alcoholic beverage into this state from a foreign country;

113 (B) Sells such ~~and sells the~~ alcoholic beverage to another importer, a broker, or a  
 114 wholesaler; and

115 (C) Maintains ~~who maintains~~ a stock of the such alcoholic beverage.

116 ~~(12) 'Individual' means a natural person.~~

117 (25) 'Keg' means any brewer-sealed container or barrel containing, by liquid volume,  
 118 more than two gallons of malt beverage.

119 (26) 'Liquor' means any distilled spirits.

120 ~~(13)(27) 'Malt beverage' means any alcoholic beverage obtained by the fermentation of~~  
 121 ~~any infusion or decoction of barley, malt, hops, or any other similar product, or any~~  
 122 ~~combination of such products in water, containing not more than 14 percent alcohol by~~  
 123 ~~volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer.~~  
 124 The term ~~does~~ 'malt beverage' shall not include sake, known as Japanese rice wine.

125 ~~(14)(28) 'Manufacturer' means any maker, producer, or bottler of an alcoholic beverage.~~  
 126 The term 'manufacturer' also means:

127 ~~(A) In the case of distilled spirits, any person engaged in distilling, rectifying, or~~  
 128 ~~blending any distilled spirits; provided, however, that a vintner that blends wine with~~  
 129 ~~distilled spirits to produce a fortified wine shall not be considered a manufacturer of~~  
 130 ~~distilled spirits~~ distiller;

131 ~~(B) In the case of malt beverages, any brewer; and~~

132 ~~(C) In the case of wine, any vintner.~~

133 ~~(15)~~(29) 'Military reservation' means a duly commissioned post, camp, base, or station  
 134 of a branch of the armed forces of the United States located on territory within this state  
 135 which has been ceded to the United States.

136 (30) 'Nonprofit museum' means a museum whose mission includes educating the public  
 137 about the local, state, and national history of the United States and that is owned and  
 138 operated by a bona fide nonprofit civic organization which holds title to improved real  
 139 property with a structure listed on the National Register of Historic Places.

140 ~~(16)~~(31) 'Package' means a bottle, can, keg, barrel, or other original consumer container.

141 ~~(17)~~(32) 'Person' means any individual, firm, partnership, cooperative, nonprofit  
 142 membership corporation, joint venture, association, company, corporation, agency,  
 143 syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination  
 144 acting as a unit, body politic, or political subdivision, whether public, private, or  
 145 quasi-public.

146 (33) 'Proper identification' means any document issued by a governmental agency  
 147 containing a description of an individual or an individual's photograph, or both, and  
 148 giving such individual's date of birth and includes, without being limited to, a passport,  
 149 military identification card, driver's license, or identification card authorized under Code  
 150 Sections 40-5-100 through 40-5-104. The term 'proper identification' shall not include  
 151 a birth certificate and any traffic citation and complaint form.

152 ~~(18)~~(34) ~~'Retail consumption dealer'~~ 'Retail on premise liquor dealer' means any person  
 153 who sells that:

154 (A) Sells distilled spirits for consumption on the premises at retail only to consumers  
 155 and not for resale; or

156 (B)(i) Sells distilled spirits for consumption on the premises at retail only to  
 157 consumers and not for resale: and

158 (ii) Sells either malt beverages or wine, or both.

159 ~~(19) 'Retailer' or 'retail dealer' means, except as to distilled spirits, any person who sells~~  
 160 ~~alcoholic beverages, either in unbroken packages or for consumption on the premises, at~~  
 161 ~~retail only to consumers and not for resale. With respect to distilled spirits, the term shall~~  
 162 ~~have the same meaning as the term 'retail package liquor store.'~~

163 ~~(19.1)~~(35) ~~'Retail package liquor store dealer'~~ means a ~~retail business establishment~~  
 164 ~~owned by an individual, partnership, corporation, association, or other business entity~~ any  
 165 person that:

166 (A) Sells the following in original and unbroken packages at retail only to consumers,  
 167 not for resale and not for consumption on the premises:

168 (i) Distilled spirits; or

169 (ii)(I) Distilled spirits; and

170 (II) Either malt beverages or wine, or both; and  
 171 ~~(A)(B) Primarily Is primarily~~ engaged in the retail sale of ~~distilled spirits, malt~~  
 172 ~~beverages, and wine in unbroken packages, not for consumption on the premises,~~  
 173 ~~except as authorized under this chapter; and~~  
 174 ~~(B) Which derives from such retail sale of alcoholic beverages in unbroken packages~~  
 175 ~~such that at least 75 percent of its the total annual gross sales are derived~~ from the sale  
 176 ~~of a combination of distilled spirits, malt beverages, and wine~~ alcoholic beverages.  
 177 (36) 'Retail wine-malt beverage dealer' means any person that:  
 178 (A) Sells either malt beverages or wine, or both, either in unbroken packages or for  
 179 consumption on the premises, or both, at retail only to consumers and not for resale;  
 180 and  
 181 (B) Does not sell distilled spirits.  
 182 ~~(20)(37) 'Shipper' means any person who~~ that ships an alcoholic beverage from outside  
 183 this state.  
 184 ~~(21)(38) 'Standard case' means:~~  
 185 (A) In relation to wine or distilled spirits, six containers of 1.75 liters, 12 containers of  
 186 750 milliliters, 12 containers of one liter, 24 containers of 500 milliliters, 24 containers  
 187 of 375 milliliters, 48 containers of 200 milliliters, or 120 containers of 50 milliliters;  
 188 and  
 189 (B) In relation to malt beverages, a box or receptacle containing not more than 288  
 190 ounces.  
 191 (39) 'Table wine' means wine having an alcoholic strength of not more than 14 percent  
 192 alcohol by volume.  
 193 ~~(22)(40) 'Taxpayer' means any person made liable by law to file a return or to pay tax.~~  
 194 (41) 'Vintner' means any person engaged in the manufacturing of wine.  
 195 ~~(23)(42) 'Wholesaler' or 'wholesale dealer' means any person who~~ that sells alcoholic  
 196 beverages to ~~other wholesale dealers, to retail dealers, or to retail consumption dealers~~  
 197 retail wine-malt beverage dealers, retail on premise liquor dealers, retail package liquor  
 198 store dealers, or other wholesalers.  
 199 ~~(24)(43)(A) 'Wine' means any alcoholic beverage containing not more than 24 percent~~  
 200 ~~alcohol by volume made from fruits, berries, or grapes either by natural fermentation~~  
 201 ~~or by natural fermentation with brandy added~~ or made from honey. ~~The term includes,~~  
 202 ~~but is not limited to, all sparkling wines, champagnes, combinations of such beverages,~~  
 203 ~~vermouths, special natural wines, rectified wines, and like products. The term does~~  
 204 'wine' shall not include cooking wine mixed with salt or other ingredients so as to  
 205 render it unfit for human consumption as a beverage.

206 (B) A liquid shall first be deemed to be a wine at that point in the manufacturing  
 207 process when it conforms to the definition of ~~wine~~ the term 'wine' contained in ~~this~~  
 208 ~~Code section subparagraph (A) of this paragraph.~~

209 (44) 'Winery' means any licensed premises used for the purposes of manufacturing wine."

210 **SECTION 2.**

211 Said title is further amended by revising Code Section 3-1-3, relating to existing forms and  
 212 filings, as follows:

213 "3-1-3.

214 ~~Every form of license or tax document or other license or tax related filing lawfully in use~~  
 215 ~~immediately prior to July 1, 1981, may continue to be so used or be effective until the~~  
 216 ~~commissioner, in accordance with this title, otherwise prescribes. Reserved."~~

217 **SECTION 3.**

218 Said title is further amended by revising Code Section 3-1-5, relating to posting of warning  
 219 by retailer that consumption of alcohol during pregnancy is dangerous, as follows:

220 "3-1-5.

221 (a) ~~All retail consumption dealers and retail dealers~~ retail on premise liquor dealers and  
 222 retail wine-malt beverage dealers in this state ~~who that~~ sell at retail any alcoholic beverages  
 223 for consumption on the premises shall post, in a conspicuous place, a sign which clearly  
 224 reads: 'Warning: Drinking alcoholic beverages during pregnancy can cause birth defects.'

225 (b) The department shall make such warning signs available to such ~~retailers of alcoholic~~  
 226 ~~beverages~~ retail on premise liquor dealers and retail wine-malt beverage dealers and shall  
 227 promulgate rules and regulations with respect to the form and the posting of ~~said such~~  
 228 signs. A fee may be charged by the department to cover printing, postage, and handling  
 229 expenses.

230 (c) Any person ~~who that~~ fails or refuses to post the sign as required in this Code section  
 231 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount  
 232 not to exceed \$100.00 for each violation."

233 **SECTION 4.**

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

235 "3-2-5.1.

236 (a) Annual occupational license taxes are imposed as follows:

237 (1) In the case of distilled spirits, upon each:

238 (A) Distiller . . . . . \$ 1,000.00

239 (B) Distiller that is a fruit grower . . . . . 500.00

240	<u>(C) Distiller that is a nonprofit museum</u> .....	<u>100.00</u>
241	<u>(D) Wholesaler</u> .....	<u>1,000.00</u>
242	<u>(E) Importer</u> .....	<u>1,000.00</u>
243	<u>(F) Broker</u> .....	<u>100.00</u>
244	<u>(G) Retail package liquor dealer:</u>	
245	<u>(i) For distilled spirits only</u> .....	<u>100.00</u>
246	<u>(ii) For distilled spirits and malt beverages</u> .....	<u>150.00</u>
247	<u>(iii) For distilled spirits and wine</u> .....	<u>150.00</u>
248	<u>(iv) For distilled spirits, malt beverages, and wine</u> .....	<u>200.00</u>
249	<u>(H) Retail on premise liquor dealer:</u>	
250	<u>(i) For distilled spirits only</u> .....	<u>100.00</u>
251	<u>(ii) For distilled spirits and malt beverages</u> .....	<u>150.00</u>
252	<u>(iii) For distilled spirits and wine</u> .....	<u>150.00</u>
253	<u>(iv) For distilled spirits, malt beverages, and wine</u> .....	<u>200.00</u>
254	<u>(2) In the case of malt beverages, upon each:</u>	
255	<u>(A) Brewer</u> .....	<u>\$ 1,000.00</u>
256	<u>(B) Dining establishment that is a brewpub</u> .....	<u>1,000.00</u>
257	<u>(C) Wholesaler</u> .....	<u>500.00</u>
258	<u>(D) Importer</u> .....	<u>500.00</u>
259	<u>(E) Broker</u> .....	<u>50.00</u>
260	<u>(F) Retail wine-malt beverage dealer:</u>	
261	<u>(i) For malt beverages only</u> .....	<u>50.00</u>
262	<u>(ii) For malt beverages and wine</u> .....	<u>100.00</u>
263	<u>(3) In the case of wines, upon each:</u>	
264	<u>(A) Vintner</u> .....	<u>\$ 1,000.00</u>
265	<u>(B) Farm winery</u> .....	<u>50.00</u>
266	<u>(C) Georgia farm winery</u> .....	<u>50.00</u>
267	<u>(D) Wholesaler</u> .....	<u>500.00</u>
268	<u>(E) Importer</u> .....	<u>500.00</u>
269	<u>(F) Broker</u> .....	<u>50.00</u>
270	<u>(G) Retail wine-malt beverage dealer:</u>	
271	<u>(i) For wine only</u> .....	<u>50.00</u>

- 272           (ii) For wine and malt beverages . . . . . 100.00
- 273           (H) Special order shipping applicant . . . . . 50.00
- 274   (b) An annual occupational license tax shall be paid by each applicant for each place of
- 275   business operated.
- 276   (c)(1) Except as provided in paragraph (2) of this subsection, an application for a license
- 277   required pursuant to this title along with the payment of the tax required by subsection
- 278   (a) of this Code section shall be submitted to the department immediately upon assuming
- 279   control of the place of business and annually thereafter for so long as the business is
- 280   operated.
- 281   (2) An application for a special order shipping license shall be submitted to the
- 282   department along with the payment of the tax required by subsection (a) of this Code
- 283   section and with each new application upon the expiration of such license."

**SECTION 5.**

284  
285 Said title is further amended by revising Code Section 3-2-6, relating to establishment and  
286 operation of reporting system for collection of taxes on malt beverages, distilled spirits, and  
287 wines and applicability to reporting system of provisions of law relating to revenue stamps,  
288 as follows:

289 "3-2-6.

290 (a) ~~With respect to malt beverages and wine, the~~ The commissioner shall provide, ~~and with~~  
291 ~~respect to distilled spirits, the commissioner may provide,~~ by regulation rules and  
292 regulations, that the taxes on malt beverages, wine, and distilled spirits shall be collected  
293 by a reporting system.

294 (b) Pursuant to the establishment of a reporting system authorized by subsection (a) of this  
295 Code section, the commissioner may promulgate rules and regulations which shall include,  
296 but shall not be limited to, provisions for:

- 297   (1) Records to be made and kept;
- 298   (2) Penalties to be assessed for failure to comply with the reporting system;
- 299   (3) Bonds or other security to be posted with the commissioner; and
- 300   (4) Other matters relative to the administration and enforcement of collecting the tax
- 301   under the reporting system.

302 (c) ~~In the event the commissioner prescribes a reporting system for collection of taxes~~  
303 ~~imposed on distilled spirits by this title, all of the laws applicable to revenue stamps shall~~  
304 ~~apply to the reporting system.~~

305 ~~(d)~~(c) There is established a reporting system for the collection of state excise taxes  
306 imposed by this title on all taxable wine. The reporting system shall be conducted as  
307 follows:

308 (1) Every licensed ~~wholesale dealer~~ wholesaler, importer, and broker located within this  
 309 state shall file a monthly report with the commissioner, on forms prescribed by the  
 310 commissioner, setting forth ~~his~~ such person's taxable wine sales for the month and shall  
 311 remit with the report the appropriate excise taxes on the wine. The reports and  
 312 remittances shall be filed with the commissioner not later than the fifteenth day of the  
 313 month next following the month of sale; and

314 (2) Every licensed manufacturer, ~~winery, producer~~ vintner, shipper, importer, and broker  
 315 shipping wines or causing wines to be shipped into ~~the~~ this state shall file a monthly  
 316 report with the commissioner, on forms prescribed by the commissioner, which shall set  
 317 forth the total quantity of wines shipped into ~~the~~ this state during the month and which  
 318 shall have attached to it legible copies of all invoices covering the shipments. The  
 319 monthly reports shall be filed with the commissioner not later than the fifteenth day of  
 320 the month next following the month of shipment."

### 321 **SECTION 6.**

322 Said title is further amended by revising subsection (a) of Code Section 3-2-7, relating to  
 323 expiration and renewal of licenses generally, continuation of operations by licensee pending  
 324 final approval or disapproval of application for renewal, penalty for late application for  
 325 renewal, and temporary permits, as follows:

326 "(a)(1) Except as otherwise specifically provided in paragraph (2) of this subsection or  
 327 elsewhere in this title, all licenses issued pursuant to this title shall expire on  
 328 December 31 of each year and application for renewal shall be made annually on or  
 329 before November 1.

