

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

29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

30 SECTION 1.

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

33 "3-1-2.

34 As used in this title, the term:

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

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

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

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

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

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

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

57 ~~(5)(8) 'Commissioner' means the state revenue commissioner.~~

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

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

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

66 ~~(7)~~(12) 'Department' means the Department of Revenue.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

112 ~~(11)(24) 'Importer' means any person who that:~~

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

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

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

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

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

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

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

126 ~~(14)(28) 'Manufacturer' means any maker, producer, or bottler of an alcoholic beverage.~~

127 The term 'manufacturer' also means:

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

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

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

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

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

141 ~~(16)(31)~~ 'Package' means a bottle, can, keg, barrel, or other original consumer container.

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

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

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

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

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

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

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

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

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

169 (i) Distilled spirits; or

170 (ii)(I) Distilled spirits; and

171 (II) Either malt beverages or wine, or both; and

172 ~~(A)(B) Primarily Is primarily~~ engaged in the retail sale of ~~distilled spirits, malt~~

173 ~~beverages, and wine in unbroken packages, not for consumption on the premises,~~

174 ~~except as authorized under this chapter; and~~

175 ~~(B) Which derives from such retail sale of alcoholic beverages in unbroken packages~~

176 ~~such that at least 75 percent of its the total annual gross sales are derived from the sale~~

177 ~~of a combination of distilled spirits, malt beverages, and wine~~ alcoholic beverages.

178 (36) 'Retail wine-malt beverage dealer' means any person that:

179 (A) Sells either malt beverages or wine, or both, either in unbroken packages or for

180 consumption on the premises, or both, at retail only to consumers and not for resale;

181 and

182 (B) Does not sell distilled spirits.

183 ~~(20)(37) 'Shipper' means any person who that~~ ships an alcoholic beverage from outside

184 this state.

185 ~~(21)(38) 'Standard case' means:~~

186 (A) In relation to wine or distilled spirits, six containers of 1.75 liters, 12 containers of

187 750 milliliters, 12 containers of one liter, 24 containers of 500 milliliters, 24 containers

188 of 375 milliliters, 48 containers of 200 milliliters, or 120 containers of 50 milliliters;

189 and

190 (B) In relation to malt beverages, a box or receptacle containing not more than 288

191 ounces.

192 (39) 'Table wine' means wine having an alcoholic strength of not more than 14 percent

193 alcohol by volume.

194 ~~(22)(40) 'Taxpayer' means any person made liable by law to file a return or to pay tax.~~

195 (41) 'Vintner' means any person engaged in the manufacturing of wine.

196 ~~(23)(42) 'Wholesaler' or 'wholesale dealer' means any person who that~~ sells alcoholic

197 beverages to ~~other wholesale dealers, to retail dealers, or to retail consumption dealers~~

198 retail wine-malt beverage dealers, retail on premise liquor dealers, retail package liquor

199 store dealers, or other wholesalers.

200 ~~(24)(43)(A) 'Wine' means any alcoholic beverage containing not more than 24 percent~~

201 ~~alcohol by volume made from fruits, berries, or grapes either by natural fermentation~~

202 ~~or by natural fermentation with brandy added or made from honey. The term includes,~~

203 ~~but is not limited to, all sparkling wines, champagnes, combinations of such beverages,~~

204 ~~vermouths, special natural wines, rectified wines, and like products. The term does~~

205 'wine' shall not include cooking wine mixed with salt or other ingredients so as to

206 render it unfit for human consumption as a beverage.

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

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

211 **SECTION 2.**

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

214 "3-1-3.

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

218 **SECTION 3.**

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

221 "3-1-5.

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

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

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

234 **SECTION 4.**

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

236 "3-2-5.1.

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

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

- 239 (A) Distiller \$ 1,000.00
- 240 (B) Distiller that is a fruit grower 500.00

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

273 (ii) For wine and malt beverages 100.00

274 (H) Special order shipping applicant 50.00

275 (b) An annual occupational license tax shall be paid by each applicant for each place of
276 business operated.

277 (c)(1) Except as provided in paragraph (2) of this subsection, an application for a license
278 required pursuant to this title along with the payment of the tax required by subsection
279 (a) of this Code section shall be submitted to the department immediately upon assuming
280 control of the place of business and annually thereafter for so long as the business is
281 operated.

282 (2) An application for a special order shipping license shall be submitted to the
283 department along with the payment of the tax required by subsection (a) of this Code
284 section and with each new application upon the expiration of such license."

285 **SECTION 5.**

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

290 "3-2-6.

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

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

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

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

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

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

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

322 **SECTION 6.**

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

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

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

338 **SECTION 7.**

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

342 "3-2-11.

343 Except as otherwise provided in this title:

- 344 (1) When any person required to file a report as provided by this title fails to file the
 345 report within the time prescribed, ~~he~~ such person shall be assessed a penalty of \$50.00
 346 for each failure to file.;
- 347 (2) In the event the commissioner determines, upon inspection of the invoices, books,
 348 and records of a licensed ~~wholesale dealer~~ wholesaler or importer or from any other
 349 information obtained by him or her or his or her authorized agents, that the licensed
 350 ~~wholesale dealer~~ wholesaler or importer has not paid the proper tax or the proper amount
 351 of taxes, ~~the wholesale dealer~~ such wholesaler or importer shall be assessed for the taxes
 352 due. After assessment, the person assessed shall be provided with notice and an
 353 opportunity for a hearing as provided for contested cases by Chapter 13 of Title 50, the
 354 'Georgia Administrative Procedure Act.';
- 355 (3) When any person fails to pay any tax or license fee due as provided by this title, ~~the~~
 356 such person shall be assessed a penalty the same as that provided for in Code Section
 357 48-2-44.;
- 358 (4) When any person fails to file a return; or files a false or fraudulent return, or when
 359 a tax deficiency or any part of a tax deficiency is due to a fraudulent intent to evade any
 360 tax imposed or authorized by this title, ~~the~~ such person shall be assessed a specific
 361 penalty of 50 percent of the tax due.;
- 362 (5) When any person fails to pay the tax or any part of the tax due as provided by this
 363 title, ~~the~~ such person shall pay interest on the unpaid tax at the rate of 1 percent per month
 364 from the time the tax became due until paid or at the rate specified in Code Section
 365 48-2-40, whichever is greater. Interest shall be computed on a monthly basis for any
 366 portion of a month during which payment is delinquent.; and
- 367 (6) All penalties and interest imposed by this title shall be payable to and collected by
 368 the commissioner in the same manner as if they were a part of the taxes imposed by this
 369 title."

370 **SECTION 8.**

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

373 "3-2-15.

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

376 **SECTION 9.**

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

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SECTION 10.

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

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"3-3-6.

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

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

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SECTION 11.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

513 SECTION 12.

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

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

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

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

546 **SECTION 13.**

547 Said title is further amended by revising Code Section 3-3-24, relating to dispensing, serving,
 548 selling, or taking orders for alcoholic beverages by persons under 18 years of age, as follows:
 549 "3-3-24.

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

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

558

SECTION 14.

559

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

560

561

"3-3-24.2.

562

563

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

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

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

577

578

SECTION 15.

579

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

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581

582

"3-3-25.

583

(a) No person knowingly and intentionally shall:

584

(1) Offer for sale, sell, barter, exchange, give, provide, or furnish alcoholic beverages to:

585

~~(A) Any~~ any person confined in any jail, penal institution, correctional facility, or other lawful place of confinement; or

586

587

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

588

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

589

590

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

591

592

593

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

- 594 (1) The administration of alcohol by the staff of the ~~above-mentioned~~ institutions
 595 provided for in subsection (a) of this Code section to any prisoner, patient, or lawful
 596 inmate in strict compliance with the prescription of a licensed physician; or
- 597 (2) The staff members of the ~~Central State Hospital~~ and the Georgia War Veterans Home
 598 who maintain their domicile on the grounds of ~~these institutions~~ such institution from
 599 possessing alcoholic beverages for their own consumption or for that of their families or
 600 persons invited to their homes, except patients or lawful inmates of ~~these institutions~~ such
 601 institution.
- 602 (c) No person shall knowingly allow any other person to violate this Code section."