330 (2) ~~On and after July 1, 2013, licenses for retailers and retail dealers~~ Licenses for retail  
 331 wine-malt beverage dealers, retail on premise liquor dealers, and retail package liquor  
 332 dealers shall be issued for a 12 month period to be determined by the commissioner and  
 333 provided by ~~regulation~~ rules and regulations. Applications for renewal of licenses for  
 334 ~~retailers and retail dealers~~ retail wine-malt beverage dealers, retail on premise liquor  
 335 dealers, and retail package liquor dealers shall be made not less than 60 nor more than 90  
 336 days prior to expiration."

### 337 **SECTION 7.**

338 Said title is further amended by revising Code Section 3-2-11, relating to penalties for failure  
 339 to file reports or returns or to pay tax or fee and procedure for assessment of taxes due,  
 340 penalties, and interest, as follows:

341 "3-2-11.

342 Except as otherwise provided in this title:

343 (1) When any person required to file a report as provided by this title fails to file the  
 344 report within the time prescribed, ~~he~~ such person shall be assessed a penalty of \$50.00  
 345 for each failure to file.;

346 (2) In the event the commissioner determines, upon inspection of the invoices, books,  
 347 and records of a licensed ~~wholesale dealer~~ wholesaler or importer or from any other  
 348 information obtained by him or her or his or her authorized agents, that the licensed  
 349 ~~wholesale dealer~~ wholesaler or importer has not paid the proper tax or the proper amount  
 350 of taxes, ~~the wholesale dealer~~ such wholesaler or importer shall be assessed for the taxes  
 351 due. After assessment, the person assessed shall be provided with notice and an  
 352 opportunity for a hearing as provided for contested cases by Chapter 13 of Title 50, the  
 353 'Georgia Administrative Procedure Act.';

354 (3) When any person fails to pay any tax or license fee due as provided by this title, ~~the~~  
 355 such person shall be assessed a penalty the same as that provided for in Code Section  
 356 48-2-44.;

357 (4) When any person fails to file a return; or files a false or fraudulent return, or when  
 358 a tax deficiency or any part of a tax deficiency is due to a fraudulent intent to evade any  
 359 tax imposed or authorized by this title, ~~the~~ such person shall be assessed a specific  
 360 penalty of 50 percent of the tax due.;

361 (5) When any person fails to pay the tax or any part of the tax due as provided by this  
 362 title, ~~the~~ such person shall pay interest on the unpaid tax at the rate of 1 percent per month  
 363 from the time the tax became due until paid or at the rate specified in Code Section  
 364 48-2-40, whichever is greater. Interest shall be computed on a monthly basis for any  
 365 portion of a month during which payment is delinquent; and

366 (6) All penalties and interest imposed by this title shall be payable to and collected by  
 367 the commissioner in the same manner as if they were a part of the taxes imposed by this  
 368 title."

369 **SECTION 8.**

370 Said title is further amended by revising Code Section 3-2-15, relating to promulgation of  
 371 rules and regulations governing advertising of distilled spirits, as follows:

372 "3-2-15.

373 The commissioner ~~shall~~ may issue rules and regulations governing ~~all~~ the advertising of  
 374 ~~distilled spirits~~ alcoholic beverages within this state."

375 **SECTION 9.**

376 Said title is further amended by repealing in its entirety Article 3 of Chapter 3, relating to  
 377 prohibited conduct on licensed premises.

378

**SECTION 10.**

379 Said title is further amended by revising Code Section 3-3-6, relating to maintenance of  
 380 records as to manufacture, purchase, or sale of alcoholic beverages by manufacturers,  
 381 importers, or dealers and disposal of records, as follows:

382 "3-3-6.

383 (a) Each manufacturer, importer, ~~wholesale dealer, retail dealer, and retail consumption~~  
 384 ~~dealer~~ wholesaler, retail package liquor dealer, retail wine-malt beverage dealer, and retail  
 385 on premise liquor dealer shall keep and preserve, as prescribed by the commissioner,  
 386 records of all alcoholic beverages manufactured, purchased, or sold by ~~him~~ such person.  
 387 The records shall be kept for a period of three years from the date of manufacture,  
 388 purchase, or sale and shall at all times be open to inspection by the commissioner or any  
 389 authorized agent or employee of the commissioner.

390 (b) The commissioner may authorize by ~~rule~~ rules and regulations the disposal of records  
 391 maintained pursuant to subsection (a) of this Code section, prior to the expiration of the  
 392 specified three-year period, when he or she is satisfied as to ~~their~~ the contents of such  
 393 records or otherwise determines that the maintenance of ~~the~~ such records is no longer  
 394 necessary."

395

**SECTION 11.**

396 Said title is further amended by revising subsections (p) and (q) of Code Section 3-3-7,  
 397 relating to local authorization and regulation of sales of alcoholic beverages on Sunday, as  
 398 follows:

399 "(p)(1) Notwithstanding other laws, in each county or municipality in which package  
 400 sales of malt beverages and wine by ~~retailers~~ retail wine-malt beverage dealers are lawful,  
 401 but package sales of distilled spirits by ~~retailers~~ retail package liquor dealers are not  
 402 lawful, the governing authority of the county or municipality, as appropriate, may  
 403 authorize package sales ~~by retailers~~ of malt beverages and wine by retail wine-malt  
 404 beverage dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M., if such  
 405 Sunday sales of both malt beverages and wine are approved by referendum as provided  
 406 in paragraph (2) of this subsection.

407 (2) Any governing authority desiring to permit and regulate package sales ~~by retailers~~  
 408 of both malt beverages and wine by retail wine-malt beverage dealers on Sundays  
 409 between the hours of 12:30 P.M. and 11:30 P.M., pursuant to paragraph (1) of this  
 410 subsection, shall so provide by proper resolution or ordinance specifying the hours during  
 411 such period when such package sales may occur. Upon receipt of the resolution or  
 412 ordinance, the election superintendent shall issue the call for an election for the purpose  
 413 of submitting the question of Sunday package sales ~~by retailers~~ of both malt beverages

414 and wine by retail wine-malt beverage dealers to the electors of that county or  
 415 municipality for approval or rejection. The election superintendent shall issue the call  
 416 and shall conduct the election on a date and in the manner authorized under Code Section  
 417 21-2-540. The election superintendent shall cause the date and purpose of the election  
 418 to be published once a week for four weeks immediately preceding the date of the  
 419 election in the official organ of the county or, in the case of a municipality, in a  
 420 newspaper of general circulation in the municipality. The ballot shall have written or  
 421 printed thereon the words:

422 '( ) YES Shall the governing authority of (name of county or municipality) be  
 423 authorized to permit and regulate package sales ~~by retailers~~ of both malt  
 424 ( ) NO beverages and wine by retail wine-malt beverage dealers on Sundays  
 425 between the hours of 12:30 P.M. and 11:30 P.M.?'

426 All ~~persons~~ individuals desiring to vote for approval of package sales ~~by retailers~~ of malt  
 427 beverages and wine by retail wine-malt beverage dealers on Sundays between the hours  
 428 of 12:30 P.M. and 11:30 P.M. shall vote 'Yes,' and all ~~persons~~ individuals desiring to vote  
 429 for rejection of package sales ~~by retailers~~ of malt beverages and wine by retail wine-malt  
 430 beverage dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M. shall vote  
 431 'No.' If more than one-half of the votes cast on the question are for approval of Sunday  
 432 package sales ~~by retailers~~ of malt beverages and wine by retail wine-malt beverage  
 433 dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M., the resolution or  
 434 ordinance approving such Sunday package sales ~~by retailers~~ of malt beverages and wine  
 435 by retail wine-malt beverage dealers shall become effective upon the date so specified in  
 436 ~~that~~ such resolution or ordinance. The expense of the election shall be borne by the  
 437 county or municipality in which the election is held. The election superintendent shall  
 438 canvass the returns, declare the result of the election, and certify the result to the  
 439 Secretary of State.

440 (3) Whenever package sales of malt beverages and wine on Sundays between the hours  
 441 of 12:30 P.M. and 11:30 P.M. are authorized by a county or municipality pursuant to this  
 442 subsection, Sunday package sales ~~by retailers~~ of malt beverages and wine by retail  
 443 wine-malt beverage dealers may be made only by licensed ~~retailers~~ retail wine-malt  
 444 beverage dealers that are licensed to sell by the package.

445 (4) The provisions of this subsection are in addition to or cumulative of and not in lieu  
 446 of any other provisions of this title relative to the sale of malt beverages and wine by  
 447 ~~retailers~~ retail wine-malt beverage dealers.

448 (q)(1) Notwithstanding other laws, in each county or municipality in which package sales  
 449 of malt beverages, wine, and distilled spirits by ~~retailers~~ retail wine-malt beverage dealers  
 450 and retail package liquor dealers are all lawful, the governing authority of the county or

451 municipality, as appropriate, may authorize package sales ~~by retailers~~ of malt beverages,  
 452 wine, and distilled spirits by retail wine-malt beverage dealers and retail package liquor  
 453 dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M., if such Sunday  
 454 sales of malt beverages, wine, and distilled spirits are approved by referendum as  
 455 provided in paragraph (2) of this subsection. If the governing authority seeks  
 456 authorization for Sunday sales of alcoholic beverages pursuant to this subsection, the  
 457 governing authority shall seek authorization ~~of~~ for Sunday package sales by ~~retailers~~  
 458 retail wine-malt beverage dealers and retail package liquor dealers of all alcoholic  
 459 beverages, including malt beverages, wine, and distilled spirits, and not of only one type  
 460 of alcoholic beverage.

461 (2) Any governing authority desiring to permit and regulate package sales ~~by retailers~~  
 462 of malt beverages, wine, and distilled spirits by retail wine-malt beverage dealers and  
 463 retail package liquor dealers on Sundays between the hours of 12:30 P.M. and 11:30  
 464 P.M., pursuant to paragraph (1) of this subsection, shall so provide by proper resolution  
 465 or ordinance specifying the hours during such period when such package sales may occur.  
 466 Upon receipt of the resolution or ordinance, the election superintendent shall issue the  
 467 call for an election for the purpose of submitting the question of Sunday package sales  
 468 ~~by retailers~~ of malt beverages, wine, and distilled spirits by retail wine-malt beverage  
 469 dealers and retail package liquor dealers to the electors of that county or municipality for  
 470 approval or rejection. The election superintendent shall issue the call and shall conduct  
 471 the election on a date and in the manner authorized under Code Section 21-2-540. The  
 472 election superintendent shall cause the date and purpose of the election to be published  
 473 once a week for four weeks immediately preceding the date of the election in the official  
 474 organ of the county or, in the case of a municipality, in a newspaper of general circulation  
 475 in the municipality. The ballot shall have written or printed thereon the words:

476 '( ) YES Shall the governing authority of (name of county or municipality) be  
 477 authorized to permit and regulate package sales ~~by retailers~~ of malt  
 478 ( ) NO beverages, wine, and distilled spirits by retail wine-malt beverage dealers  
 479 and retail package liquor dealers on Sundays between the hours of 12:30  
 480 P.M. and 11:30 P.M.?'

481 All ~~persons~~ individuals desiring to vote for approval of package sales ~~by retailers~~ of malt  
 482 beverages, wine, and distilled spirits by retail wine-malt beverage dealers and retail  
 483 package liquor dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M. shall  
 484 vote 'Yes,' and all ~~persons~~ individuals desiring to vote for rejection of package sales ~~by~~  
 485 ~~retailers~~ of malt beverages, wine, and distilled spirits by retail wine-malt beverage dealers  
 486 and retail package liquor dealers on Sundays between the hours of 12:30 P.M. and 11:30  
 487 P.M. shall vote 'No.' If more than one-half of the votes cast on the question are for

488 approval of Sunday package sales ~~by retailers~~ of malt beverages, wine, and distilled  
 489 spirits by retail wine-malt beverage dealers and retail package liquor dealers on Sundays  
 490 between the hours of 12:30 P.M. and 11:30 P.M., the resolution or ordinance approving  
 491 such Sunday package sales ~~by retailers~~ of malt beverages, wine, and distilled spirits by  
 492 retail wine-malt beverage dealers and retail package liquor dealers shall become effective  
 493 upon the date so specified in ~~that~~ such resolution or ordinance. If more than one-half of  
 494 the votes cast on the question are for disapproval of Sunday package sales ~~by retailers~~ of  
 495 malt beverages, wine, and distilled spirits by retail wine-malt beverage dealers and retail  
 496 package liquor dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M., such  
 497 rejection shall not nullify the prior election results for approval of Sunday package sales  
 498 ~~by retailers~~ of malt beverages and wine by retail wine-malt beverage dealers on Sundays  
 499 between the hours of 12:30 P.M. and 11:30 P.M. pursuant to subsection (p) of this Code  
 500 section. The expense of the election shall be borne by the county or municipality in  
 501 which the election is held. The election superintendent shall canvass the returns, declare  
 502 the result of the election, and certify the result to the Secretary of State.

503 (3) Whenever package sales of malt beverages, wine, and distilled spirits on Sundays  
 504 between the hours of 12:30 P.M. and 11:30 P.M. are authorized by a county or  
 505 municipality pursuant to this subsection, Sunday package sales ~~by retailers~~ of malt  
 506 beverages, wine, and distilled spirits by retail wine-malt beverage dealers and retail  
 507 package liquor dealers may be made only by licensed ~~retailers~~ retail wine-malt beverage  
 508 dealers and retail package liquor dealers that are licensed to sell by the package.

509 (4) The provisions of this subsection are in addition to or cumulative of and not in lieu  
 510 of any other provisions of this title relative to the sale of alcoholic beverages by ~~retailers~~  
 511 retail wine-malt beverage dealers and retail package liquor dealers."

## 512 SECTION 12.

513 Said title is further amended by revising subsections (d) and (i) of Code Section 3-3-23,  
 514 relating to furnishing to, purchase of, or possession by persons under 21 years of age of  
 515 alcoholic beverages; use of false identification; proper identification; dispensing, serving,  
 516 selling, or handling by persons under 21 years of age in the course of employment; seller's  
 517 actions upon receiving false identification; and immunity for seeking medical assistance for  
 518 alcohol related overdose, as follows:

519 "(d) The prohibition contained in paragraph (1) of subsection (a) of this Code section shall  
 520 not apply with respect to the sale of alcoholic beverages by a person when such person has  
 521 been furnished with proper identification showing that the ~~person~~ individual to whom the  
 522 alcoholic beverage is sold is 21 years of age or older. ~~For purposes of this subsection, the~~  
 523 ~~term 'proper identification' means any document issued by a governmental agency~~

524 ~~containing a description of the person, such person's photograph, or both, and giving such~~  
 525 ~~person's date of birth and includes, without being limited to, a passport, military~~  
 526 ~~identification card, driver's license, or an identification card authorized under Code~~  
 527 ~~Sections 40-5-100 through 40-5-104. 'Proper identification' shall not include a birth~~  
 528 ~~certificate and shall not include any traffic citation and complaint form."~~

529 "(i) Any ~~retailer or retail consumption dealer~~ retail package liquor dealer, retail wine-malt  
 530 beverage dealer, or retail on premise liquor dealer, or any person acting on behalf of such  
 531 ~~retailer or retail consumption dealer~~ retail package liquor dealer, retail wine-malt beverage  
 532 dealer, or retail on premise liquor dealer, ~~who that~~ upon requesting proper identification  
 533 from a ~~person~~ an individual attempting to purchase alcoholic beverages from such ~~retailer~~  
 534 ~~or retail consumption dealer~~ retail package liquor dealer, retail wine-malt beverage dealer,  
 535 or retail on premise liquor dealer pursuant to subsection (h) of this Code section is tendered  
 536 a driver's license which indicates that such driver's license is falsified; or is not the driver's  
 537 license of the ~~person~~ individual presenting it, or that such ~~person~~ individual is under the age  
 538 of 21 years, the person to whom ~~said~~ such license is tendered shall be authorized to either  
 539 write down the name, address, and license number or to seize and retain such driver's  
 540 license and in either event shall immediately thereafter summon a law enforcement officer  
 541 who shall be authorized to seize the license either at the scene or at such time as the license  
 542 can be located. The procedures and rules connected with the retention of such license by  
 543 the officer shall be the same as those provided for the acceptance of a driver's license as  
 544 bail on arrest for traffic offenses pursuant to Code Section 17-6-11."

545 **SECTION 13.**

546 Said title is further amended by revising Code Section 3-3-24, relating to dispensing, serving,  
 547 selling, or taking orders for alcoholic beverages by persons under 18 years of age, as follows:  
 548 "3-3-24.

549 (a) No person shall allow or require a ~~person~~ an individual in ~~his~~ such person's  
 550 employment under 18 years of age to dispense, serve, sell, or take orders for any alcoholic  
 551 beverages.

552 (b) This Code section shall not prohibit ~~persons~~ individuals under 18 years of age who are  
 553 employed ~~in supermarkets, convenience stores, breweries, or drugstores~~ by a retail  
 554 wine-malt beverage dealer that is not licensed for the same premises as a retail on premise  
 555 liquor dealer or a retail package liquor dealer from selling or handling alcoholic beverages  
 556 which are sold for consumption off the premises."

557 **SECTION 14.**

558 Said title is further amended by revising Code Section 3-3-24.2, relating to the posting of  
 559 laws concerning sales to underage persons, contents of notice, and punitive action against  
 560 violators, as follows:

561 "3-3-24.2.

562 (a) Each retail business establishment in this state which is licensed to sell alcoholic  
 563 beverages of any kind shall post in a conspicuous place or places a notice which shall  
 564 contain the provisions of the laws of this state which deal with the unlawful sale of such  
 565 ~~items~~ alcoholic beverages to underage ~~persons~~ individuals and the penalties for violating  
 566 such laws.

567 (b) The department shall ~~prepare, print, and distribute~~ make available the notices required  
 568 by subsection (a) of this Code section. The notices shall contain those provisions of the  
 569 ~~law~~ laws of this state which the department determines will best inform the citizens of this  
 570 state of the relevant provisions of the ~~law~~ laws of this state regarding sale of alcoholic  
 571 beverages to underage ~~persons~~ individuals.

572 (c) The commissioner may take punitive action against violators, up to and including  
 573 revocation of the state ~~retail dealer's~~ license to sell alcoholic beverages of any retail  
 574 business establishment which fails to comply with this Code section. The undertaking of  
 575 any punitive action allowed under this Code section shall not prohibit criminal prosecution  
 576 for sale to underage ~~persons~~ individuals."

577 **SECTION 15.**

578 Said title is further amended by revising Code Section 3-3-25, relating to furnishing alcoholic  
 579 beverages to prisoners or inmates of places of confinement, possession on grounds or within  
 580 200 yards of certain buildings prohibited, and exceptions, as follows:

581 "3-3-25.

582 (a) No person knowingly and intentionally shall:

583 (1) Offer for sale, sell, barter, exchange, give, provide, or furnish alcoholic beverages to:  
 584 ~~(A) Any~~ any person confined in any jail, penal institution, correctional facility, or other  
 585 lawful place of confinement; or

586 ~~(B) Any person who is a patient or lawful inmate of the Central State Hospital;~~

587 ~~(2) Offer for sale any alcoholic beverages within 200 yards of any building of the Central  
 588 State Hospital which was in existence on July 1, 1977; or~~

589 ~~(3)~~ (2) Introduce or possess any alcoholic beverages ~~upon the grounds of the Central State  
 590 Hospital~~ or in the buildings of the Georgia War Veterans Home operated for the use and  
 591 care of disabled war veterans.

592 (b) Nothing contained in this Code section shall prevent or prohibit:

593 (1) The administration of alcohol by the staff of the ~~above-mentioned~~ institutions  
 594 provided for in subsection (a) of this Code section to any prisoner, patient, or lawful  
 595 inmate in strict compliance with the prescription of a licensed physician; or

596 (2) The staff members of the ~~Central State Hospital~~ and the Georgia War Veterans Home  
 597 who maintain their domicile on the grounds of ~~these institutions~~ such institution from  
 598 possessing alcoholic beverages for their own consumption or for that of their families or  
 599 persons invited to their homes, except patients or lawful inmates of ~~these institutions~~ such  
 600 institution.

601 (c) No person shall knowingly allow any other person to violate this Code section."

602 **SECTION 16.**

603 Said title is further amended by revising Code Section 3-3-26, relating to breaking of a  
 604 package on the premises, as follows:

605 "3-3-26.

606 No ~~retail dealer~~ retail package liquor dealer shall knowingly and intentionally allow or  
 607 permit the breaking of any package or packages containing alcoholic beverages on the  
 608 premises where sold or allow or permit the drinking of the contents of such package or  
 609 packages on the premises where sold. ~~This Code section shall not apply with respect to~~  
 610 ~~sales pursuant to a license for consumption on the premises."~~

611 **SECTION 17.**

612 Said title is further amended by revising Code Section 3-3-40, relating to definitions relative  
 613 to prohibited conduct on licensed premises, as follows:

614 "3-3-40.

615 ~~As used in this article, the term:~~

616 (1) ~~'Licensed premises' means any premises in which alcoholic beverages are sold or~~  
 617 ~~dispensed for consumption on the premises and shall include any premises which are~~  
 618 ~~required by law to be licensed to sell or dispense alcoholic beverages for consumption on~~  
 619 ~~the premises.~~

620 (2) ~~'Operator' means and includes the owner, license holder, operator, manager, and~~  
 621 ~~person in charge of any licensed premises~~ Reserved."

622 **SECTION 18.**

623 Said title is further amended by revising Code Section 3-4-1, relating to definitions relative  
 624 to distilled spirits, as follows:

625 "3-4-1.

626 ~~As used in this chapter, the term:~~

627 (1) ~~'Denatured alcohol' or 'denatured distilled spirits' means alcohol, as defined in Code~~  
 628 ~~Section 3-1-2, to which denaturants have been added in order to render the alcohol unfit~~  
 629 ~~for beverage purposes or internal human medicinal use. As used in this paragraph, the~~  
 630 ~~term 'denaturants' means materials authorized for use pursuant to Chapter 1 of Title 27~~  
 631 ~~of the Code of Federal Regulations, as the same may now or hereafter be amended.~~

632 (2) ~~'Distiller' means a manufacturer.~~

633 (3) ~~'Fruit grower' means any person who grows peaches, apples, pears, grapes, or other~~  
 634 ~~perishable fruits in this state and who manufactures distilled spirits from the perishable~~  
 635 ~~fruits grown in this state Reserved.~~

#### 636 SECTION 19.

637 Said title is further amended by revising Code Section 3-4-2, relating to inapplicability of  
 638 chapter to ethyl alcohol used for certain purposes, as follows:

639 "3-4-2.

640 (a) This chapter shall not apply to ethyl alcohol intended for use or used for the following  
 641 purposes:

642 (1) For scientific, chemical, mechanical, industrial, medicinal, and culinary purposes;

643 (2) For use by those authorized to procure ethyl alcohol tax free, as provided by federal  
 644 law;

645 (3) In the manufacture of denatured alcohol or denatured distilled spirits produced and  
 646 used as provided by federal law;

647 (4) In the manufacture of patented, patent, proprietary, medicinal, pharmaceutical,  
 648 antiseptic, toilet, scientific, chemical, mechanical, and industrial preparations or products  
 649 unfit for beverage purposes; or

650 (5) In the manufacture of flavoring extracts and syrups unfit for beverage purposes.

651 (b) Nothing contained in subsection (a) of this Code section shall prohibit the  
 652 commissioner from promulgating ~~reasonable~~ rules and regulations with regard to ethyl  
 653 alcohol intended for use or used for any of the ~~above-mentioned~~ purposes in subsection (a)  
 654 of this Code section in order to ensure proper enforcement of this title."

#### 655 SECTION 20.

656 Said title is further amended by repealing Code Section 3-4-3, relating to retail dealer's signs  
 657 and signs advertising the Georgia lottery, in its entirety as follows:

658 "~~3-4-3.~~

659 (a) ~~Except as otherwise provided in subsection (b) of this Code section, a licensed retail~~  
 660 ~~dealer in distilled spirits may display at the licensee's place of business unilluminated signs,~~  
 661 ~~using letters not larger than eight inches in height, flat against the outside of the building,~~

662 ~~below the roof line, bearing the words 'liquor,' 'beer,' 'wine,' 'champagne,' or any~~  
 663 ~~combination thereof, and 'package store' or 'liquor store,' together with the trade name of~~  
 664 ~~the retail dealer. In addition to such signs flat against the outside of the building, the retail~~  
 665 ~~dealer may display at a location on the tract of property upon which the business is located,~~  
 666 ~~but not affixed to the building, one unilluminated sign using letters not larger than eight~~  
 667 ~~inches in height bearing the words 'package store' or 'liquor store' and the trade name of the~~  
 668 ~~retail dealer. Subject to any more restrictive size limitations contained in the ordinances~~  
 669 ~~of the political subdivision in which the place of business is located, a sign not affixed to~~  
 670 ~~the building may be no larger than 16 square feet in area.~~

671 ~~(b) Notwithstanding the provisions of subsection (a) of this Code section, the~~  
 672 ~~commissioner shall be authorized by rules and regulations to permit licensed retail dealers~~  
 673 ~~in distilled spirits to display signs inside and outside their retail establishments which~~  
 674 ~~advertise or promote any lottery authorized under Chapter 27 of Title 50, the 'Georgia~~  
 675 ~~Lottery for Education Act,' provided that such signs are in compliance with said Chapter~~  
 676 ~~27 of Title 50 and the rules and regulations of the board of directors of the Georgia Lottery~~  
 677 ~~Corporation."~~

678 **SECTION 21.**

679 Said title is further amended by revising Code Section 3-4-20, relating to state license tax  
 680 applicable to distilled spirits, as follows:

681 "3-4-20.

682 ~~(a) An annual occupational license tax is imposed upon each distiller, manufacturer,~~  
 683 ~~broker, importer, wholesaler, fruit grower, and retail dealer of distilled spirits in this state,~~  
 684 ~~as follows:~~

685	<del>(1) Upon each distiller and manufacturer</del>	<del>.....</del>	<del>\$1,000.00</del>
686	<del>(2) Upon each wholesale dealer</del>	<del>.....</del>	<del>1,000.00</del>
687	<del>(3) Upon each importer</del>	<del>.....</del>	<del>1,000.00</del>
688	<del>(4) Upon each fruit grower</del>	<del>.....</del>	<del>500.00</del>
689	<del>(5) Upon each broker</del>	<del>.....</del>	<del>100.00</del>
690	<del>(6) Upon each retail dealer</del>	<del>.....</del>	<del>100.00</del>
691	<del>(7) Upon each special event use permit applicant</del>	<del>.....</del>	<del>100.00</del>

692 ~~(b) An annual occupational license tax shall be paid for each place of business operated.~~  
 693 ~~An application for the applicable license required pursuant to this title along with the~~  
 694 ~~payment of the tax required by subsection (a) of this Code section shall be submitted to the~~  
 695 ~~department immediately upon assuming control of the place of business and annually~~  
 696 ~~thereafter for so long as the business is operated Reserved."~~

697

**SECTION 22.**

698 Said title is further amended by revising Code Section 3-4-21, relating to person not to be  
699 issued more than two retail dealer licenses, as follows:

700 "3-4-21.

701 (a) No person shall be issued more than two ~~retail dealer~~ retail package liquor dealer  
702 licenses, nor shall any person be permitted to have a beneficial interest in more than two  
703 ~~retail dealer~~ retail package liquor dealer licenses issued under this chapter, regardless of the  
704 degree of such interest.

705 (b) For purposes of this Code section:

706 (1) The term 'person' shall include all members of a ~~retail dealer~~ retail package liquor  
707 dealer licensee's family; and the term 'family' shall include any ~~person~~ individual related  
708 to the holder of the license within the first degree of consanguinity and affinity as  
709 computed according to the canon law.

710 (2) The beneficiaries of a trust shall be considered to have a beneficial interest in any  
711 business forming a part of the trust estate.

712 (c) Nothing contained in this Code section shall prohibit the reissuance of a valid ~~retail~~  
713 ~~dealer~~ retail package liquor dealer license if ~~the~~ such license has been:

714 (1) Held prior to the creation of any of the ~~above~~ relationships in subsection (b) of this  
715 Code section by marriage; or

716 (2) Held prior to April 3, 1978."

717

**SECTION 23.**

718 Said title is further amended by revising Code Section 3-4-21.1, relating to retail licenses,  
719 as follows:

720 "3-4-21.1.

721 (a) A separate ~~retail~~ license for retail on premise liquor dealers and retail package liquor  
722 dealers shall be required for each place of business.

723 (b) In cases where a retail ~~licensee~~ package liquor dealer is moving ~~his package sales~~ the  
724 business to a different location, ~~he~~ such licensee shall be authorized to make application  
725 to have the license for the location previously occupied apply to the new location.  
726 Anything contained in Code Section 3-4-21 to the contrary notwithstanding, if ~~the retail~~  
727 such licensee complies with all other requirements of law, the commissioner shall authorize  
728 the existing license to apply to the new location."

729

**SECTION 24.**

730 Said title is further amended by revising Code Section 3-4-22, relating to the filing of bonds  
731 by applicants for licenses, as follows:

732 "3-4-22.

733 (a) All applicants for all licenses issued pursuant to this chapter shall file with the  
734 commissioner, along with each initial application, a bond:

735 (1) Conditioned to pay all sums which may become due by the applicant to this state as  
736 taxes, license fees, or otherwise; arising out of the operation of the business for which  
737 licensure is sought; and

738 (2) Conditioned to pay all penalties which may be imposed upon the applicant for failure  
739 to comply with the laws and rules and regulations pertaining to distilled spirits.

740 The surety for the bonds shall be a surety company licensed to do business in this state, and  
741 the bonds shall be in such form as may be required by the commissioner and may be for  
742 a term of up to five calendar years.

743 (b) The bonds shall be in the following calendar year amounts:

744 (1) For distillers ~~and manufacturers~~, \$10,000.00;

745 (2) For ~~wholesale dealers~~ wholesalers and importers, \$5,000.00; and

746 (3) For ~~retail dealers~~ retail on premise liquor dealers, retail package liquor dealers, and  
747 brokers, \$2,500.00.