603 SECTION 16.

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

606 "3-3-26.

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

612 SECTION 16A.

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

614 "3-3-34.

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

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

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

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

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

625 (2) State institution;

626 (3) Private college or university; or

627 (4) Pharmaceutical or biotechnology company.

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

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

633 **SECTION 17.**

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

636 "3-3-40.

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

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

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

644 **SECTION 18.**

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

647 "3-4-1.

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

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

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

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

658 **SECTION 19.**

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

- 661 "3-4-2.
- 662 (a) This chapter shall not apply to ethyl alcohol intended for use or used for the following
- 663 purposes:
- 664 (1) For scientific, chemical, mechanical, industrial, medicinal, and culinary purposes;
- 665 (2) For use by those authorized to procure ethyl alcohol tax free, as provided by federal
- 666 law;
- 667 (3) In the manufacture of denatured alcohol or denatured distilled spirits produced and
- 668 used as provided by federal law;
- 669 (4) In the manufacture of patented, patent, proprietary, medicinal, pharmaceutical,
- 670 antiseptic, toilet, scientific, chemical, mechanical, and industrial preparations or products
- 671 unfit for beverage purposes; or
- 672 (5) In the manufacture of flavoring extracts and syrups unfit for beverage purposes.
- 673 (b) Nothing contained in subsection (a) of this Code section shall prohibit the
- 674 commissioner from promulgating ~~reasonable~~ rules and regulations with regard to ethyl
- 675 alcohol intended for use or used for any of the ~~above-mentioned~~ purposes in subsection (a)
- 676 of this Code section in order to ensure proper enforcement of this title."

677 **SECTION 20.**

678 Said title is further amended by repealing Code Section 3-4-3, relating to retail dealer's signs

679 and signs advertising the Georgia lottery, in its entirety as follows:

- 680 "~~3-4-3:~~
- 681 ~~(a) Except as otherwise provided in subsection (b) of this Code section, a licensed retail~~
- 682 ~~dealer in distilled spirits may display at the licensee's place of business unilluminated signs,~~
- 683 ~~using letters not larger than eight inches in height, flat against the outside of the building,~~
- 684 ~~below the roof line, bearing the words 'liquor,' 'beer,' 'wine,' 'champagne,' or any~~
- 685 ~~combination thereof, and 'package store' or 'liquor store,' together with the trade name of~~
- 686 ~~the retail dealer. In addition to such signs flat against the outside of the building, the retail~~
- 687 ~~dealer may display at a location on the tract of property upon which the business is located,~~
- 688 ~~but not affixed to the building, one unilluminated sign using letters not larger than eight~~
- 689 ~~inches in height bearing the words 'package store' or 'liquor store' and the trade name of the~~
- 690 ~~retail dealer. Subject to any more restrictive size limitations contained in the ordinances~~
- 691 ~~of the political subdivision in which the place of business is located, a sign not affixed to~~
- 692 ~~the building may be no larger than 16 square feet in area.~~
- 693 ~~(b) Notwithstanding the provisions of subsection (a) of this Code section, the~~
- 694 ~~commissioner shall be authorized by rules and regulations to permit licensed retail dealers~~
- 695 ~~in distilled spirits to display signs inside and outside their retail establishments which~~
- 696 ~~advertise or promote any lottery authorized under Chapter 27 of Title 50, the 'Georgia~~

697 ~~Lottery for Education Act,' provided that such signs are in compliance with said Chapter~~
698 ~~27 of Title 50 and the rules and regulations of the board of directors of the Georgia Lottery~~
699 ~~Corporation."~~

700 **SECTION 21.**

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

703 "3-4-20.

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

- 707 ~~(1) Upon each distiller and manufacturer \$1,000.00~~
- 708 ~~(2) Upon each wholesale dealer 1,000.00~~
- 709 ~~(3) Upon each importer 1,000.00~~
- 710 ~~(4) Upon each fruit grower 500.00~~
- 711 ~~(5) Upon each broker 100.00~~
- 712 ~~(6) Upon each retail dealer 100.00~~
- 713 ~~(7) Upon each special event use permit applicant 100.00~~

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

719 **SECTION 22.**

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

722 "3-4-21.

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

727 (b) For purposes of this Code section:

- 728 (1) The term 'person' shall include all members of a ~~retail dealer~~ retail package liquor
729 dealer licensee's family; and the term 'family' shall include any person individual related

730 to the holder of the license within the first degree of consanguinity and affinity as
731 computed according to the canon law.

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

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

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

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

739 **SECTION 23.**

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

742 "3-4-21.1.

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

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

751 **SECTION 24.**

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

754 "3-4-22.

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

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

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

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

- 765 (b) The bonds shall be in the following calendar year amounts:
- 766 (1) For distillers ~~and manufacturers~~, \$10,000.00;
- 767 (2) For ~~wholesale dealers~~ wholesalers and importers, \$5,000.00; and
- 768 (3) For ~~retail dealers~~ retail on premise liquor dealers, retail package liquor dealers, and
- 769 brokers, \$2,500.00.
- 770 (c) All applicants for annual renewal of licenses issued pursuant to this chapter, other than
- 771 ~~retail licenses~~ for retail on premise liquor dealers and retail package liquor dealers, shall
- 772 file an annual bond or have a multiyear bond on file with the department that extends at
- 773 least through the end of the calendar year for which renewal is sought. Such bonds shall
- 774 meet the same conditions as those filed with the initial application."

775 **SECTION 25.**

776 Said title is further amended by revising Code Section 3-4-23, relating to certificate of

777 residence of applicant for license required and purpose of section, as follows:

778 "3-4-23.

- 779 (a) No ~~retail dealer's~~ retail package liquor dealer license shall be issued to any person
- 780 unless an application is filed with the commissioner, accompanied by a certificate by the
- 781 judge of the probate court of the county of the applicant's residence certifying that the
- 782 applicant has been a bona fide resident of the county or municipality for at least 12 months
- 783 immediately preceding the application and is a resident of the county or municipality where
- 784 distilled spirits may be legally sold under this chapter.
- 785 (b) It is the purpose and intention of this Code section to prevent the sale of distilled spirits
- 786 in any county or municipality other than those where distilled spirits may be legally sold
- 787 under this chapter."

788 **SECTION 26.**

789 Said title is further amended by revising Code Section 3-4-24, relating to issuance to fruit

790 growers of license to manufacture distilled spirits, storage and disposition, limitations upon

791 manufacture and sale, issuance of manufacturer's or distiller's license in certain counties or

792 municipalities, educational and promotional tours, and tasting room limitations for certain

793 licensees, as follows:

794 "3-4-24.

- 795 (a) The commissioner may issue a license to a fruit grower authorizing ~~the~~ such fruit
- 796 grower to manufacture distilled spirits from perishable fruits grown in this state.
- 797 (b) If any distilled spirits ~~are~~ or alcohol is manufactured as permitted by this Code section
- 798 in any county, municipality, or county area exclusive of certain incorporated areas, as the
- 799 case may be, in which ~~the~~ such distilled spirits ~~are~~ or alcohol is not to be sold under the

800 terms of this chapter, the licensee shall immediately store the distilled spirits or alcohol in
 801 a warehouse or warehouses designated by the commissioner to be sold or disposed of under
 802 the supervision of the commissioner in states, counties, or municipalities permitting the
 803 legal sale of distilled spirits or alcohol.

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

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

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

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

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

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

823 SECTION 27.

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

827 "3-4-24.1.

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

830 (b) If any distilled spirits ~~are~~ or alcohol is manufactured as permitted by this Code section
 831 in any county, municipality, or county area exclusive of certain incorporated areas, as the
 832 case may be, in which ~~the~~ such distilled spirits ~~are~~ or alcohol is not to be sold under the
 833 terms of this chapter, the licensee shall immediately store the distilled spirits or alcohol in
 834 a warehouse or warehouses designated by the commissioner to be sold or disposed of under

835 the supervision of the commissioner in states, counties, or municipalities permitting the
836 legal sale of distilled spirits or alcohol.