748 (c) All applicants for annual renewal of licenses issued pursuant to this chapter, other than  
749 ~~retail licenses~~ for retail on premise liquor dealers and retail package liquor dealers, shall  
750 file an annual bond or have a multiyear bond on file with the department that extends at  
751 least through the end of the calendar year for which renewal is sought. Such bonds shall  
752 meet the same conditions as those filed with the initial application."

753 **SECTION 25.**

754 Said title is further amended by revising Code Section 3-4-23, relating to certificate of  
755 residence of applicant for license required and purpose of section, as follows:

756 "3-4-23.

757 (a) No ~~retail dealer's~~ retail package liquor dealer license shall be issued to any person  
758 unless an application is filed with the commissioner, accompanied by a certificate by the  
759 judge of the probate court of the county of the applicant's residence certifying that the  
760 applicant has been a bona fide resident of the county or municipality for at least 12 months  
761 immediately preceding the application and is a resident of the county or municipality where  
762 distilled spirits may be legally sold under this chapter.

763 (b) It is the purpose and intention of this Code section to prevent the sale of distilled spirits  
764 in any county or municipality other than those where distilled spirits may be legally sold  
765 under this chapter."

**SECTION 26.**

766

767 Said title is further amended by revising Code Section 3-4-24, relating to issuance to fruit  
768 growers of license to manufacture distilled spirits, storage and disposition, limitations upon  
769 manufacture and sale, issuance of manufacturer's or distiller's license in certain counties or  
770 municipalities, educational and promotional tours, and tasting room limitations for certain  
771 licensees, as follows:

772 "3-4-24.

773 (a) The commissioner may issue a license to a fruit grower authorizing ~~the~~ such fruit  
774 grower to manufacture distilled spirits from perishable fruits grown in this state.

775 (b) If any distilled spirits ~~are~~ or alcohol is manufactured as permitted by this Code section  
776 in any county, municipality, or county area exclusive of certain incorporated areas, as the  
777 case may be, in which ~~the~~ such distilled spirits ~~are~~ or alcohol is not to be sold under the  
778 terms of this chapter, the licensee shall immediately store the distilled spirits or alcohol in  
779 a warehouse or warehouses designated by the commissioner to be sold or disposed of under  
780 the supervision of the commissioner in states, counties, or municipalities permitting the  
781 legal sale of distilled spirits or alcohol.

782 (c) It shall be unlawful for the licensee to sell or dispose of any such distilled spirits or  
783 alcohol:

784 (1) In any municipality, county, or unincorporated area of a county in which the sale of  
785 distilled spirits or alcohol is prohibited by this chapter; or

786 (2) To any person not holding an importer's, broker's, or wholesaler's license issued  
787 pursuant to this chapter or by another state.

788 (d) A ~~manufacturer's or~~ distiller's license may be issued pursuant to this Code section to  
789 a fruit grower for the manufacture of distilled spirits in any county or municipality of this  
790 state that has approved either the package sale of distilled spirits or the sale of distilled  
791 spirits by the drink, or both, as provided in this chapter.

792 (e) A ~~manufacturer or~~ distiller issued a license pursuant to this Code section may provide  
793 educational and promotional tours.

794 (f) The commissioner may issue a license pursuant to this Code section to a fruit grower  
795 licensed as a farm winery authorizing such fruit grower to manufacture distilled spirits and  
796 fortified wines for sale exclusively through a licensed and designated wholesaler; provided,  
797 however, that the farm winery has no more than one tasting room located on its licensed  
798 premises. For purposes of this subsection, the term 'licensed premises' shall mean the  
799 premises for which the farm winery license is issued or property located contiguous to ~~the~~  
800 ~~farm winery~~ such premises and owned by the farm winery."

801 **SECTION 27.**

802 Said title is further amended by revising Code Section 3-4-24.1, relating to license to  
 803 manufacture distilled spirits from agricultural products other than perishable fruits grown in  
 804 Georgia, as follows:

805 "3-4-24.1.

806 (a) The commissioner may issue a distiller's license authorizing the manufacture of  
 807 distilled spirits from agricultural products other than perishable fruits grown in this state.

808 (b) If any distilled spirits ~~are~~ or alcohol is manufactured as permitted by this Code section  
 809 in any county, municipality, or county area exclusive of certain incorporated areas, as the  
 810 case may be, in which ~~the~~ such distilled spirits ~~are~~ or alcohol is not to be sold under the  
 811 terms of this chapter, the licensee shall immediately store the distilled spirits or alcohol in  
 812 a warehouse or warehouses designated by the commissioner to be sold or disposed of under  
 813 the supervision of the commissioner in states, counties, or municipalities permitting the  
 814 legal sale of distilled spirits or alcohol.

815 (c) It is unlawful for the licensee to sell or dispose of any such distilled spirits or alcohol:

816 (1) In any municipality, county, or unincorporated area of a county in which the sale of  
 817 distilled spirits or alcohol is prohibited by this chapter; or

818 (2) To any person not holding an importer's, broker's, or wholesaler's license issued  
 819 pursuant to this chapter or by another state.

820 (d) A ~~manufacturer's or~~ distiller's license may be issued pursuant to this Code section for  
 821 the manufacture of distilled spirits from agricultural products other than perishable fruits  
 822 in any county or municipality of this state that has approved either the package sale of  
 823 distilled spirits or the sale of distilled spirits by the drink, or both, as provided in this  
 824 chapter.

825 (e) A ~~manufacturer or~~ distiller issued a license pursuant to this Code section may provide  
 826 educational and promotional tours."

827 **SECTION 28.**

828 Said title is further amended by revising Code Section 3-4-25, relating to retail dealers to sell  
 829 only unbroken packages, as follows:

830 "3-4-25.

831 (a) A ~~retail dealer's~~ retail package liquor dealer license shall authorize the holder to sell  
 832 distilled spirits only in the original and unbroken package or packages, which ~~package or~~  
 833 ~~packages~~ shall contain not less than 50 milliliters each.

834 (b) ~~The~~ A retail package liquor dealer license shall not permit the breaking of the package  
 835 or packages on the premises where sold and shall not permit the drinking of the contents  
 836 of the package or packages on the premises where sold."

837 **SECTION 29.**

838 Said title is further amended by revising Code Section 3-4-26, relating to advertisement of  
 839 prices and sale at price less than cost, as follows:

840 "3-4-26.

841 ~~(a) No person holding a retail dealer's license to deal in distilled spirits by the package~~  
 842 ~~shall display any advertisement of or information regarding the price or prices of any~~  
 843 ~~distilled spirits in any show window or other place visible from outside the licensee's place~~  
 844 ~~of business.~~

845 ~~(b)(a) No person licensed to sell distilled spirits by the package for carry-out purposes~~  
 846 ~~holding a retail package liquor dealer license shall sell such beverages distilled spirits at~~  
 847 ~~a price less than the cost which such licensee person pays for such distilled spirits. As used~~  
 848 ~~in this subsection, cost shall include the wholesale price plus the local excise tax imposed,~~  
 849 ~~as reflected in invoices which the commissioner of revenue may require to be maintained~~  
 850 ~~on said licensee's such person's place of business.~~

851 ~~(c)(b) The commissioner of revenue shall be authorized to adopt such rules and regulations~~  
 852 ~~as he or she deems necessary to provide for exception to the prohibition provided in~~  
 853 ~~subsection (b) (a) of this Code section for reasons relating to liquidation of inventory,~~  
 854 ~~close-out closeout of brands, outdated products, or any other reason the commissioner may~~  
 855 ~~determine to merit an exception."~~

856 **SECTION 30.**

857 Said title is further amended by revising Code Section 3-4-27, relating to notice of intention  
 858 to secure retail dealer license, as follows:

859 "3-4-27.

860 (a) No application for a ~~retail dealer~~ retail package liquor dealer license for the sale of  
 861 distilled spirits shall be acted upon until after the applicant has published in the newspaper  
 862 which publishes the legal advertisements of the county wherein such person proposes to  
 863 engage in business a notice of his intention to secure a retail package liquor dealer license.  
 864 Such notice shall be published at least once during the 30 days immediately preceding the  
 865 filing of the application for a license. Such notice shall be in large boldface type and shall  
 866 state:

- 867 (1) The type of license for which application has been filed;
- 868 (2) The exact location of the place of business for which a license is sought;
- 869 (3) The names and addresses of each owner of the business; and
- 870 (4) If the applicant is a corporation, the names and titles of all corporate officers.

871 (b) Proof of publication of the notice required by this Code section shall be attached to an  
 872 application for a ~~retail dealer~~ retail package liquor dealer license.

873 (c) An applicant for a renewal license shall not be subject to the notice requirements of this  
874 Code section."

875 **SECTION 31.**

876 Said title is further amended by revising Code Section 3-4-49, relating to municipalities and  
877 counties which may adopt regulations and determine location, as follows:

878 "3-4-49.

879 (a) A municipality or county may adopt all reasonable rules and regulations, consistent  
880 with this title, as may fall within the police powers of the municipality or county to regulate  
881 any business described in this chapter; provided, however, that on and after July 1, 1997,  
882 no municipality or county shall authorize the location of a new retail package liquor dealer  
883 licensed place of business or the relocation of an existing retail package liquor dealer  
884 licensed place of business engaged in the retail package sales of distilled spirits within 500  
885 yards of any other business licensed to sell package ~~liquor~~ distilled spirits at retail, as  
886 measured by the most direct route of travel on the ground; provided, ~~however~~ further, that  
887 ~~this~~ such limitation shall not apply to any hotel licensed under this chapter. The restriction  
888 provided for in this subsection shall not apply ~~at~~ to any location for which a license has  
889 been issued prior to July 1, 1997, nor to the renewal of such license. ~~Nor shall~~ In addition,  
890 the restriction of this subsection shall not apply to any location for which a new license is  
891 applied ~~for~~ if the sale of distilled spirits was lawful at such location at any time during the  
892 12 months immediately preceding such application.

893 (b) All municipal and county authorities issuing licenses shall within their respective  
894 jurisdictions have authority to determine the location of any distillery, wholesale business,  
895 or retail business licensed by them, not inconsistent with this title."

896 **SECTION 32.**

897 Said title is further amended by revising Code Section 3-4-61, relating to the payment of state  
898 excise taxes by a licensed wholesale dealer in distilled spirits and the report of quantities of  
899 distilled spirits sold for the preceding month, as follows:

900 "3-4-61.

901 (a) Except as may otherwise be authorized in this title, the state excise taxes imposed by  
902 this part shall be paid by the ~~licensed wholesale dealer in~~ wholesaler of distilled spirits.

903 (b) The taxes shall be paid on or before the tenth day of the month following the calendar  
904 month in which the ~~beverages~~ distilled spirits are sold or disposed of within the particular  
905 municipality or county by the ~~wholesale dealer~~ wholesaler.

906 (c) Each licensee responsible for the payment of the excise tax shall file a report itemizing  
907 for the preceding calendar month, by size and type of container, the exact quantities of

908 distilled spirits sold during the month within ~~the~~ this state. The licensee shall file the report  
909 with the commissioner.

910 (d) The wholesaler shall remit to the commissioner the tax imposed by the state on the  
911 tenth day of the month following the calendar month in which the sales were made.

912 (e) ~~In order to phase in the reporting system of excise tax payment for distilled spirits and~~  
913 ~~alcohol:~~

914 ~~(1) The commissioner shall direct that no later than January 31, 1993, all persons who~~  
915 ~~made excise tax payments in respect of distilled spirits and alcohol sales in the State of~~  
916 ~~Georgia during the calendar year 1992 shall make a one-time deposit equal to the amount~~  
917 ~~of 25 percent of said tax payments. This one-time advance shall be repaid in full by the~~  
918 ~~state in equal semiannual installments over the period of 24 months following August 1,~~  
919 ~~1993; except that, in the event wholesalers made payments as provided for in this~~  
920 ~~paragraph, the commissioner shall repay such wholesalers in the form of semiannual~~  
921 ~~credits against future tax liability;~~

922 ~~(2) On February 1, 1993, or as soon thereafter as practicable, the commissioner shall~~  
923 ~~direct that an inventory be taken of stamped merchandise and tax stamps held by~~  
924 ~~manufacturers, shippers, and wholesalers. The commissioner shall issue refunds to all~~  
925 ~~manufacturers and shippers for the value of tax stamps in their possession on February~~  
926 ~~1, 1993, to be paid in 12 equal installments beginning on August 1, 1993. The~~  
927 ~~commissioner shall issue tax credits to wholesalers for stamps in inventory on February~~  
928 ~~1, 1993, which shall be applied as credits against the wholesaler's future tax liability for~~  
929 ~~the 12 month period beginning with the report due on August 10, 1993;~~

930 ~~(3) Nothing in this subsection shall be construed to impose an additional excise tax on~~  
931 ~~distilled spirits and alcohol held in inventory by wholesalers and retailers above the~~  
932 ~~excise tax paid prior to February 1, 1993; and~~

933 (4) The commissioner shall adopt rules and regulations for the implementation of a  
934 reporting method of paying distilled spirits and alcohol excise taxes ~~as well as the~~  
935 ~~elimination of the use of any type of distilled spirits and alcohol stamp. The commissioner~~  
936 ~~shall have full authority to allow credits or make refunds as provided for in this subsection."~~

937 **SECTION 33.**

938 Said title is further amended by revising Code Section 3-4-90, relating to authorization by  
939 counties or municipalities of issuance of licenses for sale of distilled spirits by the drink  
940 generally and procedure, as follows:

941 "3-4-90.

942 (a) Each county or municipality may authorize, through proper resolution or ordinance,  
943 the issuance of licenses to sell distilled spirits by the drink for consumption only on the

944 premises where sold; except as provided in Code Section 3-9-11 for in-room service by  
 945 hotels, ~~retail consumption dealers~~ retail on premise liquor dealers shall not buy or sell  
 946 distilled spirits in packages of 50 milliliters.

947 (b)(1) Except as otherwise provided in this subsection, a county or municipality shall  
 948 adopt such resolutions or ordinances only after the authority to do so has been authorized  
 949 as provided in either Code Section 3-4-91 or 3-4-92.

950 (2)(A) The governing authority of every county having a population of not less than  
 951 50,000 nor more than 53,000 according to the United States decennial census of 1990  
 952 or any future such census and the governing authority of every municipality within  
 953 every such county, through proper resolution or ordinance, may authorize the issuance  
 954 of licenses to sell alcoholic beverages by the drink for consumption only on the  
 955 premises where sold. Every such governing authority shall have full power and  
 956 authority to adopt all reasonable rules and regulations governing the qualifications and  
 957 criteria for the issuance of any such licenses and shall further have the power and  
 958 authority to promulgate reasonable rules and regulations governing the conduct of any  
 959 licensee provided for in this subparagraph, including, but not limited to, the regulation  
 960 of hours of business, types of employees, and other matters which may fall within the  
 961 police powers of such counties and municipalities. Those persons ~~who~~ that are duly  
 962 licensed as wholesalers under this title shall be authorized to sell distilled spirits at  
 963 wholesale prices to any person or persons licensed as provided in this subparagraph;  
 964 and the person or persons licensed under this subparagraph shall be authorized to  
 965 purchase distilled spirits from a licensed wholesaler at wholesale prices.

966 (B) No resolution or ordinance adopted pursuant to subparagraph (A) of this paragraph  
 967 shall become effective until the governing authority of the county or municipality  
 968 submits to the qualified electors of the county or municipality the question of whether  
 969 ~~the such resolution or ordinance~~ or resolution shall be approved or rejected. If in the  
 970 election a majority of the electors voting on the question vote for approval, the  
 971 resolution or ordinance ~~or resolution~~ shall become effective at such time as is provided  
 972 for in ~~the such~~ resolution or ordinance; otherwise, it shall be of no force and effect."

#### 973 **SECTION 34.**

974 Said title is further amended by revising Code Section 3-4-111, relating to sale by  
 975 wholesalers to licensees, purchase by licensees from wholesalers, and declaration of  
 976 contraband, as follows:

977 "3-4-111.

978 (a) Those persons ~~who~~ that are duly licensed as wholesalers of distilled spirits under this  
 979 title may sell distilled spirits at wholesale prices to any person or persons licensed as

980 provided in this article. Persons licensed under this article may purchase distilled spirits  
 981 from a licensed wholesaler at wholesale prices.  
 982 (b) Any distilled spirits possessed, sold, or offered for sale by a ~~retail dealer or retail~~  
 983 ~~consumption dealer~~ retail package liquor dealer or retail on premise liquor dealer which are  
 984 purchased or otherwise acquired from any person other than a ~~wholesale dealer~~ wholesaler  
 985 authorized to do business under this chapter are declared to be contraband and shall be  
 986 seized and disposed of by the commissioner in the manner provided in this title."

987 **SECTION 35.**

988 Said title is further amended by repealing Code Section 3-4-111.1, relating to the state license  
 989 tax and the application for retail consumption dealer's license submitted to the Department  
 990 of Revenue, as follows:

991 "~~3-4-111.1.~~

992 ~~(a) An annual occupational license tax in the amount of \$100.00 is imposed upon each~~  
 993 ~~retail consumption dealer in this state.~~

994 ~~(b) The annual occupational license tax shall be paid for each place of business operated.~~  
 995 ~~An application for a retail consumption dealer's license required pursuant to this title along~~  
 996 ~~with the payment of the tax required by subsection (a) of this Code section shall be~~  
 997 ~~submitted to the department immediately upon assuming control of the place of business~~  
 998 ~~and annually thereafter for so long as the business is operated."~~

999 **SECTION 36.**

1000 Said title is further amended by revising Code Section 3-4-133, relating to excise tax on sale  
 1001 by the drink and dealers collecting tax of allowed percentage of tax due, as follows:

1002 "~~3-4-133.~~

1003 ~~Dealers~~ Retail on premise liquor dealers collecting the tax authorized by Code Sections  
 1004 3-4-130 and 3-4-131 shall be allowed a percentage of the tax due and accounted for and  
 1005 shall be reimbursed in the form of a deduction in submitting, reporting, and paying the  
 1006 amount due; if the amount is not delinquent at the time of payment. The rate of the  
 1007 deduction shall be the same rate authorized for deductions from state tax under Chapter 8  
 1008 of Title 48."

1009 **SECTION 37.**

1010 Said title is further amended by revising Code Section 3-4-180, relating to tastings of  
 1011 distilled spirits, definitions, and general provisions, as follows:

1012 "~~3-4-180.~~

1013 (a) As used in this Code section, the term:

1014 (1) 'Free tastings' means the provision of complimentary samples of distilled spirits to  
1015 the public for consumption on the premises of a distiller.

1016 (2) 'Sample' means one-half of one ounce of distilled spirits.

1017 (b) ~~The commissioner shall, upon proper application therefor, issue an annual permit to~~  
1018 ~~any distiller licensed in this state authorizing such distiller to conduct~~ Any distiller that  
1019 conducts educational and promotional distillery tours ~~which pursuant to subsection (e) of~~  
1020 Code Section 3-4-24 or 3-4-24.1 may, as a part of such tours, include free tastings on the  
1021 premises by members of the public of tax-paid varieties of distilled spirits manufactured  
1022 by such distiller.

1023 (c) No distiller conducting free tastings under this Code section shall provide, directly or  
1024 indirectly, more than the one sample to a person in one calendar day. Free tastings shall  
1025 be held in a designated tasting area on the premises of the distiller, and all open bottles  
1026 shall be visible at all times."

### 1027 SECTION 38.

1028 Said title is further amended by revising Code Section 3-5-1, relating to definitions relative  
1029 to malt beverages, as follows:

1030 "3-5-1.

1031 ~~As used in this chapter, the term:~~

1032 (1) ~~'Brewer' means a manufacturer of malt beverages.~~

1033 (2) ~~'Case' means a box or receptacle containing not more than 288 ounces of malt~~  
1034 ~~beverages on the average~~ Reserved."

### 1035 SECTION 39.

1036 Said title is further amended by revising subsections (a) and (e) of Code Section 3-5-4,  
1037 relating to production of malt beverages in private residences, consumption, transportation  
1038 and delivery, and home-brew special events, as follows:

1039 "(a)(1) Malt beverages may be produced by ~~a person~~ an individual in his or her private  
1040 residence subject to the limitations provided in this Code section.

1041 (2) The total quantity of malt beverages that may be produced in any private residence  
1042 shall be as follows:

1043 (A) Not more than 100 gallons per calendar year if there is only one ~~person~~ individual  
1044 of legal drinking age living in such residence; or

1045 (B) Not more than 200 gallons per calendar year if there are two or more ~~persons~~  
1046 individuals of legal drinking age living in such residence;

1047 provided, however, that no more than 50 gallons shall be produced in a 90 day period.

1048 (3) An individual who produces malt beverages in a private residence in compliance with  
 1049 this Code section shall not be required to be licensed as a brewer pursuant to this title."  
 1050 "(e)(1) Notwithstanding any other provision of this title to the contrary, in all counties  
 1051 and municipalities in which the sale of malt beverages is lawful, the local governing  
 1052 authority may issue a home-brew special event permit for the holding of home-brew  
 1053 special events, including contests, tastings, and judgings. Any governing authority  
 1054 desiring to allow home-brew special events to be held within its jurisdiction shall provide  
 1055 by resolution or ordinance for the issuance of home-brew special event permits and shall  
 1056 specify the events that shall qualify as home-brew special events. A home-brew special  
 1057 event permit shall not cost more than \$50.00 and shall be valid for not more than six  
 1058 events per calendar year.

1059 (2) Home-brew special events shall not be held at any location licensed under this title.

1060 (3) Consumption of malt beverages at home-brew special events shall be limited solely  
 1061 to malt beverages produced pursuant to this Code section, and such malt beverages shall  
 1062 only be consumed by the participants in and judges of the home-brew special events."

#### 1063 SECTION 40.

1064 Said title is further amended by revising Code Section 3-5-5, relating to the conditions under  
 1065 which kegs of malt beverages may be sold at retail, as follows:

1066 "3-5-5.

1067 (a) As used in this Code section, the term:

1068 (1) ~~'Keg' means any brewery-sealed container or barrel containing, by liquid volume,~~  
 1069 ~~more than two gallons of malt beverage.~~

1070 (2) ~~'Retail dealer,' 'retail licensee,' or 'licensee'~~ 'Licensee' means a licensed alcoholic  
 1071 beverage caterer or a person holding either a retail dealer license, a retail package liquor  
 1072 dealer license, retail wine-malt beverage dealer license, retail on premise liquor dealer  
 1073 license, or a permit issued by the commissioner authorizing the sale of alcoholic  
 1074 beverages for consumption only on the premises ~~for a period not to exceed one day, or~~  
 1075 ~~a beverage alcohol caterer license.~~

1076 (b) No person licensed under this chapter shall sell malt beverages at retail by the keg  
 1077 except as provided in subsections (c), (d), and (e) of this Code section. The commissioner  
 1078 may take punitive action against violators, up to and including revocation of the state ~~retail~~  
 1079 ~~dealer's~~ license of any ~~licensed retail dealer~~ licensee who fails to comply with this Code  
 1080 section. The undertaking of any punitive action allowed under this Code section shall not  
 1081 prohibit criminal prosecution for sale to underage ~~persons~~ individuals.

1082 (c) Each ~~retail~~ licensee selling kegs containing malt beverages for consumption off  
 1083 licensed premises shall require each keg purchaser to present a ~~Georgia driver's license or~~

1084 ~~other~~ proper identification at the time of purchase. The licensee shall record on an  
 1085 identification form for each keg sale the following information: the date of sale; ~~the~~ size  
 1086 of keg; ~~the~~ keg identification number; ~~the~~ amount of container deposit; ~~the~~ name, address,  
 1087 and date of birth of the purchaser; and ~~the~~ form of proper identification presented by such  
 1088 purchaser. The purchaser shall sign a statement at the time of purchase attesting to the  
 1089 accuracy of the purchaser's name and address, ~~the~~ and location where the contents of the  
 1090 keg will be consumed; and acknowledging that a violation of Code Section 3-3-23, as it  
 1091 relates to furnishing alcoholic beverages to ~~persons~~ individuals under the age of 21 years,  
 1092 may result in civil liability, criminal prosecution, or both. The licensee shall retain the  
 1093 identification form and purchaser's signed statement attesting to the accuracy of the  
 1094 purchaser's name and address and acknowledging that a violation of Code Section 3-3-23,  
 1095 as it relates to furnishing alcoholic beverages to ~~persons~~ individuals under the age of 21  
 1096 years, may result in civil liability, criminal prosecution, or both, for a minimum of six  
 1097 months following the sale of the keg.

1098 (d) Each keg sold at retail for consumption off licensed premises shall be labeled with the  
 1099 name and address of the ~~retail~~ licensee, ~~the~~ keg identification number, and ~~the~~ state alcohol  
 1100 license number of the business. The ~~Department of Revenue~~ department will prescribe the  
 1101 form of registration label or tag to be used for this purpose. The registration label or tag  
 1102 shall be supplied by the ~~Department of Revenue~~ department without fee and securely  
 1103 affixed to the keg by the licensee making the sale. In addition to the label or tag, the  
 1104 ~~Department of Revenue~~ department shall provide guidelines to the licensee on the  
 1105 information to be recorded on the identification form required under subsection (c) of this  
 1106 Code section.

1107 (e) The licensee shall record the date of return of the keg on the identification form  
 1108 required under subsection (c) of this Code section. If there is no label or tag affixed to the  
 1109 keg or if the identification number is not legible, the licensee shall indicate this fact on the  
 1110 identification form required under subsection (c) of this Code section. The licensee shall  
 1111 not refund a deposit for a keg that is returned without the required label or tag and  
 1112 identification number intact and legible.

1113 (f) The removal of the required label or tag shall be unlawful until such time that it is  
 1114 lawfully returned to the ~~retailer~~ licensee by the purchaser. Possession of a keg without the  
 1115 required label or tag and identification number shall be unlawful and subject to penalty  
 1116 pursuant to Code Section 3-3-9."

1117 **SECTION 41.**

1118 Said title is further amended by revising Code Section 3-5-20, relating to state license tax  
 1119 applicable to malt beverages, as follows:

1120 "3-5-20.

1121 ~~(a) An annual occupational license tax is imposed upon each brewer, manufacturer, broker,~~  
1122 ~~importer, wholesaler, and retail dealer of beer in this state, as follows:~~

- 1123 ~~(1) Upon each brewer . . . . . \$ 1,000.00~~
- 1124 ~~(2) Upon each wholesale dealer . . . . . 500.00~~
- 1125 ~~(3) Upon each importer . . . . . 500.00~~
- 1126 ~~(4) Upon each broker . . . . . 50.00~~
- 1127 ~~(5) Upon each retail dealer . . . . . 50.00~~
- 1128 ~~(6) Upon each brewpub operator . . . . . 1,000.00~~
- 1129 ~~(7) Upon each special event use permit applicant . . . . . 50.00~~

1130 ~~(b) An annual occupational license tax shall be paid for each place of business operated.~~  
1131 ~~An application for the applicable license required pursuant to this title along with the~~  
1132 ~~payment of the tax required by subsection (a) of this Code section shall be submitted to the~~  
1133 ~~department immediately upon assuming control of the place of business and annually~~  
1134 ~~thereafter for so long as the business is operated Reserved."~~

1135 **SECTION 42.**

1136 Said title is further amended by revising Code Section 3-5-21, relating to bottles and cans to  
1137 bear the wording "Georgia" or any of its abbreviations, such as "GA," on crowns or lids and  
1138 alternate identification, as follows:

1139 "3-5-21.

1140 ~~(a) The commissioner may prescribe by regulation that no No person engaged in the~~  
1141 ~~business of selling, manufacturing, or distributing malt beverages specified in this chapter~~  
1142 ~~in bottles or cans may sell, offer for sale, or possess for the purpose of sale any shall be~~  
1143 ~~required to mark any bottles, or cans, containing such malt beverages unless the crowns,~~  
1144 ~~or lids contain with the word 'Georgia' or its abbreviation, such as 'GA.' 'GA.'~~

1145 ~~(b) The commissioner may prescribe an alternate identification for certain bottles or~~  
1146 ~~containers of malt beverages manufactured in a foreign country and which have been~~  
1147 ~~imported into this state by a licensed importer, manufacturer, or wholesaler for resale."~~

1148 **SECTION 43.**

1149 Said title is further amended by revising Code Section 3-5-25.1, relating to license for the  
1150 manufacture of malt beverages and the bond required on application for license or renewal,  
1151 as follows:

1152 "3-5-25.1.  
 1153 The commissioner may require, in addition to other bonds required by this title, a bond to  
 1154 be filed with the application for a license or the renewal of a license, conditioned to pay all  
 1155 sums which may become due by the applicant to ~~this the~~ state as taxes, license fees, or  
 1156 otherwise, by reason of or incident to; the operation of the business of the applicant and to  
 1157 comply with all the laws, rules, and regulations pertaining to malt beverages. The bond  
 1158 shall be in such form and in such amount approved by the commissioner, not to exceed  
 1159 \$5,000.00 for brewers and \$500.00 for ~~retailers~~ retail package liquor dealers, retail  
 1160 wine-malt beverage dealers, and retail on premise liquor dealers."

1161 **SECTION 44.**

1162 Said title is further amended by revising Code Section 3-5-26, relating to persons to whom  
 1163 malt beverages may be sold by wholesale dealers, as follows:

1164 "3-5-26.  
 1165 ~~Licensed wholesale dealers may~~ Wholesalers shall sell malt beverages only to ~~other~~  
 1166 ~~licensed wholesale dealers and to~~ wholesalers, importers, retail package liquor dealers,  
 1167 retail wine-malt beverage dealers, and retail on premise liquor dealers ~~and retail dealers~~  
 1168 licensed in this state."

1169 **SECTION 45.**

1170 Said title is further amended by revising Code Section 3-5-27, relating to malt beverages  
 1171 acquired by retail dealers from persons other than licensed wholesale dealers declared  
 1172 contraband, as follows:

1173 "3-5-27.  
 1174 Any malt beverage possessed, sold, or offered for sale by a ~~retail dealer~~ retail package  
 1175 liquor dealer, retail wine-malt beverage dealer, or retail on premise liquor dealer which was  
 1176 purchased or otherwise acquired from any person other than a ~~wholesale dealer~~ wholesaler  
 1177 authorized to do business under this chapter is declared to be contraband and shall be  
 1178 seized by the commissioner or the appropriate local authorities and disposed of by the  
 1179 commissioner in the manner provided in this title."