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

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

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

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

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

849 **SECTION 28.**

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

852 "3-4-25.

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

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

859 **SECTION 29.**

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

862 "3-4-26.

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

867 ~~(b)(a) No person licensed to sell distilled spirits by the package for carry-out purposes~~
868 holding a retail package liquor dealer license shall sell such beverages distilled spirits at
869 a price less than the cost which such ~~licensee~~ person pays for such distilled spirits. As used

870 in this subsection, cost shall include the wholesale price plus the local excise tax imposed,
 871 as reflected in invoices which the commissioner of revenue may require to be maintained
 872 on ~~said licensee's~~ such person's place of business.

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

878 SECTION 30.

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

881 "3-4-27.

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

889 (1) The type of license for which application has been filed;

890 (2) The exact location of the place of business for which a license is sought;

891 (3) The names and addresses of each owner of the business; and

892 (4) If the applicant is a corporation, the names and titles of all corporate officers.

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

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

897 SECTION 31.

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

900 "3-4-49.

901 (a) A municipality or county may adopt all reasonable rules and regulations, consistent
 902 with this title, as may fall within the police powers of the municipality or county to regulate
 903 any business described in this chapter; provided, however, that on and after July 1, 1997,
 904 no municipality or county shall authorize the location of a new retail package liquor dealer

905 licensed place of business or the relocation of an existing retail package liquor dealer
 906 licensed place of business engaged in the retail package sales of distilled spirits within 500
 907 yards of any other business licensed to sell package ~~liquor~~ distilled spirits at retail, as
 908 measured by the most direct route of travel on the ground; provided, ~~however further~~, that
 909 ~~this~~ such limitation shall not apply to any hotel licensed under this chapter. The restriction
 910 provided for in this subsection shall not apply ~~at to~~ any location for which a license has
 911 been issued prior to July 1, 1997, nor to the renewal of such license. ~~Nor shall~~ In addition,
 912 the restriction of this subsection shall not apply to any location for which a new license is
 913 applied ~~for~~ if the sale of distilled spirits was lawful at such location at any time during the
 914 12 months immediately preceding such application.

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

918

SECTION 32.

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

922 "3-4-61.

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

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

928 (c) Each licensee responsible for the payment of the excise tax shall file a report itemizing
 929 for the preceding calendar month, by size and type of container, the exact quantities of
 930 distilled spirits sold during the month within ~~the~~ this state. The licensee shall file the report
 931 with the commissioner.

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

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

936 ~~(1) The commissioner shall direct that no later than January 31, 1993, all persons who~~
 937 ~~made excise tax payments in respect of distilled spirits and alcohol sales in the State of~~
 938 ~~Georgia during the calendar year 1992 shall make a one-time deposit equal to the amount~~
 939 ~~of 25 percent of said tax payments. This one-time advance shall be repaid in full by the~~
 940 ~~state in equal semiannual installments over the period of 24 months following August 1,~~

941 ~~1993; except that, in the event wholesalers made payments as provided for in this~~
 942 ~~paragraph, the commissioner shall repay such wholesalers in the form of semiannual~~
 943 ~~credits against future tax liability;~~

944 ~~(2) On February 1, 1993, or as soon thereafter as practicable, the commissioner shall~~
 945 ~~direct that an inventory be taken of stamped merchandise and tax stamps held by~~
 946 ~~manufacturers, shippers, and wholesalers. The commissioner shall issue refunds to all~~
 947 ~~manufacturers and shippers for the value of tax stamps in their possession on February~~
 948 ~~1, 1993, to be paid in 12 equal installments beginning on August 1, 1993. The~~
 949 ~~commissioner shall issue tax credits to wholesalers for stamps in inventory on February~~
 950 ~~1, 1993, which shall be applied as credits against the wholesaler's future tax liability for~~
 951 ~~the 12 month period beginning with the report due on August 10, 1993;~~

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

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

959

SECTION 33.

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

963 "3-4-90.

964 (a) Each county or municipality may authorize, through proper resolution or ordinance,
 965 the issuance of licenses to sell distilled spirits by the drink for consumption only on the
 966 premises where sold; except as provided in Code Section 3-9-11 for in-room service by
 967 hotels, ~~retail consumption dealers~~ retail on premise liquor dealers shall not buy or sell
 968 distilled spirits in packages of 50 milliliters.

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

972 (2)(A) The governing authority of every county having a population of not less than
 973 50,000 nor more than 53,000 according to the United States decennial census of 1990
 974 or any future such census and the governing authority of every municipality within
 975 every such county, through proper resolution or ordinance, may authorize the issuance
 976 of licenses to sell alcoholic beverages by the drink for consumption only on the

977 premises where sold. Every such governing authority shall have full power and
 978 authority to adopt all reasonable rules and regulations governing the qualifications and
 979 criteria for the issuance of any such licenses and shall further have the power and
 980 authority to promulgate reasonable rules and regulations governing the conduct of any
 981 licensee provided for in this subparagraph, including, but not limited to, the regulation
 982 of hours of business, types of employees, and other matters which may fall within the
 983 police powers of such counties and municipalities. Those persons ~~who~~ that are duly
 984 licensed as wholesalers under this title shall be authorized to sell distilled spirits at
 985 wholesale prices to any person or persons licensed as provided in this subparagraph;
 986 and the person or persons licensed under this subparagraph shall be authorized to
 987 purchase distilled spirits from a licensed wholesaler at wholesale prices.

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

995

SECTION 34.

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

999 "3-4-111.

1000 (a) Those persons ~~who~~ that are duly licensed as wholesalers of distilled spirits under this
 1001 title may sell distilled spirits at wholesale prices to any person or persons licensed as
 1002 provided in this article. Persons licensed under this article may purchase distilled spirits
 1003 from a licensed wholesaler at wholesale prices.

1004 (b) Any distilled spirits possessed, sold, or offered for sale by a ~~retail dealer or retail~~
 1005 ~~consumption dealer~~ retail package liquor dealer or retail on premise liquor dealer which are
 1006 purchased or otherwise acquired from any person other than a ~~wholesale dealer~~ wholesaler
 1007 authorized to do business under this chapter are declared to be contraband and shall be
 1008 seized and disposed of by the commissioner in the manner provided in this title."

1009

SECTION 35.

1010

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

1011

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1013

~~"3-4-111.1.~~

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1015

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

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

1021

SECTION 36.

1022

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

1023

1024

~~"3-4-133.~~

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

1031

SECTION 37.

1032

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

1033

1034

~~"3-4-180.~~

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

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

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

~~(b) The commissioner shall, upon proper application therefor, issue an annual permit to any distiller licensed in this state authorizing such distiller to conduct Any distiller that conducts educational and promotional distillery tours ~~which pursuant to subsection (e) of Code Section 3-4-24 or 3-4-24.1~~ may, as a part of such tours, include free tastings on the~~

1043 premises by members of the public of tax-paid varieties of distilled spirits manufactured
1044 by such distiller.

1045 (c) No distiller conducting free tastings under this Code section shall provide, directly or
1046 indirectly, more than the one sample to a person in one calendar day. Free tastings shall
1047 be held in a designated tasting area on the premises of the distiller, and all open bottles
1048 shall be visible at all times."

1049 SECTION 38.

1050 Said title is further amended by revising Code Section 3-5-1, relating to definitions relative
1051 to malt beverages, as follows:

1052 "3-5-1.

1053 ~~As used in this chapter, the term:~~

1054 (1) ~~'Brewer' means a manufacturer of malt beverages.~~

1055 (2) ~~'Case' means a box or receptacle containing not more than 288 ounces of malt
1056 beverages on the average Reserved.~~"

1057 SECTION 39.

1058 Said title is further amended by revising subsections (a) and (e) of Code Section 3-5-4,
1059 relating to production of malt beverages in private residences, consumption, transportation
1060 and delivery, and home-brew special events, as follows:

1061 "(a)(1) Malt beverages may be produced by ~~a person~~ an individual in his or her private
1062 residence subject to the limitations provided in this Code section.

1063 (2) The total quantity of malt beverages that may be produced in any private residence
1064 shall be as follows:

1065 (A) Not more than 100 gallons per calendar year if there is only one ~~person~~ individual
1066 of legal drinking age living in such residence; or

1067 (B) Not more than 200 gallons per calendar year if there are two or more ~~persons~~
1068 individuals of legal drinking age living in such residence;

1069 provided, however, that no more than 50 gallons shall be produced in a 90 day period.

1070 (3) An individual who produces malt beverages in a private residence in compliance with
1071 this Code section shall not be required to be licensed as a brewer pursuant to this title."

1072 "(e)(1) Notwithstanding any other provision of this title to the contrary, in all counties
1073 and municipalities in which the sale of malt beverages is lawful, the local governing
1074 authority may issue a home-brew special event permit for the holding of home-brew
1075 special events, including contests, tastings, and judgings. Any governing authority
1076 desiring to allow home-brew special events to be held within its jurisdiction shall provide
1077 by resolution or ordinance for the issuance of home-brew special event permits and shall

1078 specify the events that shall qualify as home-brew special events. A home-brew special
 1079 event permit shall not cost more than \$50.00 and shall be valid for not more than six
 1080 events per calendar year.

1081 (2) Home-brew special events shall not be held at any location licensed under this title.

1082 (3) Consumption of malt beverages at home-brew special events shall be limited solely
 1083 to malt beverages produced pursuant to this Code section, and such malt beverages shall
 1084 only be consumed by the participants in and judges of the home-brew special events."

1085 SECTION 40.

1086 Said title is further amended by revising Code Section 3-5-5, relating to the conditions under
 1087 which kegs of malt beverages may be sold at retail, as follows:

1088 "3-5-5.

1089 (a) As used in this Code section, the term:

1090 (1) ~~'Keg' means any brewery-sealed container or barrel containing, by liquid volume,~~
 1091 ~~more than two gallons of malt beverage.~~

1092 (2) ~~'Retail dealer,' 'retail licensee,' or 'licensee'~~ 'Licensee' means a licensed alcoholic
 1093 beverage caterer or a person holding either a retail dealer license, a retail package liquor
 1094 dealer license, retail wine-malt beverage dealer license, retail on premise liquor dealer
 1095 license, or a permit issued by the commissioner authorizing the sale of alcoholic
 1096 beverages for consumption only on the premises for a period not to exceed one day, or
 1097 a beverage alcohol caterer license.

1098 (b) No person licensed under this chapter shall sell malt beverages at retail by the keg
 1099 except as provided in subsections (c), (d), and (e) of this Code section. The commissioner
 1100 may take punitive action against violators, up to and including revocation of the state ~~retail~~
 1101 ~~dealer's~~ license of any ~~licensed retail dealer~~ licensee who fails to comply with this Code
 1102 section. The undertaking of any punitive action allowed under this Code section shall not
 1103 prohibit criminal prosecution for sale to underage ~~persons~~ individuals.

1104 (c) Each ~~retail~~ licensee selling kegs containing malt beverages for consumption off
 1105 licensed premises shall require each keg purchaser to present a ~~Georgia driver's license or~~
 1106 ~~other~~ proper identification at the time of purchase. The licensee shall record on an
 1107 identification form for each keg sale the following information: the date of sale; ~~the~~ size
 1108 of keg; ~~the~~ keg identification number; ~~the~~ amount of container deposit; ~~the~~ name, address,
 1109 and date of birth of the purchaser; and ~~the~~ form of proper identification presented by such
 1110 purchaser. The purchaser shall sign a statement at the time of purchase attesting to the
 1111 accuracy of the purchaser's name and address, ~~the~~ and location where the contents of the
 1112 keg will be consumed; and acknowledging that a violation of Code Section 3-3-23, as it
 1113 relates to furnishing alcoholic beverages to ~~persons~~ individuals under the age of 21 years,

1114 may result in civil liability, criminal prosecution, or both. The licensee shall retain the
 1115 identification form and purchaser's signed statement attesting to the accuracy of the
 1116 purchaser's name and address and acknowledging that a violation of Code Section 3-3-23,
 1117 as it relates to furnishing alcoholic beverages to ~~persons~~ individuals under the age of 21
 1118 years, may result in civil liability, criminal prosecution, or both, for a minimum of six
 1119 months following the sale of the keg.

1120 (d) Each keg sold at retail for consumption off licensed premises shall be labeled with the
 1121 name and address of the ~~retail~~ licensee, the keg identification number, and the state alcohol
 1122 license number of the business. The ~~Department of Revenue~~ department will prescribe the
 1123 form of registration label or tag to be used for this purpose. The registration label or tag
 1124 shall be supplied by the ~~Department of Revenue~~ department without fee and securely
 1125 affixed to the keg by the licensee making the sale. In addition to the label or tag, the
 1126 ~~Department of Revenue~~ department shall provide guidelines to the licensee on the
 1127 information to be recorded on the identification form required under subsection (c) of this
 1128 Code section.

1129 (e) The licensee shall record the date of return of the keg on the identification form
 1130 required under subsection (c) of this Code section. If there is no label or tag affixed to the
 1131 keg or if the identification number is not legible, the licensee shall indicate this fact on the
 1132 identification form required under subsection (c) of this Code section. The licensee shall
 1133 not refund a deposit for a keg that is returned without the required label or tag and
 1134 identification number intact and legible.

1135 (f) The removal of the required label or tag shall be unlawful until such time that it is
 1136 lawfully returned to the ~~retailer~~ licensee by the purchaser. Possession of a keg without the
 1137 required label or tag and identification number shall be unlawful and subject to penalty
 1138 pursuant to Code Section 3-3-9."

1139 **SECTION 41.**

1140 Said title is further amended by revising Code Section 3-5-20, relating to state license tax
 1141 applicable to malt beverages, as follows:

1142 "3-5-20.

1143 ~~(a) An annual occupational license tax is imposed upon each brewer, manufacturer, broker,~~
 1144 ~~importer, wholesaler, and retail dealer of beer in this state, as follows:~~

1145	(1) Upon each brewer	\$1,000.00
1146	(2) Upon each wholesale dealer	500.00
1147	(3) Upon each importer	500.00
1148	(4) Upon each broker	50.00

SECTION 44.

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

"3-5-26.

~~Licensed wholesale dealers may~~ Wholesalers shall sell malt beverages only to ~~other licensed wholesale dealers and to~~ wholesalers, importers, retail package liquor dealers, retail wine-malt beverage dealers, and retail on premise liquor dealers ~~and retail dealers~~ licensed in this state."

SECTION 45.

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

"3-5-27.

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

SECTION 46.

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

"3-5-28.

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

SECTION 47.

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

"3-5-32.

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

SECTION 48.

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

"3-5-36.

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

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

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

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

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

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

- 1251 ~~(C)~~(D) Notwithstanding any other provision of this paragraph, sell up to a maximum
 1252 of 5,000 barrels annually of such beer malt beverages to licensed ~~wholesale dealers~~
 1253 wholesalers for distribution to retailers and retail consumption dealers;
- 1254 (3) ~~Possession of a brewpub license shall not prevent the~~ The holder of such a brewpub
 1255 ~~license from obtaining a retail consumption dealer's license or a retailer's license shall~~
 1256 obtain a retail on premise liquor dealer license or retail wine-malt beverage dealer license
 1257 for the same premises in order to sell alcoholic beverages for consumption on the
 1258 premises;
- 1259 (4) A brewpub license does not authorize the holder of such license to sell alcoholic
 1260 beverages by the package for consumption off the premises;
- 1261 ~~(5) A brewpub licensee shall not offer or permit any free sampling of beer by its~~
 1262 ~~customers on the premises of a brewpub~~;
- 1263 ~~(6)~~(5) The commissioner shall not issue a brewpub license if the brewpub premises are
 1264 located in a county or municipality in which the sale of alcoholic beverages is prohibited;
 1265 and
- 1266 ~~(7)~~(6) A brewpub licensee license holder shall:
- 1267 (A) Pay all state and local license fees and excise taxes applicable to ~~individuals~~
 1268 persons licensed by this state as manufacturers, ~~retailers~~ retail license holders, and,
 1269 where applicable, wholesalers under this title;
- 1270 (B) At the request of the commissioner, provide an irrevocable letter of credit or ~~an~~
 1271 ~~Irrevocable Standby Financial Guarantee Bond~~ a bond in favor of the State of Georgia
 1272 in an amount sufficient to guarantee such brewpub licensee's estimated tax liability for
 1273 the first year of operation; and
- 1274 (C) Measure beer malt beverages manufactured on the premises and otherwise comply
 1275 with applicable regulations respecting excise and enforcement tax determination of
 1276 such beer malt beverages as required by this title."