1180 **SECTION 46.**

1181 Said title is further amended by revising Code Section 3-5-28, relating to delivery, receipt,  
 1182 and storage of malt beverages sold by wholesale dealers to retail dealers, as follows:

1183 "3-5-28.  
 1184 All malt beverages sold by a ~~wholesale dealer~~ wholesaler to a ~~retail dealer~~ retail package  
 1185 liquor dealer, retail wine-malt beverage dealer, or retail on premise liquor dealer shall be

1186 delivered only to the premises of a licensed ~~retail dealer~~ retail package liquor dealer, retail  
 1187 wine-malt beverage dealer, or retail on premise liquor dealer and transported only by a  
 1188 conveyance owned, or leased, and operated by a ~~wholesale dealer who~~ wholesaler that is  
 1189 designated to deal in the brands of malt beverages sold and is licensed to make sales and  
 1190 deliveries within the municipality or county in which the sale or delivery is made. The  
 1191 malt beverages so sold shall not be delivered to, received, or stored at any place other than  
 1192 premises for which state and local retail licenses have been issued."

1193 **SECTION 47.**

1194 Said title is further amended by revising Code Section 3-5-32, relating to distribution of malt  
 1195 beverages and limitations on business interests, as follows:

1196 "3-5-32.

1197 No ~~licensed registered~~ brewer, broker, or importer ~~authorized~~ licensed to do business in this  
 1198 state nor any of his such brewer's, broker's, or importer's employees or members of such  
 1199 brewer's, broker's, or importer's immediate family shall have, own, or enjoy ownership  
 1200 interest in or partnership arrangement with the business of any wholesaler, ~~or retailer~~  
 1201 ~~licensee~~ retail package liquor dealer, retail wine-malt beverage dealer, or retail on premise  
 1202 liquor dealer. Cooperative advertising and incentive programs shall not be deemed to  
 1203 constitute a partnership agreement."

1204 **SECTION 48.**

1205 Said title is further amended by revising Code Section 3-5-36, relating to brewpubs and the  
 1206 limited exception to the prohibition against ownership and employment interests among  
 1207 persons involved in the manufacture, distribution, and sale of malt beverages, as follows:

1208 "3-5-36.

1209 A limited exception to the provisions of Code Sections 3-5-29 through 3-5-32 providing  
 1210 a three-tier system for the distribution and sale of malt beverages shall exist for owners and  
 1211 operators of brewpubs, subject to the following terms and conditions:

1212 (1) No ~~individual~~ person shall be permitted to own or operate a brewpub without first  
 1213 obtaining a proper license from the commissioner in the manner provided in this title, and  
 1214 each brewpub ~~licenseholder~~ license holder shall comply with all other applicable state  
 1215 and local license requirements;

1216 (2) A brewpub license authorizes the holder of such license to:

1217 (A) Manufacture on the licensed premises not more than 10,000 barrels of ~~beer~~ malt  
 1218 beverages in a calendar year solely for retail sale on the premises;

1219 (B) Operate ~~an eating~~ a dining establishment that shall be the sole retail outlet for such  
 1220 ~~beer and may offer~~ malt beverages;

1221 ~~(C)~~ Offer for sale any other alcoholic beverages produced by other manufacturers  
 1222 which are authorized for retail sale under this title, including ~~wine, distilled spirits, and~~  
 1223 malt beverages, wine, and distilled spirits, provided that such alcoholic beverages are  
 1224 purchased from a licensed wholesaler and sold for consumption on the premises only;  
 1225 and provided, further, that the appropriate licenses for such sales are obtained; and,  
 1226 ~~provided, further, that in addition to draft beer manufactured on the premises, each~~  
 1227 ~~brewpub licensee shall offer for sale commercially available canned or bottled malt~~  
 1228 ~~beverages from licensed wholesalers; and~~

1229 ~~(C)~~(D) Notwithstanding any other provision of this paragraph, sell up to a maximum  
 1230 of 5,000 barrels annually of such beer malt beverages to licensed ~~wholesale dealers~~  
 1231 wholesalers for distribution to retailers and retail consumption dealers;

1232 (3) ~~Possession of a brewpub license shall not prevent the~~ The holder of such a brewpub  
 1233 ~~license from obtaining a retail consumption dealer's license or a retailer's license shall~~  
 1234 obtain a retail on premise liquor dealer license or retail wine-malt beverage dealer license  
 1235 for the same premises in order to sell alcoholic beverages for consumption on the  
 1236 premises;

1237 (4) A brewpub license does not authorize the holder of such license to sell alcoholic  
 1238 beverages by the package for consumption off the premises;

1239 ~~(5) A brewpub licensee shall not offer or permit any free sampling of beer by its~~  
 1240 ~~customers on the premises of a brewpub;~~

1241 ~~(6)~~(5) The commissioner shall not issue a brewpub license if the brewpub premises are  
 1242 located in a county or municipality in which the sale of alcoholic beverages is prohibited;  
 1243 and

1244 ~~(7)~~(6) A brewpub licensee license holder shall:

1245 (A) Pay all state and local license fees and excise taxes applicable to ~~individuals~~  
 1246 persons licensed by this state as manufacturers, ~~retailers~~ retail license holders, and,  
 1247 where applicable, wholesalers under this title;

1248 (B) At the request of the commissioner, provide an irrevocable letter of credit or an  
 1249 ~~Irrevocable Standby Financial Guarantee Bond~~ a bond in favor of the State of Georgia  
 1250 in an amount sufficient to guarantee such brewpub licensee's estimated tax liability for  
 1251 the first year of operation; and

1252 (C) Measure ~~beer~~ malt beverages manufactured on the premises and otherwise comply  
 1253 with applicable regulations respecting excise and enforcement tax determination of  
 1254 such beer malt beverages as required by this title."

1255 **SECTION 49.**

1256 Said title is further amended by revising Code Section 3-5-38, relating to free tasting of malt  
 1257 beverages at a licensed brewery on the premises during educational and promotional tours,  
 1258 as follows:

1259 "3-5-38.

1260 ~~The commissioner shall, upon proper application therefor, issue an annual permit to any~~  
 1261 ~~brewer licensed in this state authorizing such brewer to~~ Any brewer licensed as a brewer  
 1262 pursuant to this title may conduct educational and promotional brewery tours which may  
 1263 include free ~~tasting~~ tastings on the premises of such brewery by members of the public of  
 1264 ~~tax-paid~~ tax-paid varieties of malt beverages ~~brewed~~ manufactured by such brewer."

1265 **SECTION 50.**

1266 Said title is further amended by revising Code Section 3-5-43, relating to restriction on  
 1267 license fees charged by municipality or county other than that of where business is located,  
 1268 as follows:

1269 "3-5-43.

1270 Where a ~~wholesale dealer~~ wholesaler is licensed to do business in more than one  
 1271 municipality or county of this state, no municipality or county other than that of the  
 1272 ~~wholesale dealer's~~ wholesaler's principal place of business shall charge a license fee  
 1273 exceeding \$100.00."

1274 **SECTION 51.**

1275 Said title is further amended by revising Code Section 3-5-81, relating to tax to be paid by  
 1276 wholesale dealer and when, as follows:

1277 "3-5-81.

1278 (a) The excise taxes provided for in this part shall be imposed upon and shall be paid by  
 1279 ~~the licensed wholesale dealer in~~ wholesalers of malt beverages.

1280 (b) The taxes shall be paid on or before the tenth day of the month following the calendar  
 1281 month in which the malt beverages are sold or disposed of within the particular  
 1282 municipality or county by the ~~wholesale dealer~~ wholesaler.

1283 (c) Each ~~licensee~~ wholesaler responsible for the payment of the excise tax shall file a  
 1284 report itemizing for the preceding calendar month the exact quantities of malt beverages,  
 1285 by size and type of container, sold during the month within each municipality or county.  
 1286 The ~~licensee~~ wholesaler shall file the report with each municipality or county wherein the  
 1287 malt beverages are sold by ~~the licensee~~ such wholesaler.

1288 (d) The wholesaler shall remit to the municipality or county on the tenth day of the month  
 1289 following the calendar month in which the sales were made the tax imposed by the  
 1290 municipality or county."

#### 1291 SECTION 52.

1292 Said title is further amended by revising Code Section 3-5-82, relating to no marking to be  
 1293 required, as follows:

1294 "3-5-82.

1295 No decal, stamp, or other marking shall be required on malt beverage containers  
 1296 designating the particular municipality or county in which a sale of malt beverages is made  
 1297 or in which resides a licensed ~~retailer~~ retail package liquor dealer, retail wine-malt  
 1298 beverage dealer, or retail on premise liquor dealer to whom the malt beverages are  
 1299 delivered."

#### 1300 SECTION 53.

1301 Said title is further amended by revising Code Section 3-6-1, relating to definitions relative  
 1302 to wine, as follows:

1303 "3-6-1.

1304 As used in this chapter, the term:

1305 ~~(1) 'Dessert wine' means a wine having an alcoholic strength of more than 14 percent~~  
 1306 ~~alcohol by volume but not more than 24 percent alcohol by volume.~~

1307 ~~(2) 'Domestic winery' means any winery, manufacturer, maker, producer, or bottler of~~  
 1308 ~~wine located within the state.~~

1309 ~~(3) 'Foreign winery' means any winery, manufacturer, maker, producer, or bottler of wine~~  
 1310 ~~located outside the state.~~

1311 ~~(4) 'Table wine' means a wine having an alcoholic strength of not more than 14 percent~~  
 1312 ~~alcohol by volume.~~

1313 ~~(5) 'Winery' means a manufacturer of wine.~~

1314 (1) 'Affiliate' means any person controlling, controlled by, or under common control with  
 1315 a farm winery.

1316 (2) 'Permitted vintner' means any vintner, whether located in this state or any other state,  
 1317 that holds a valid federal basic wine manufacturing permit.

1318 (3) 'Tasting room' means an outlet for:

1319 (A) The promotion of a farm winery's wine by providing free samples of such wine to  
 1320 the public; and

1321 (B) The sale of such wine at retail for consumption on the premises or in closed  
 1322 packages for consumption off the premises."

**SECTION 54.**

1323  
1324 Said title is further amended by revising Code Section 3-6-3, relating to household  
1325 production of wine, as follows:

1326 "3-6-3.

1327 ~~(a) A head of a household may produce 200 gallons of wine in any one calendar year to~~  
1328 ~~be consumed within his own household without any requirement to be licensed for such~~  
1329 ~~purpose. Wine so produced shall not be subject to any excise tax imposed by this chapter.~~

1330 ~~(b) For purposes of this Code section, a single individual who is not a dependent of~~  
1331 ~~another person for purposes of Georgia income taxation shall be considered a head of a~~  
1332 ~~household.~~

1333 (a) Wine may be produced by an individual in his or her private residence subject to the  
1334 limitations provided in this Code section.

1335 (b) The total quantity of wine that may be produced in any private residence shall not  
1336 exceed 200 gallons per calendar year irrespective of the number of individuals living in  
1337 such residence.

1338 (c) An individual who produces wine in a private residence in compliance with this Code  
1339 section shall not be required to be licensed as a vintner under this title.

1340 (d) Wine produced in compliance with this Code section shall not be subject to any excise  
1341 tax imposed pursuant to this chapter."

**SECTION 55.**

1342  
1343 Said title is further amended by revising Code Section 3-6-20, relating to state license tax  
1344 applicable to wine, as follows:

1345 "3-6-20.

1346 ~~(a) An annual occupational license tax is imposed upon each winery, manufacturer, broker,~~  
1347 ~~importer, wholesaler, and retail dealer of wine in this state, as follows:~~

1348	<del>(1) Upon each winery and manufacturer . . . . .</del>	<del>\$1,000.00</del>
1349	<del>(2) Upon each wholesale dealer . . . . .</del>	<del>500.00</del>
1350	<del>(3) Upon each importer . . . . .</del>	<del>500.00</del>
1351	<del>(4) Upon each broker . . . . .</del>	<del>50.00</del>
1352	<del>(5) Upon each retail dealer . . . . .</del>	<del>50.00</del>
1353	<del>(6) Upon each special event use permit applicant . . . . .</del>	<del>50.00</del>

1354 ~~(b) An annual occupational license tax shall be paid for each place of business operated.~~  
1355 ~~An application for the applicable license required pursuant to this title along with the~~  
1356 ~~payment of the tax required by subsection (a) of this Code section shall be submitted to the~~

1357 ~~department immediately upon assuming control of the place of business and annually~~  
 1358 ~~thereafter for so long as the business is operated Reserved.~~"

1359 **SECTION 56.**

1360 Said title is further amended by revising Code Section 3-6-21.1, relating to the license for  
 1361 manufacture and sale by farm wineries, as follows:

1362 "3-6-21.1.

1363 ~~(a) As used in this Code section, the term:~~

1364 ~~(1) 'Farm winery' means a winery which makes at least 40 percent of its annual~~  
 1365 ~~production from agricultural produce grown in the state where the winery is located and:~~

1366 ~~(A) Is located on premises, a substantial portion of which is used for agricultural~~  
 1367 ~~purposes, including the cultivation of grapes, berries, or fruits to be utilized in the~~  
 1368 ~~manufacture or production of wine by the winery; or~~

1369 ~~(B) Is owned and operated by persons who are engaged in the production of a~~  
 1370 ~~substantial portion of the agricultural produce used in its annual production.~~

1371 ~~For purposes of this paragraph, the commissioner shall determine what is a substantial~~  
 1372 ~~portion of such winery premises or agricultural produce.~~

1373 ~~(2) 'Georgia farm winery' means a farm winery which is licensed by the commissioner~~  
 1374 ~~to manufacture wine in Georgia.~~

1375 ~~(3) 'Tasting room' means an outlet for the promotion of a farm winery's wine by~~  
 1376 ~~providing samples of such wine to the public and for the sale of such wine at retail for~~  
 1377 ~~consumption on the premises and for sale in closed packages for consumption off the~~  
 1378 ~~premises. Samples of wine can be given free of charge or for a fee.~~

1379 ~~(b)~~(a) The commissioner may authorize any Georgia farm winery to offer wine samples  
 1380 and to make retail sales of its wine and the wine of any other Georgia farm winery in  
 1381 tasting rooms at the winery and at five additional locations in this state for consumption on  
 1382 the premises and in closed packages for consumption off the premises; provided, however,  
 1383 that notwithstanding any other provisions of this title to the contrary, if the licensee is also  
 1384 issued a license pursuant to Code Section 3-4-24, the commissioner shall not authorize  
 1385 more than one tasting room for such Georgia farm winery and shall require that such  
 1386 tasting room shall be located on the licensed premises of the Georgia farm winery; and  
 1387 provided, further, that the Georgia farm winery shall not sell its wine or the wine of any  
 1388 other farm winery in more than one tasting room, and such tasting room shall be located  
 1389 on the licensed premises of the Georgia farm winery. For purposes of this subsection, the  
 1390 term 'licensed premises' shall mean the premises for which the farm winery license is  
 1391 issued or property located contiguous to the farm winery and owned by the farm winery.