1277 **SECTION 49.**

1278 Said title is further amended by revising Code Section 3-5-38, relating to free tasting of malt
 1279 beverages at a licensed brewery on the premises during educational and promotional tours,
 1280 as follows:

1281 "3-5-38.

1282 ~~The commissioner shall, upon proper application therefor, issue an annual permit to any~~
 1283 ~~brewer licensed in this state authorizing such brewer to~~ Any brewer licensed as a brewer
 1284 pursuant to this title may conduct educational and promotional brewery tours which may
 1285 include free ~~tasting~~ tastings on the premises of such brewery by members of the public of
 1286 ~~tax-paid~~ tax-paid varieties of malt beverages ~~brewed~~ manufactured by such brewer."

1287

SECTION 50.

1288

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

1289

1290

1291

"3-5-43.

1292

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

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1294

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SECTION 51.

1297

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

1298

1299

"3-5-81.

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

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

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

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The ~~licensee~~ wholesaler shall file the report with each municipality or county wherein the malt beverages are sold by ~~the licensee~~ such wholesaler.

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

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SECTION 52.

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

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"3-5-82.

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

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SECTION 53.

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

"3-6-1.

As used in this chapter, the term:

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

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

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

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

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

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

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

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

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

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

SECTION 54.

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

"3-6-3.

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

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

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

1357 (b) The total quantity of wine that may be produced in any private residence shall not
1358 exceed 200 gallons per calendar year irrespective of the number of individuals living in
1359 such residence.

1360 (c) An individual who produces wine in a private residence in compliance with this Code
1361 section shall not be required to be licensed as a vintner under this title.

1362 (d) Wine produced in compliance with this Code section shall not be subject to any excise
1363 tax imposed pursuant to this chapter."

1364 **SECTION 55.**

1365 Said title is further amended by revising Code Section 3-6-20, relating to state license tax
1366 applicable to wine, as follows:

1367 "3-6-20.

1368 ~~(a) An annual occupational license tax is imposed upon each winery, manufacturer, broker,~~
1369 ~~importer, wholesaler, and retail dealer of wine in this state, as follows:~~

- 1370 (1) ~~Upon each winery and manufacturer \$ 1,000.00~~
- 1371 (2) ~~Upon each wholesale dealer 500.00~~
- 1372 (3) ~~Upon each importer 500.00~~
- 1373 (4) ~~Upon each broker 50.00~~
- 1374 (5) ~~Upon each retail dealer 50.00~~
- 1375 (6) ~~Upon each special event use permit applicant 50.00~~

1376 ~~(b) An annual occupational license tax shall be paid for each place of business operated.~~
1377 ~~An application for the applicable license required pursuant to this title along with the~~
1378 ~~payment of the tax required by subsection (a) of this Code section shall be submitted to the~~
1379 ~~department immediately upon assuming control of the place of business and annually~~
1380 ~~thereafter for so long as the business is operated Reserved."~~

1381 **SECTION 56.**

1382 Said title is further amended by revising Code Section 3-6-21.1, relating to the license for
1383 manufacture and sale by farm wineries, as follows:

1384 "3-6-21.1.

1385 ~~(a) As used in this Code section, the term:~~

1386 (1) ~~'Farm winery' means a winery which makes at least 40 percent of its annual~~
1387 ~~production from agricultural produce grown in the state where the winery is located and:~~

- 1388 ~~(A) Is located on premises, a substantial portion of which is used for agricultural~~
1389 ~~purposes, including the cultivation of grapes, berries, or fruits to be utilized in the~~
1390 ~~manufacture or production of wine by the winery; or~~

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

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

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

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

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

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

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

(3) A Georgia farm winery licensee shall be authorized, in accordance with the rules and regulations of the commissioner, to acquire and receive deliveries and shipments of wine in bulk from out-of-state producers and shippers in an amount not to exceed 20 percent

1428 of its annual production, provided that the Georgia farm winery licensee receiving any
 1429 such shipment ~~or shipments~~ files timely reports with the commissioner and keeps such
 1430 records of the receipt of such shipment ~~or shipments~~ as may be required by the
 1431 commissioner.

1432 (4) Any wine received in bulk pursuant to paragraph (3) of this subsection shall have
 1433 levied thereon the requisite taxes as prescribed by Code Section 3-6-50, and such taxes
 1434 shall be reported and remitted to the commissioner as provided in Code Section 3-2-6.

1435 ~~(d) The annual license tax for each license issued pursuant to this Code section shall be~~
 1436 ~~\$50.00.~~

1437 ~~(e)~~(c) The surety bond required as a condition upon issuance of a license pursuant to this
 1438 Code section shall be the same as that required pursuant to Code Section 3-6-21 with
 1439 respect to ~~wineries~~ vintners.

1440 ~~(f)~~(d) Wines sold at retail by a manufacturer as provided in subsection ~~(b)~~ (a) of this Code
 1441 section shall have levied thereon an excise tax as prescribed by Code Section 3-6-50, and
 1442 such tax shall be reported and remitted to the commissioner as provided in Code
 1443 Section 3-2-6."

1444 SECTION 57.

1445 Said title is further amended by revising Code Section 3-6-21.3, relating to sales by farm
 1446 winery of wines and other alcoholic beverages for consumption on the premises or on
 1447 contiguous property, as follows:

1448 "3-6-21.3.

1449 ~~(a) As used in this Code section, the term:~~

1450 (1) ~~'Affiliate' means any person controlling, controlled by, or under common control with~~
 1451 ~~a farm winery.~~

1452 (2) ~~'Farm winery' means a farm winery as defined in Code Section 3-6-21.1 that is~~
 1453 ~~located in Georgia.~~

1454 (3) ~~'Tasting room' has the meaning provided by Code Section 3-6-21.1.~~

1455 ~~(b)~~(1)(a) Notwithstanding any other provision of this title to the contrary, in all counties
 1456 or municipalities in which the sale of wine is lawful, the commissioner may authorize any
 1457 vintner licensed as a farm winery licensee to sell its wine and the wine of any other vintner
 1458 licensed as a farm winery licensee for consumption on the premises at facilities located on
 1459 the premises of the farm winery or on property located contiguous to the farm winery and
 1460 owned by the farm winery or by an affiliate of the farm winery.

1461 ~~(2)~~(b) Notwithstanding any other provisions of this title to the contrary, in all counties or
 1462 municipalities in which the sale of distilled spirits, malt beverages, and wines is lawful, the
 1463 commissioner ~~further~~ may authorize ~~such licensee~~ a farm winery to make sales of distilled

1464 spirits, malt beverages, and wines not produced by a such farm winery for consumption in
 1465 its tasting rooms and at facilities located on the premises of the farm winery or on property
 1466 located contiguous to the farm winery and owned by the farm winery or by an affiliate of
 1467 the farm winery, provided that any alcoholic beverages sold pursuant to this ~~paragraph~~
 1468 subsection shall be purchased by the farm winery from a licensed wholesaler at wholesale
 1469 prices."

1470 SECTION 58.

1471 Said title is further amended by revising Code Section 3-6-21.5, relating to production of
 1472 fortified wine, as follows:

1473 "3-6-21.5.