1392 ~~(e)~~(b)(1) The commissioner may authorize any licensee which is a farm winery to sell  
 1393 up to 24,000 gallons per calendar year of its wine at wholesale within ~~the~~ this state;  
 1394 provided, however, that the commissioner shall not authorize any licensed farm winery  
 1395 to sell its wine at wholesale unless such licensed farm winery shall have first offered its  
 1396 products for sale at a fair market wholesale price to a licensed Georgia wholesaler and  
 1397 such wholesaler does not accept the farm winery's product within 30 days of such offer.

1398 (2) A farm winery licensee shall also be authorized to sell, deliver, or ship its wine in  
 1399 bulk or in bottles, whether labeled or unlabeled, in accordance with the rules and  
 1400 regulations of the commissioner, to Georgia farm winery licensees and shall be  
 1401 authorized to acquire and receive deliveries and shipments of such wine made by Georgia  
 1402 farm winery licensees.

1403 (3) A Georgia farm winery licensee shall be authorized, in accordance with the rules and  
 1404 regulations of the commissioner, to acquire and receive deliveries and shipments of wine  
 1405 in bulk from out-of-state producers and shippers in an amount not to exceed 20 percent  
 1406 of its annual production, provided that the Georgia farm winery licensee receiving any  
 1407 such shipment ~~or shipments~~ files timely reports with the commissioner and keeps such  
 1408 records of the receipt of such shipment ~~or shipments~~ as may be required by the  
 1409 commissioner.

1410 (4) Any wine received in bulk pursuant to paragraph (3) of this subsection shall have  
 1411 levied thereon the requisite taxes as prescribed by Code Section 3-6-50, and such taxes  
 1412 shall be reported and remitted to the commissioner as provided in Code Section 3-2-6.

1413 ~~(d) The annual license tax for each license issued pursuant to this Code section shall be~~  
 1414 ~~\$50.00.~~

1415 ~~(e)~~(c) The surety bond required as a condition upon issuance of a license pursuant to this  
 1416 Code section shall be the same as that required pursuant to Code Section 3-6-21 with  
 1417 respect to ~~wineries~~ vintners.

1418 ~~(f)~~(d) Wines sold at retail by a manufacturer as provided in subsection ~~(b)~~ (a) of this Code  
 1419 section shall have levied thereon an excise tax as prescribed by Code Section 3-6-50, and  
 1420 such tax shall be reported and remitted to the commissioner as provided in Code  
 1421 Section 3-2-6."

1422 **SECTION 57.**

1423 Said title is further amended by revising Code Section 3-6-21.3, relating to sales by farm  
 1424 winery of wines and other alcoholic beverages for consumption on the premises or on  
 1425 contiguous property, as follows:

1426 "3-6-21.3.

1427 ~~(a) As used in this Code section, the term:~~

1428 (1) 'Affiliate' means any person controlling, controlled by, or under common control with  
1429 a farm winery.

1430 (2) ~~'Farm winery' means a farm winery as defined in Code Section 3-6-21.1 that is~~  
1431 ~~located in Georgia.~~

1432 (3) ~~'Tasting room' has the meaning provided by Code Section 3-6-21.1.~~

1433 (b)(1)(a) Notwithstanding any other provision of this title to the contrary, in all counties  
1434 or municipalities in which the sale of wine is lawful, the commissioner may authorize any  
1435 vintner licensed as a farm winery licensee to sell its wine and the wine of any other vintner  
1436 licensed as a farm winery licensee for consumption on the premises at facilities located on  
1437 the premises of the farm winery or on property located contiguous to the farm winery and  
1438 owned by the farm winery or by an affiliate of the farm winery.

1439 (2)(b) Notwithstanding any other provisions of this title to the contrary, in all counties or  
1440 municipalities in which the sale of distilled spirits, malt beverages, and wines is lawful, the  
1441 commissioner ~~further~~ may authorize ~~such licensee~~ a farm winery to make sales of distilled  
1442 spirits, malt beverages, and wines not produced by a such farm winery for consumption in  
1443 its tasting rooms and at facilities located on the premises of the farm winery or on property  
1444 located contiguous to the farm winery and owned by the farm winery or by an affiliate of  
1445 the farm winery, provided that any alcoholic beverages sold pursuant to this ~~paragraph~~  
1446 subsection shall be purchased by the farm winery from a licensed wholesaler at wholesale  
1447 prices."

1448 **SECTION 58.**

1449 Said title is further amended by revising Code Section 3-6-21.5, relating to production of  
1450 fortified wine, as follows:

1451 "3-6-21.5.

1452 A ~~winery~~ vintner may purchase distilled spirits directly from a manufacturer of distilled  
1453 spirits and blend with wine manufactured by ~~the winery~~ such vintner to produce fortified  
1454 wine. Such distilled spirits shall not be used by ~~the winery~~ such vintner for any other  
1455 purpose or used to create any other type of alcoholic beverage or product."

1456 **SECTION 59.**

1457 Said title is further amended by revising Code Section 3-6-23, relating to restriction upon  
1458 licensed wholesale dealers as to whom they may sell and deliver wine, as follows:

1459 "3-6-23.

1460 Except as provided in paragraph (5) of subsection (a) of Code Section 3-2-13, ~~licensed~~  
1461 ~~wholesale dealers~~ wholesalers shall sell wine only to ~~other licensed wholesale dealers and~~

1462 to ~~wholesalers, importers, and retail dealers~~ retail wine-malt beverage dealers, retail on  
 1463 premise liquor dealers, and retail package liquor dealers licensed in this state."

1464 **SECTION 60.**

1465 Said title is further amended by revising Code Section 3-6-24, relating to regulation of sales  
 1466 transactions involving wine, as follows:

1467 "3-6-24.

1468 Each ~~wholesale dealer~~ wholesaler, at the time of any sale of wine, shall prepare and keep  
 1469 a copy of a sales invoice containing:

1470 (1) The name of the ~~wholesale dealer~~ wholesaler;

1471 (2) The name, address, and license number of the licensed importer, wholesaler, ~~or~~  
 1472 ~~retailer~~ retail package liquor dealer, retail wine-malt beverage dealer, or retail on premise  
 1473 liquor dealer making the purchase;

1474 (3) The quantity and container sizes of wine sold;

1475 (4) The date of the sale; and

1476 (5) Any other information the commissioner may require."

1477 **SECTION 61.**

1478 Said title is further amended by revising Code Section 3-6-25, relating to wine acquired from  
 1479 anyone other than wholesale dealer authorized to do business declared contraband, as  
 1480 follows:

1481 "3-6-25.

1482 Except as provided in Code Sections 3-6-21.1 through 3-6-21.3 and Code Section 3-6-21.5,  
 1483 wine possessed, sold, or offered for sale by a ~~retail dealer~~ retail package liquor dealer, retail  
 1484 wine-malt beverage dealer, or retail on premise liquor dealer which was purchased or  
 1485 otherwise acquired from any person other than a ~~wholesale dealer~~ wholesaler authorized  
 1486 to do business under this chapter is declared to be contraband and shall be seized and  
 1487 disposed of by the commissioner in the manner provided in this title."

1488 **SECTION 62.**

1489 Said title is further amended by revising Code Section 3-6-25.1, relating to advertisement of  
 1490 prices of wine and selling of wine at a price less than its cost, as follows:

1491 "3-6-25.1.

1492 (a) ~~No person holding a retail dealer's license to deal in wine by the package shall display~~  
 1493 ~~any advertisement of or information regarding the price or prices of any wine in any show~~  
 1494 ~~window or other place visible from outside the licensee's place of business.~~

1495 ~~(b)(a)~~ No person licensed to sell wine by the package for ~~carry-out purposes~~ consumption  
 1496 off premises shall sell such ~~beverages~~ wine at a price less than the cost which such ~~licensee~~  
 1497 person pays for such wine. As used in this subsection, ~~cost shall include~~ the term 'cost'  
 1498 means the wholesale price plus the local excise tax imposed, as reflected in invoices which  
 1499 the commissioner of revenue may require to be maintained on ~~said licensee's~~ such person's  
 1500 place of business.

1501 ~~(c)(b)~~ The commissioner of revenue shall be authorized to adopt such rules and regulations  
 1502 as he or she deems necessary to provide for an exception to the prohibition provided in  
 1503 subsection ~~(b)~~ (a) of this Code section for reasons relating to liquidation of inventory,  
 1504 ~~close-out~~ closeout of brands, outdated products, or any other reason the commissioner may  
 1505 determine to merit an exception."

1506

### SECTION 63.

1507 Said title is further amended by revising Code Section 3-6-26, relating to regulation of  
 1508 delivery, receipt, and storage of wines after sale, as follows:

1509 "3-6-26.

1510 All wines sold by a ~~wholesale dealer~~ wholesaler to a retail package liquor dealer, retail  
 1511 wine-malt beverage dealer, or retail on premise liquor dealer shall be delivered only to the  
 1512 premises of a licensed retail package liquor dealer, retail wine-malt beverage dealer, or  
 1513 retail on premise liquor dealer and transported only by a conveyance owned, or leased, and  
 1514 operated by a ~~wholesale dealer~~ wholesaler, or owned, or leased, and operated by a  
 1515 ~~wholesale dealer's~~ wholesaler's employee, who is designated to deal in the brands of wines  
 1516 sold and is licensed to make sales and deliveries within the municipality or county in which  
 1517 the sale or delivery is made. The wine so sold shall not be delivered to, received, or stored  
 1518 at any place other than premises for which state and local retail licenses have been issued."

1519

### SECTION 64.

1520 Said title is further amended by revising Code Section 3-6-27, relating to registration of  
 1521 agents, representatives, salesmen, and employees of manufacturers, importers, producers, or  
 1522 brokers, as follows:

1523 "3-6-27.

1524 Every agent, representative, ~~salesman~~ salesperson, and employee of each ~~winery~~ vintner,  
 1525 ~~manufacturer, importer, producer,~~ or broker shipping, or causing to be shipped, wines into  
 1526 ~~the~~ this state shall register with the commissioner on forms prepared by the commissioner  
 1527 before engaging in the selling, promoting, displaying, or advertising of wine."

**SECTION 65.**

1528  
1529 Said title is further amended by revising Code Section 3-6-31, relating to direct shipments  
1530 to state residents and special order shipping licenses, as follows:

1531 "3-6-31.

1532 ~~(a) For purposes of this Code section, the term 'winery' means any maker or producer of~~  
1533 ~~wine whether in this state or in any other state, who holds a valid federal basic wine~~  
1534 ~~manufacturing permit.~~

1535 ~~(b)~~(a) Notwithstanding any other provision of this title to the contrary, any shipper which  
1536 is also a winery permitted vintner may be authorized to make direct shipments of wine to  
1537 consumers in this state, without complying with the provisions of Code Section 3-6-22,  
1538 upon obtaining a special order shipping license from the commissioner pursuant to this  
1539 Code section.

1540 ~~(c)~~(b) A special order shipping license shall only be issued to a winery permitted vintner  
1541 upon compliance with all applicable provisions of this title and the rules and regulations  
1542 promulgated pursuant to this title, and upon payment of the occupational license fee  
1543 ~~designated for retail dealers~~ tax in Code Section ~~3-6-20~~ 3-2-5.1.

1544 ~~(d)~~(c) A special order shipping license shall entitle the winery permitted vintner to ship  
1545 wine upon order directly to consumers for personal or household use in this state without  
1546 designating wholesalers as required by Code Section 3-6-22, provided that:

1547 (1) The holder of a special order shipping license shall only ship brands of wine for  
1548 which the holder has submitted labels to the commissioner;

1549 (2) No holder of a special order shipping license shall be permitted to ship in excess  
1550 of 12 standard cases of wine of one brand or a combination of brands into this state to any  
1551 one consumer or address per calendar year;

1552 (3) Before accepting an order from a consumer in this state, the holder of a special order  
1553 shipping license shall require that the ~~person~~ individual placing the order state  
1554 affirmatively that he or she is of the age required by Code Section 3-3-23 and shall verify  
1555 the age of such ~~person~~ individual placing the order either by the physical examination of  
1556 an approved government issued form of identification or by utilizing an Internet based  
1557 age and identification service;

1558 (4) A special order shipping license shall not authorize the shipment of any wine to any  
1559 premises licensed to sell alcoholic beverages pursuant to this title; and

1560 (5) Every shipment of wine by the holder of a special order shipping license shall be  
1561 clearly marked 'Alcoholic Beverages, Adult Signature Required,' and the carrier  
1562 delivering such shipment shall be responsible for obtaining the signature of an adult who  
1563 is at least 21 years of age as a condition of delivery.

1564 ~~(e)~~(d) The failure to comply strictly with the requirements of this Code section, Code  
 1565 Section 3-3-23, and all applicable provisions of this title and regulations promulgated  
 1566 pursuant to this title shall be grounds for the revocation of a special order shipping license  
 1567 or other disciplinary action by the commissioner. Upon revocation of a special order  
 1568 shipping license for shipment of wine to a ~~person~~ an individual not of age as required by  
 1569 Code Section 3-3-23, such ~~winery~~ permitted vintner shall not be issued any special order  
 1570 shipping license pursuant to this Code section for a period of five years from the date of  
 1571 revocation.

1572 ~~(f)~~(e) The holder of a special order shipping license shall collect all excise taxes imposed  
 1573 by Code Section 3-6-50, shall remit such taxes in the same manner as licensed ~~wine~~  
 1574 wholesalers, and shall accompany such remittance with such reports, documentation, and  
 1575 other information as may be required by the commissioner. In addition, an applicant for  
 1576 and a holder of a special order shipping license, as a condition of receiving and holding a  
 1577 valid license, shall:

1578 (1) Agree to collect and to pay applicable Georgia state and local sales tax on each sale  
 1579 shipped to a consumer in ~~Georgia~~ this state;

1580 (2) Accompany each remittance with such sales tax reports, documentation, and other  
 1581 information as may be required by the commissioner; and

1582 (3) Consent to enforcement of the provisions of this Code section by the department and  
 1583 to the jurisdiction of the courts of ~~Georgia~~ this state for the collection of such taxes or  
 1584 other moneys owing, including interest and penalties.

1585 ~~(g)~~(f) The commissioner may promulgate such rules and regulations as are necessary and  
 1586 appropriate for the enforcement of this Code section."

1587 **SECTION 66.**

1588 Said title is further amended by revising Code Section 3-6-32, relating to shipment of wine  
 1589 by winery to consumers and circumstances, as follows:

1590 "3-6-32.