1474 A ~~winery~~ vintner may purchase distilled spirits directly from a manufacturer of distilled
 1475 spirits and blend with wine manufactured by ~~the winery~~ such vintner to produce fortified
 1476 wine. Such distilled spirits shall not be used by ~~the winery~~ such vintner for any other
 1477 purpose or used to create any other type of alcoholic beverage or product."

1478 SECTION 59.

1479 Said title is further amended by revising Code Section 3-6-23, relating to restriction upon
 1480 licensed wholesale dealers as to whom they may sell and deliver wine, as follows:

1481 "3-6-23.

1482 Except as provided in paragraph (5) of subsection (a) of Code Section 3-2-13, ~~licensed~~
 1483 ~~wholesale dealers~~ wholesalers shall sell wine only to ~~other licensed wholesale dealers and~~
 1484 ~~to wholesalers, importers, and retail dealers~~ retail wine-malt beverage dealers, retail on
 1485 premise liquor dealers, and retail package liquor dealers licensed in this state."

1486 SECTION 60.

1487 Said title is further amended by revising Code Section 3-6-24, relating to regulation of sales
 1488 transactions involving wine, as follows:

1489 "3-6-24.

1490 Each ~~wholesale dealer~~ wholesaler, at the time of any sale of wine, shall prepare and keep
 1491 a copy of a sales invoice containing:

- 1492 (1) The name of the ~~wholesale dealer~~ wholesaler;
- 1493 (2) The name, address, and license number of the licensed importer, wholesaler, ~~or~~
 1494 ~~retailer~~ retail package liquor dealer, retail wine-malt beverage dealer, or retail on premise
 1495 liquor dealer making the purchase;
- 1496 (3) The quantity and container sizes of wine sold;
- 1497 (4) The date of the sale; and

1498 (5) Any other information the commissioner may require."

1499 **SECTION 61.**

1500 Said title is further amended by revising Code Section 3-6-25, relating to wine acquired from
1501 anyone other than wholesale dealer authorized to do business declared contraband, as
1502 follows:

1503 "3-6-25.

1504 Except as provided in Code Sections 3-6-21.1 through 3-6-21.3 and Code Section 3-6-21.5,
1505 wine possessed, sold, or offered for sale by a ~~retail dealer~~ retail package liquor dealer, retail
1506 wine-malt beverage dealer, or retail on premise liquor dealer which was purchased or
1507 otherwise acquired from any person other than a ~~wholesale dealer~~ wholesaler authorized
1508 to do business under this chapter is declared to be contraband and shall be seized and
1509 disposed of by the commissioner in the manner provided in this title."

1510 **SECTION 62.**

1511 Said title is further amended by revising Code Section 3-6-25.1, relating to advertisement of
1512 prices of wine and selling of wine at a price less than its cost, as follows:

1513 "3-6-25.1.

1514 ~~(a) No person holding a retail dealer's license to deal in wine by the package shall display~~
1515 ~~any advertisement of or information regarding the price or prices of any wine in any show~~
1516 ~~window or other place visible from outside the licensee's place of business.~~

1517 ~~(b)(a)~~ (a) No person licensed to sell wine by the package for ~~carry-out purposes~~ consumption
1518 off premises shall sell such ~~beverages~~ wine at a price less than the cost which such licensee
1519 person pays for such wine. As used in this subsection, ~~cost shall include~~ the term 'cost'
1520 means the wholesale price plus the local excise tax imposed, as reflected in invoices which
1521 the commissioner ~~of revenue~~ may require to be maintained on ~~said licensee's~~ such person's
1522 place of business.

1523 ~~(c)(b)~~ (b) The commissioner ~~of revenue~~ shall be authorized to adopt such rules and regulations
1524 as he or she deems necessary to provide for an exception to the prohibition provided in
1525 subsection ~~(b)~~ (a) of this Code section for reasons relating to liquidation of inventory,
1526 ~~close-out~~ closeout of brands, outdated products, or any other reason the commissioner may
1527 determine to merit an exception."

1528 **SECTION 63.**

1529 Said title is further amended by revising Code Section 3-6-26, relating to regulation of
1530 delivery, receipt, and storage of wines after sale, as follows:

1531 "3-6-26.

1532 All wines sold by a ~~wholesale dealer~~ wholesaler to a retail package liquor dealer, retail
 1533 wine-malt beverage dealer, or retail on premise liquor dealer shall be delivered only to the
 1534 premises of a licensed retail package liquor dealer, retail wine-malt beverage dealer, or
 1535 retail on premise liquor dealer and transported only by a conveyance owned, or leased, and
 1536 operated by a ~~wholesale dealer~~ wholesaler, or owned, or leased, and operated by a
 1537 ~~wholesale dealer's~~ wholesaler's employee, who is designated to deal in the brands of wines
 1538 sold and is licensed to make sales and deliveries within the municipality or county in which
 1539 the sale or delivery is made. The wine so sold shall not be delivered to, received, or stored
 1540 at any place other than premises for which state and local retail licenses have been issued."

1541 **SECTION 64.**

1542 Said title is further amended by revising Code Section 3-6-27, relating to registration of
 1543 agents, representatives, salesmen, and employees of manufacturers, importers, producers, or
 1544 brokers, as follows:

1545 "3-6-27.

1546 Every agent, representative, ~~salesman~~ salesperson, and employee of each winery vintner,
 1547 ~~manufacturer, importer, producer,~~ or broker shipping, or causing to be shipped, wines into
 1548 the this state shall register with the commissioner on forms prepared by the commissioner
 1549 before engaging in the selling, promoting, displaying, or advertising of wine."

1550 **SECTION 65.**

1551 Said title is further amended by revising Code Section 3-6-31, relating to direct shipments
 1552 to state residents and special order shipping licenses, as follows:

1553 "3-6-31.

1554 ~~(a) For purposes of this Code section, the term 'winery' means any maker or producer of~~
 1555 ~~wine whether in this state or in any other state, who holds a valid federal basic wine~~
 1556 ~~manufacturing permit.~~

1557 ~~(b)~~(a) Notwithstanding any other provision of this title to the contrary, any shipper which
 1558 is also a winery permitted vintner may be authorized to make direct shipments of wine to
 1559 consumers in this state, without complying with the provisions of Code Section 3-6-22,
 1560 upon obtaining a special order shipping license from the commissioner pursuant to this
 1561 Code section.

1562 ~~(c)~~(b) A special order shipping license shall only be issued to a winery permitted vintner
 1563 upon compliance with all applicable provisions of this title and the rules and regulations
 1564 promulgated pursuant to this title, and upon payment of the occupational license fee
 1565 ~~designated for retail dealers tax~~ in Code Section 3-6-20 3-2-5.1.

1566 ~~(d)~~(c) A special order shipping license shall entitle the ~~winery~~ permitted vintner to ship
 1567 wine upon order directly to consumers for personal or household use in this state without
 1568 designating wholesalers as required by Code Section 3-6-22, provided that:

1569 (1) The holder of a special order shipping license shall only ship brands of wine for
 1570 which the holder has submitted labels to the commissioner;

1571 (2) No holder of a special order shipping license shall be permitted to ship in excess
 1572 of 12 standard cases of wine of one brand or a combination of brands into this state to any
 1573 one consumer or address per calendar year;

1574 (3) Before accepting an order from a consumer in this state, the holder of a special order
 1575 shipping license shall require that the ~~person~~ individual placing the order state
 1576 affirmatively that he or she is of the age required by Code Section 3-3-23 and shall verify
 1577 the age of such ~~person~~ individual placing the order either by the physical examination of
 1578 an approved government issued form of identification or by utilizing an Internet based
 1579 age and identification service;

1580 (4) A special order shipping license shall not authorize the shipment of any wine to any
 1581 premises licensed to sell alcoholic beverages pursuant to this title; and

1582 (5) Every shipment of wine by the holder of a special order shipping license shall be
 1583 clearly marked 'Alcoholic Beverages, Adult Signature Required,' and the carrier
 1584 delivering such shipment shall be responsible for obtaining the signature of an adult who
 1585 is at least 21 years of age as a condition of delivery.

1586 ~~(e)~~(d) The failure to comply strictly with the requirements of this Code section, Code
 1587 Section 3-3-23, and all applicable provisions of this title and regulations promulgated
 1588 pursuant to this title shall be grounds for the revocation of a special order shipping license
 1589 or other disciplinary action by the commissioner. Upon revocation of a special order
 1590 shipping license for shipment of wine to a ~~person~~ an individual not of age as required by
 1591 Code Section 3-3-23, such ~~winery~~ permitted vintner shall not be issued any special order
 1592 shipping license pursuant to this Code section for a period of five years from the date of
 1593 revocation.

1594 ~~(f)~~(e) The holder of a special order shipping license shall collect all excise taxes imposed
 1595 by Code Section 3-6-50, shall remit such taxes in the same manner as licensed ~~wine~~
 1596 wholesalers, and shall accompany such remittance with such reports, documentation, and
 1597 other information as may be required by the commissioner. In addition, an applicant for
 1598 and a holder of a special order shipping license, as a condition of receiving and holding a
 1599 valid license, shall:

1600 (1) Agree to collect and to pay applicable Georgia state and local sales tax on each sale
 1601 shipped to a consumer in ~~Georgia~~ this state;

1602 (2) Accompany each remittance with such sales tax reports, documentation, and other
1603 information as may be required by the commissioner; and

1604 (3) Consent to enforcement of the provisions of this Code section by the department and
1605 to the jurisdiction of the courts of ~~Georgia~~ this state for the collection of such taxes or
1606 other moneys owing, including interest and penalties.

1607 ~~(g)~~(f) The commissioner may promulgate such rules and regulations as are necessary and
1608 appropriate for the enforcement of this Code section."

1609 SECTION 66.

1610 Said title is further amended by revising Code Section 3-6-32, relating to shipment of wine
1611 by winery to consumers and circumstances, as follows:

1612 "3-6-32.

1613 (a) Notwithstanding any other provision of this title to the contrary, a ~~winery located~~
1614 ~~within this state or outside this state that holds a federal basic wine manufacturing permit~~
1615 permitted vintner, whether licensed under this title or not and without regard to brand or
1616 label registrations or designations of wholesalers pursuant to Code Section 3-6-22, shall
1617 be permitted to ship wine directly to consumers in this state for personal or household use
1618 under the following circumstances:

1619 (1) The consumer must purchase the wine while physically present on the premises of
1620 the winery permitted vintner;

1621 (2) The winery permitted vintner must verify that the consumer purchasing the wine is
1622 of the age required by Code Section 3-3-23 and is not licensed pursuant to this title; and

1623 (3) No winery permitted vintner shall ship in excess of five cases of any brand or
1624 combination of brands to any one consumer or any one address in this state in any
1625 calendar year.

1626 (b) The commissioner may promulgate such rules and regulations as are necessary and
1627 appropriate for the enforcement of this Code section."

1628 SECTION 67.

1629 Said title is further amended by revising subsection (a) of Code Section 3-6-40, relating to
1630 dealing in wine at wholesale and retail prohibited without a county or municipal wine
1631 license; counties and municipalities granted powers to issue, refuse, and revoke local wine
1632 licenses; and revocation of local and state wine licenses, as follows:

1633 "(a) Except as otherwise provided in this Code section, the businesses of manufacturing,
1634 distributing, and selling wine at wholesale or retail shall not be conducted in any county
1635 or ~~incorporated~~ municipality of this state without a license from the governing authority
1636 of the county or municipality. A farm winery, as defined in Code Section ~~3-6-21.1~~ 3-6-1,

1637 which is qualified and licensed by the state shall need no county or municipal license to
 1638 manufacture wine or to distribute such wine at wholesale in accordance with this chapter
 1639 if the farm winery has given to the municipal or county governing authority 60 days'
 1640 written notice of its intention to commence operations in the county or municipality and
 1641 the county or municipal governing authority has not within ~~said~~ such 60 day period adopted
 1642 a resolution prohibiting the farm winery from commencing operations in the county or
 1643 municipality without a local license."

1644 **SECTION 68.**

1645 Said title is further amended by revising Code Section 3-6-60, relating to the excise tax on
 1646 wine which may be imposed by local governments and to the imposition of county excise
 1647 taxes where municipalities already levied one, as follows:

1648 "3-6-60.

1649 (a) The governing authority of each county or municipality ~~or county~~ where the sale of
 1650 wine is permitted by this chapter, at its discretion, may levy an excise tax on the first sale
 1651 or use of wine by the package, which ~~tax~~ shall not exceed 22¢ per liter and a proportionate
 1652 tax at the same rate on all fractional parts of a liter.

1653 (b) The rate of taxation, the manner of its imposition, payment, and collection, and all
 1654 other procedures related to the tax authorized by subsection (a) of this Code section shall
 1655 be as provided for by each county or municipality electing to exercise the power conferred
 1656 by subsection (a) of this Code section.

1657 (c) No county excise tax shall be imposed, levied, or collected in any portion of a county
 1658 in which a municipality within the county is imposing the same tax on wine sold by the
 1659 package."

1660 **SECTION 69.**

1661 Said title is further amended by revising Code Section 3-7-21, relating to license fees
 1662 applicable to clubs, as follows:

1663 "3-7-21.

1664 The license fees for a club shall be the same ~~fees~~ amount as provided in ~~subsection (a) of~~
 1665 ~~Code Section 3-4-111.1 for the sale of distilled spirits in licensed public places of business~~
 1666 Code Section 3-2-5.1 for a retail on premise liquor dealer; and, in addition, a prelicense
 1667 investigation fee of \$100.00 shall be required."

1668 **SECTION 70.**

1669 Said title is further amended by revising subsection (c) of Code Section 3-7-60, relating to
 1670 sales within municipalities and excise tax, as follows:

1671 "(c) Local excise taxes provided for in this Code section shall be imposed upon and shall
1672 be paid by the licensed ~~wholesale dealer in~~ wholesaler of distilled spirits."

1673 **SECTION 71.**

1674 Said title is further amended by revising Code Section 3-8-2, relating to sale of malt
1675 beverages, wine, and distilled spirits at public golf courses operated by counties or
1676 municipalities, as follows:

1677 "3-8-2.

1678 The Department of Natural Resources or any county or municipality operating a public golf
1679 course and offering food or drink for retail sale as an incident to the operation of the golf
1680 course may sell at retail malt beverages; and wine; by the drink as an incident to the
1681 operation of the golf course upon obtaining a retail wine-malt beverage dealer license or
1682 a retail on premise liquor dealer license and may sell at retail distilled spirits by the drink
1683 as an incident to the operation of the golf course upon obtaining a ~~retail consumption~~
1684 license retail on premise liquor dealer license."

1685 **SECTION 72.**

1686 Said title is further amended by revising subsection (d) of Code Section 3-9-4, relating to
1687 special use temporary permits, as follows:

1688 "(d) ~~Bona~~ A bona fide nonprofit civic ~~organizations~~ organization which ~~hold~~ holds a
1689 special use temporary permit issued pursuant to this Code section may auction for
1690 off-premises consumption wine in sealed containers, which has been donated to the bona
1691 fide nonprofit civic organization by a person ~~who~~ that does not currently hold a license that
1692 has been issued by the department pursuant to this title, wine which has been donated by
1693 a Georgia licensed ~~retailer~~ retail wine-malt beverage dealer or retail package liquor dealer,
1694 or wine which has been donated or purchased from a Georgia licensed ~~wine~~ wholesaler.
1695 The bona fide nonprofit civic organization may ship or otherwise transport to the location
1696 specified in the special use temporary permit wine donated by a person ~~who~~ that does not
1697 currently hold a license that has been issued by the department pursuant to this title or wine
1698 donated by a Georgia licensed ~~retailer~~ retail wine-malt beverage dealer or retail package
1699 liquor dealer. Georgia excise tax shall be paid to the department on any donated wine. If
1700 the bona fide nonprofit civic organization cannot verify, within ten days of the conclusion
1701 of the permitted event, that Georgia excise tax for the wine was previously paid to the
1702 department, the bona fide nonprofit civic organization shall pay to the department the
1703 appropriate excise tax as required by law."