1591 (a) Notwithstanding any other provision of this title to the contrary, a ~~winery located~~  
 1592 ~~within this state or outside this state that holds a federal basic wine manufacturing permit~~  
 1593 permitted vintner, whether licensed under this title or not and without regard to brand or  
 1594 label registrations or designations of wholesalers pursuant to Code Section 3-6-22, shall  
 1595 be permitted to ship wine directly to consumers in this state for personal or household use  
 1596 under the following circumstances:

1597 (1) The consumer must purchase the wine while physically present on the premises of  
 1598 the ~~winery~~ permitted vintner;

- 1599 (2) The ~~winery~~ permitted vintner must verify that the consumer purchasing the wine is  
 1600 of the age required by Code Section 3-3-23 and is not licensed pursuant to this title; and  
 1601 (3) No ~~winery~~ permitted vintner shall ship in excess of five cases of any brand or  
 1602 combination of brands to any one consumer or any one address in this state in any  
 1603 calendar year.
- 1604 (b) The commissioner may promulgate such rules and regulations as are necessary and  
 1605 appropriate for the enforcement of this Code section."

1606 **SECTION 67.**

1607 Said title is further amended by revising subsection (a) of Code Section 3-6-40, relating to  
 1608 dealing in wine at wholesale and retail prohibited without a county or municipal wine  
 1609 license; counties and municipalities granted powers to issue, refuse, and revoke local wine  
 1610 licenses; and revocation of local and state wine licenses, as follows:

1611 "(a) Except as otherwise provided in this Code section, the businesses of manufacturing,  
 1612 distributing, and selling wine at wholesale or retail shall not be conducted in any county  
 1613 or ~~incorporated~~ municipality of this state without a license from the governing authority  
 1614 of the county or municipality. A farm winery, as defined in Code Section ~~3-6-21.1~~ 3-6-1,  
 1615 which is qualified and licensed by the state shall need no county or municipal license to  
 1616 manufacture wine or to distribute such wine at wholesale in accordance with this chapter  
 1617 if the farm winery has given to the municipal or county governing authority 60 days'  
 1618 written notice of its intention to commence operations in the county or municipality and  
 1619 the county or municipal governing authority has not within ~~said~~ such 60 day period adopted  
 1620 a resolution prohibiting the farm winery from commencing operations in the county or  
 1621 municipality without a local license."

1622 **SECTION 68.**

1623 Said title is further amended by revising Code Section 3-6-60, relating to the excise tax on  
 1624 wine which may be imposed by local governments and to the imposition of county excise  
 1625 taxes where municipalities already levied one, as follows:

1626 "3-6-60.

1627 (a) The governing authority of each county or municipality ~~or county~~ where the sale of  
 1628 wine is permitted by this chapter, at its discretion, may levy an excise tax on the first sale  
 1629 or use of wine by the package, which ~~tax~~ shall not exceed 22¢ per liter and a proportionate  
 1630 tax at the same rate on all fractional parts of a liter.

1631 (b) The rate of taxation, the manner of its imposition, payment, and collection, and all  
 1632 other procedures related to the tax authorized by subsection (a) of this Code section shall

1633 be as provided for by each county or municipality electing to exercise the power conferred  
1634 by subsection (a) of this Code section.

1635 (c) No county excise tax shall be imposed, levied, or collected in any portion of a county  
1636 in which a municipality within the county is imposing the same tax on wine sold by the  
1637 package."

1638 **SECTION 69.**

1639 Said title is further amended by revising Code Section 3-7-21, relating to license fees  
1640 applicable to clubs, as follows:

1641 "3-7-21.

1642 The license fees for a club shall be the same fees amount as provided in ~~subsection (a) of~~  
1643 ~~Code Section 3-4-111.1 for the sale of distilled spirits in licensed public places of business~~  
1644 Code Section 3-2-5.1 for a retail on premise liquor dealer; and, in addition, a prelicense  
1645 investigation fee of \$100.00 shall be required."

1646 **SECTION 70.**

1647 Said title is further amended by revising subsection (c) of Code Section 3-7-60, relating to  
1648 sales within municipalities and excise tax, as follows:

1649 "(c) Local excise taxes provided for in this Code section shall be imposed upon and shall  
1650 be paid by the licensed ~~wholesale dealer in~~ wholesaler of distilled spirits."

1651 **SECTION 71.**

1652 Said title is further amended by revising Code Section 3-8-2, relating to sale of malt  
1653 beverages, wine, and distilled spirits at public golf courses operated by counties or  
1654 municipalities, as follows:

1655 "3-8-2.

1656 The Department of Natural Resources or any county or municipality operating a public golf  
1657 course and offering food or drink for retail sale as an incident to the operation of the golf  
1658 course may sell at retail malt beverages; and wine; by the drink as an incident to the  
1659 operation of the golf course upon obtaining a retail wine-malt beverage dealer license or  
1660 a retail on premise liquor dealer license and may sell at retail distilled spirits by the drink  
1661 as an incident to the operation of the golf course upon obtaining a ~~retail consumption~~  
1662 license retail on premise liquor dealer license."

1663 **SECTION 72.**

1664 Said title is further amended by revising subsection (d) of Code Section 3-9-4, relating to  
1665 special use temporary permits, as follows:

1666 ~~”(d) Bona~~ A bona fide nonprofit civic organization which ~~hold~~ holds a  
 1667 special use temporary permit issued pursuant to this Code section may auction for  
 1668 off-premises consumption wine in sealed containers, which has been donated to the bona  
 1669 fide nonprofit civic organization by a person ~~who~~ that does not currently hold a license that  
 1670 has been issued by the department pursuant to this title, wine which has been donated by  
 1671 a Georgia licensed ~~retailer~~ retail wine-malt beverage dealer or retail package liquor dealer,  
 1672 or wine which has been donated or purchased from a Georgia licensed ~~wine~~ wholesaler.  
 1673 The bona fide nonprofit civic organization may ship or otherwise transport to the location  
 1674 specified in the special use temporary permit wine donated by a person ~~who~~ that does not  
 1675 currently hold a license that has been issued by the department pursuant to this title or wine  
 1676 donated by a Georgia licensed ~~retailer~~ retail wine-malt beverage dealer or retail package  
 1677 liquor dealer. Georgia excise tax shall be paid to the department on any donated wine. If  
 1678 the bona fide nonprofit civic organization cannot verify, within ten days of the conclusion  
 1679 of the permitted event, that Georgia excise tax for the wine was previously paid to the  
 1680 department, the bona fide nonprofit civic organization shall pay to the department the  
 1681 appropriate excise tax as required by law.”

#### 1682 SECTION 73.

1683 Said title is further amended by revising subsection (b) of Code Section 3-9-6, relating to  
 1684 limousine carriers and annual permits, as follows:

1685 ~~”(b) A permit issued in accordance with this Code section shall not authorize the wholesale~~  
 1686 ~~purchase of alcoholic beverages by a limousine carrier and only authorizes purchase from~~  
 1687 ~~a~~ retail dealer retail wine-malt beverage dealer or retail package liquor dealer. A permit  
 1688 issued in accordance with this Code section shall be subject to any law regulating the time  
 1689 for selling such beverages.”

#### 1690 SECTION 74.

1691 Said title is further amended by revising Code Section 3-9-7, relating to the issuance of a  
 1692 nonprofit distiller license to a nonprofit museum and requirements, as follows:

1693 ~~”3-9-7.~~

1694 ~~(a) As used in this Code section, the term 'nonprofit museum' means a museum whose~~  
 1695 ~~mission includes educating the public about the local, state, and national history of the~~  
 1696 ~~United States and that is owned and operated by a bona fide nonprofit civic organization~~  
 1697 ~~which holds title to improved real property with a structure listed on the National Register~~  
 1698 ~~of Historic Places.~~

1699 ~~(b)~~(a) Notwithstanding any other provision contained in this title or any other law, the  
 1700 commissioner may issue a nonprofit distiller license to a nonprofit museum, regardless of

1701 whether or not such nonprofit museum holds an annual license to sell malt beverages, wine,  
 1702 or distilled spirits for consumption on the premises, upon the filing of an application and  
 1703 payment of an annual occupational license tax of ~~\$100.00~~ as provided in Code Section  
 1704 3-2-5.1. Such nonprofit distiller license shall entitle the nonprofit museum to produce  
 1705 distilled spirits, provided that:

1706 (1) The nonprofit museum shall not produce more than 800 liters of distilled spirits each  
 1707 calendar year;

1708 (2) The nonprofit museum is located in a county or municipality where the production  
 1709 of distilled spirits is authorized, and the local governing authority of such county or  
 1710 municipality has issued a license to the nonprofit museum pursuant to Code Section 3-3-2  
 1711 for the production of distilled spirits;

1712 (3) The production of distilled spirits, except as otherwise provided in this Code section,  
 1713 shall be used for educational purposes only;

1714 (4) The distilled spirits produced by the nonprofit museum shall be stored and aged only  
 1715 on the premises of the nonprofit museum for which the nonprofit distiller license has been  
 1716 issued and shall not be removed from such premises except through disposal methods  
 1717 consistent with federal and state law and any applicable rules or regulations promulgated  
 1718 thereunder; and

1719 (5) The distilled spirits produced by the nonprofit museum shall only be used on the  
 1720 premises of the nonprofit museum for which the nonprofit distiller license has been  
 1721 issued and only to provide samples pursuant to subsection (c) of this Code section. Such  
 1722 distilled spirits shall not be sold or offered for sale by the nonprofit museum to any  
 1723 person ~~or entity~~.

1724 ~~(c)~~(b) The nonprofit distiller license shall authorize the nonprofit museum to provide not  
 1725 more than one-half of one ounce as a complimentary sample of the distilled spirits  
 1726 produced at the nonprofit museum to a guest who has completed an educational tour of the  
 1727 distillery at the nonprofit museum and is of legal drinking age; provided, however, that the  
 1728 nonprofit museum shall not impose a separate charge for the sample and shall not provide,  
 1729 directly or indirectly, more than one sample to a guest in a calendar day. Such sample shall  
 1730 be provided in a designated tasting area on the premises of the nonprofit museum for which  
 1731 the nonprofit distiller license has been issued, and all open bottles shall be visible at all  
 1732 times.

1733 ~~(d)~~(c) No bond shall be required to be filed with the commissioner for the initial  
 1734 application or the annual renewal application of a nonprofit distiller license.

1735 ~~(e)~~(d) The annual license fee to be charged by a county or municipality for a nonprofit  
 1736 distiller license shall not be more than \$100.00 for each license."

1737 **SECTION 75.**

1738 Said title is further amended by revising Code Section 3-10-4, relating to limitation upon  
 1739 quantity of distilled spirits which may be possessed, as follows:

1740 "3-10-4.

1741 It is not unlawful for any person to have and possess, for use and not for sale, in any county  
 1742 or municipality within ~~the~~ this state, one standard case of 1.75 liter, liter, or 750 milliliter  
 1743 size containers of distilled spirits, but not more than eight individual containers of distilled  
 1744 spirits of a size of 200 milliliters or four individual containers of distilled spirits of a size  
 1745 of 500 milliliters, which may have been purchased by ~~the~~ such person for use and  
 1746 consumption from a lawful and authorized ~~retailer and properly stamped retail package~~  
 1747 liquor dealer."

1748 **SECTION 76.**

1749 Said title is further amended by revising Code Section 3-11-1, relating to definitions  
 1750 applicable to sales off premises for catered functions, as follows:

1751 "3-11-1.

1752 As used in this chapter, the term:

1753 (1) 'Food caterer' means any person who prepares food for consumption off the premises.

1754 (2) 'Licensed alcoholic beverage caterer' means any ~~retail dealer who~~ retail wine-malt  
 1755 beverage dealer or retail package liquor dealer that has been licensed ~~pursuant to Article~~  
 1756 ~~2 of Chapter 4, Article 2 of Chapter 5, or Article 2 of Chapter 6 of~~ under this title.

1757 (3) ~~'Person' means any individual, company, corporation, association, partnership, or~~  
 1758 ~~other legal entity."~~

1759 **SECTION 77.**

1760 Said title is further amended by revising paragraph (2) of Code Section 3-13-1, relating to  
 1761 definitions applicable to sales of alcoholic beverages by a Regional Economic Assistance  
 1762 Project, as follows:

1763 "(2) 'Licensee' shall mean the developer, owner, or operator of the REAP or the  
 1764 developer, owner, or operator of ~~or~~ any certified project or facility located in a REAP to  
 1765 whom a state ~~retail consumption dealer~~ retail on premise liquor dealer license or a state  
 1766 retail wine-malt beverage dealer license is issued."

1767 **SECTION 78.**

1768 Said title is further amended by revising Code Section 3-13-4, relating to rules and  
 1769 regulations applicable to sales of alcoholic beverages by a Regional Economic Assistance  
 1770 Project, as follows:

1771 "3-13-4.  
 1772 The commissioner may promulgate such ~~reasonable~~ rules and regulations as are necessary  
 1773 and appropriate to regulate the issuance of state ~~retail consumption dealer~~ retail on premise  
 1774 liquor dealer licenses or state retail wine-malt beverage dealer licenses to developers,  
 1775 owners, or operators of a REAP and the developers, owners, or operators of any certified  
 1776 project or facility located in a REAP and to enforce the provisions of this chapter."

1777 **SECTION 79.**

1778 Said title is further amended by revising Code Section 3-14-1, relating to commissioner's  
 1779 issuance of special event use permit and length of permit, as follows:

1780 "3-14-1.

1781 The commissioner may issue a special event use permit for the sale of alcoholic beverages  
 1782 for certain events which would otherwise require a ~~retailer or retail dealers~~ retail wine-malt  
 1783 beverage dealer or retail package liquor dealer license. The commissioner shall specify by  
 1784 rule or regulation the events that shall qualify for a special event use permit; provided,  
 1785 however, that estate sales, the sale of inventory authorized under a bankruptcy proceeding,  
 1786 and activities that are similar in nature shall so qualify. Such permit shall not be valid for  
 1787 more than ten days."

1788 **SECTION 80.**

1789 Code Section 51-1-40 of the Official Code of Georgia Annotated, relating to liability for acts  
 1790 of intoxicated persons, is amended by revising subsection (c) as follows:

1791 "(c) In determining whether the sale, furnishing, or serving of alcoholic beverages to a  
 1792 person not of legal drinking age is done willfully, knowingly, and unlawfully as provided  
 1793 in subsection (b) of this Code section, evidence that the person selling, furnishing, or  
 1794 serving alcoholic beverages had been furnished with and acted in reliance on proper  
 1795 identification as defined in ~~subsection (d)~~ of Code Section ~~3-3-23~~ 3-1-2 showing that the  
 1796 person to whom the alcoholic beverages were sold, furnished, or served was 21 years of  
 1797 age or older shall constitute rebuttable proof that the alcoholic beverages were not sold,  
 1798 furnished, or served willfully, knowingly, and unlawfully."

1799 **SECTION 81.**

1800 Code Section 52-7-8.3 of the Official Code of Georgia Annotated, relating to operation of  
 1801 watercraft, identification, and operation by minors, is amended by revising paragraph (3) of  
 1802 subsection (g) as follows:

1803 "(3) 'Proper identification' shall have the same meaning as in ~~subsection (d)~~ of Code  
 1804 Section ~~3-3-23~~ 3-1-2, relating to furnishing of alcoholic beverages."

1805 **SECTION 82.**

1806 (a) Except as provided in subsection (b) of this section, this Act shall become effective on  
1807 July 1, 2015.

1808 (b) Sections 21, 30, and 62 of this Act shall become effective on July 1, 2016.

1809 **SECTION 83.**

1810 All laws and parts of laws in conflict with this Act are repealed.