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SECTION 73.

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

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

SECTION 74.

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

"3-9-7.

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

~~(b)~~(a) Notwithstanding any other provision contained in this title or any other law, the commissioner may issue a nonprofit distiller license to a nonprofit museum, regardless of whether or not such nonprofit museum holds an annual license to sell malt beverages, wine, or distilled spirits for consumption on the premises, upon the filing of an application and payment of an annual occupational license tax ~~of \$100.00~~ as provided in Code Section 3-2-5.1. Such nonprofit distiller license shall entitle the nonprofit museum to produce distilled spirits, provided that:

- (1) The nonprofit museum shall not produce more than 800 liters of distilled spirits each calendar year;
- (2) The nonprofit museum is located in a county or municipality where the production of distilled spirits is authorized, and the local governing authority of such county or municipality has issued a license to the nonprofit museum pursuant to Code Section 3-3-2 for the production of distilled spirits;
- (3) The production of distilled spirits, except as otherwise provided in this Code section, shall be used for educational purposes only;
- (4) The distilled spirits produced by the nonprofit museum shall be stored and aged only on the premises of the nonprofit museum for which the nonprofit distiller license has been issued and shall not be removed from such premises except through disposal methods

1739 consistent with federal and state law and any applicable rules or regulations promulgated
1740 thereunder; and

1741 (5) The distilled spirits produced by the nonprofit museum shall only be used on the
1742 premises of the nonprofit museum for which the nonprofit distiller license has been
1743 issued and only to provide samples pursuant to subsection (c) of this Code section. Such
1744 distilled spirits shall not be sold or offered for sale by the nonprofit museum to any
1745 person ~~or entity~~.

1746 ~~(e)~~(b) The nonprofit distiller license shall authorize the nonprofit museum to provide not
1747 more than one-half of one ounce as a complimentary sample of the distilled spirits
1748 produced at the nonprofit museum to a guest who has completed an educational tour of the
1749 distillery at the nonprofit museum and is of legal drinking age; provided, however, that the
1750 nonprofit museum shall not impose a separate charge for the sample and shall not provide,
1751 directly or indirectly, more than one sample to a guest in a calendar day. Such sample shall
1752 be provided in a designated tasting area on the premises of the nonprofit museum for which
1753 the nonprofit distiller license has been issued, and all open bottles shall be visible at all
1754 times.

1755 ~~(d)~~(c) No bond shall be required to be filed with the commissioner for the initial
1756 application or the annual renewal application of a nonprofit distiller license.

1757 ~~(e)~~(d) The annual license fee to be charged by a county or municipality for a nonprofit
1758 distiller license shall not be more than \$100.00 for each license."

1759 **SECTION 75.**

1760 Said title is further amended by revising Code Section 3-10-4, relating to limitation upon
1761 quantity of distilled spirits which may be possessed, as follows:

1762 "3-10-4.

1763 It is not unlawful for any person to have and possess, for use and not for sale, in any county
1764 or municipality within ~~the~~ this state, one standard case of 1.75 liter, liter, or 750 milliliter
1765 size containers of distilled spirits, but not more than eight individual containers of distilled
1766 spirits of a size of 200 milliliters or four individual containers of distilled spirits of a size
1767 of 500 milliliters, which may have been purchased by ~~the~~ such person for use and
1768 consumption from a lawful and authorized ~~retailer and properly stamped retail package~~
1769 liquor dealer."

1770 **SECTION 76.**

1771 Said title is further amended by revising Code Section 3-11-1, relating to definitions
1772 applicable to sales off premises for catered functions, as follows:

1773 "3-11-1.

1774 As used in this chapter, the term:

1775 (1) 'Food caterer' means any person who prepares food for consumption off the premises.

1776 (2) 'Licensed alcoholic beverage caterer' means any ~~retail dealer who~~ retail wine-malt
 1777 beverage dealer or retail package liquor dealer that has been licensed pursuant to ~~Article~~
 1778 ~~2 of Chapter 4, Article 2 of Chapter 5, or Article 2 of Chapter 6 of~~ under this title.

1779 (3) ~~'Person' means any individual, company, corporation, association, partnership, or~~
 1780 ~~other legal entity.'~~

1781 SECTION 77.

1782 Said title is further amended by revising paragraph (2) of Code Section 3-13-1, relating to
 1783 definitions applicable to sales of alcoholic beverages by a Regional Economic Assistance
 1784 Project, as follows:

1785 "(2) 'Licensee' shall mean the developer, owner, or operator of the REAP or the
 1786 developer, owner, or operator of ~~or~~ any certified project or facility located in a REAP to
 1787 whom a state ~~retail consumption dealer~~ retail on premise liquor dealer license or a state
 1788 retail wine-malt beverage dealer license is issued."

1789 SECTION 78.

1790 Said title is further amended by revising Code Section 3-13-4, relating to rules and
 1791 regulations applicable to sales of alcoholic beverages by a Regional Economic Assistance
 1792 Project, as follows:

1793 "3-13-4.

1794 The commissioner may promulgate such ~~reasonable~~ rules and regulations as are necessary
 1795 and appropriate to regulate the issuance of state ~~retail consumption dealer~~ retail on premise
 1796 liquor dealer licenses or state retail wine-malt beverage dealer licenses to developers,
 1797 owners, or operators of a REAP and the developers, owners, or operators of any certified
 1798 project or facility located in a REAP and to enforce the provisions of this chapter."

1799 SECTION 79.

1800 Said title is further amended by revising Code Section 3-14-1, relating to commissioner's
 1801 issuance of special event use permit and length of permit, as follows:

1802 "3-14-1.

1803 The commissioner may issue a special event use permit for the sale of alcoholic beverages
 1804 for certain events which would otherwise require a ~~retailer or retail dealers~~ retail wine-malt
 1805 beverage dealer or retail package liquor dealer license. The commissioner shall specify by
 1806 rule or regulation the events that shall qualify for a special event use permit; provided,

1807 however, that estate sales, the sale of inventory authorized under a bankruptcy proceeding,
 1808 and activities that are similar in nature shall so qualify. Such permit shall not be valid for
 1809 more than ten days."

1810 **SECTION 80.**

1811 Code Section 51-1-40 of the Official Code of Georgia Annotated, relating to liability for acts
 1812 of intoxicated persons, is amended by revising subsection (c) as follows:

1813 "(c) In determining whether the sale, furnishing, or serving of alcoholic beverages to a
 1814 person not of legal drinking age is done willfully, knowingly, and unlawfully as provided
 1815 in subsection (b) of this Code section, evidence that the person selling, furnishing, or
 1816 serving alcoholic beverages had been furnished with and acted in reliance on proper
 1817 identification as defined in ~~subsection (d)~~ of Code Section ~~3-3-23~~ 3-1-2 showing that the
 1818 person to whom the alcoholic beverages were sold, furnished, or served was 21 years of
 1819 age or older shall constitute rebuttable proof that the alcoholic beverages were not sold,
 1820 furnished, or served willfully, knowingly, and unlawfully."

1821 **SECTION 81.**

1822 Code Section 52-7-8.3 of the Official Code of Georgia Annotated, relating to operation of
 1823 watercraft, identification, and operation by minors, is amended by revising paragraph (3) of
 1824 subsection (g) as follows:

1825 "(3) 'Proper identification' shall have the same meaning as in ~~subsection (d)~~ of Code
 1826 Section ~~3-3-23~~ 3-1-2, ~~relating to furnishing of alcoholic beverages.~~"

1827 **SECTION 82.**

1828 (a) Except as provided in subsections (b) and (c) of this section, this Act shall become
 1829 effective on July 1, 2015.

1830 (b) Sections 21, 30, and 62 of this Act shall become effective on July 1, 2016.

1831 (c) Section 16A of this Act shall become effective upon its approval by the Governor or
 1832 upon its becoming law without such approval.

1833 **SECTION 83.**

1834 All laws and parts of laws in conflict with this Act are repealed.