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House Bill 737 (AS PASSED HOUSE AND SENATE)

By: Representatives Harrell of the 106th, Spencer of the 180th, Powell of the 32nd, and Mitchell of the 88th

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 change certain provisions relative to the regulation of alcoholic beverages; to repeal
- 3 and reserve Code Section 3-3-24.1, relating to a definition and a penalty; to allow certain
- 4 quantities of malt beverages produced in private residences to be transported to locations
- 5 other than those at which home-brew special events are being held; to clarify certain
- 6 provisions relating to the duties of a local governing authority desiring to allow home-brew
- 7 special events to be conducted within its jurisdiction; to provide for related matters; to repeal
- 8 conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

- 11 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
- amended by repealing and reserving Code Section 3-3-24.1, relating to a definition and
- 13 penalty, as follows:
- 14 "3-3-24.1.

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- 15 (a) For purposes of this Code section, the term 'business establishment primarily engaged
- in the retail sale of alcoholic beverages in unbroken packages' means an individual,
- 17 partnership, corporation, association, or other business entity which derives from its retail
- sale of alcoholic beverages in unbroken packages at least 75 percent of its total annual
- 19 gross income.
- 20 (b) Reserved.
- 21 (c) Any person violating this Code section shall be guilty of a misdemeanor, except that
- 22 the violation of this Code section by a person under 17 years of age shall constitute a
- 23 delinquent act under Chapter 11 of Title 15 and not a misdemeanor Reserved."

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SECTION 2.

25 Said title is further amended by revising Code Section 3-5-4, relating to production of malt

- 26 beverages in private residences, consumption, and home-brew special events, as follows:
- 27 "3-5-4.
- 28 (a)(1) Malt beverages may be produced by a person in his or her private residence
- subject to the limitations provided in this Code section.
- 30 (2) The total quantity of malt beverages that may be produced in any private residence
- 31 shall be as follows:
- 32 (A) Not more than 100 gallons per calendar year if there is only one person of legal
- drinking age living in such residence; or
- 34 (B) Not more than 200 gallons per calendar year if there are two or more persons of
- legal drinking age living in such residence;
- provided, however, that no more than 50 gallons shall be produced in a 90 day period.
- 37 (b) Except as provided for in subsection subsections (d) and (e) of this Code section, malt
- 38 beverages produced in compliance with this Code section may only be consumed at the
- residence where produced. and Such malt beverages may only be consumed by persons of
- 40 legal drinking age.
- 41 (c) Malt beverages produced under the provisions of this Code section may be removed
- from the residence where produced for transportation and delivery by the producer for use
- at home-brew special events in a quantity not to exceed 25 gallons, provided that such malt
- beverages are securely sealed in one or more containers and clearly labeled with the
- 45 following information:
- 46 (1) The name of the producer;
- 47 (2) The address of the residence at which it was produced;
- 48 (3) The name and address of the home-brew special event to which it is being
- 49 transported; and
- 50 (4) The permit number under which the home-brew special event is being held.
- If transported in a motor vehicle, the securely sealed containers shall be placed in a locked
- 52 glove compartment, a locked trunk, or the area behind the last upright seat of a motor
- vehicle that is not equipped with a trunk.
- 54 (d) Malt beverages produced under the provisions of this Code section may be removed
- from the residence where produced for transportation and delivery by the producer to a
- 56 <u>location not licensed under this title and for which a permit has not been issued pursuant</u>
- 57 <u>to subsection (e) of this Code section; provided that not more than 128 ounces of such malt</u>
- 58 beverages produced in the same residence shall be transported at one time; and provided,
- further, that such malt beverages shall be securely sealed in one or more containers and
- 60 <u>clearly labeled with the following information:</u>

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61 (1) The name of the producer; and

- 62 (2) The address of the residence at which it was produced.
- 63 <u>If transported in a motor vehicle, the securely sealed containers shall be placed in a locked</u>
- 64 glove compartment, a locked trunk, or the area behind the last upright seat of a motor
- 65 <u>vehicle that is not equipped with a trunk.</u>
- $\frac{(d)(e)}{(1)}$ Notwithstanding any other provision of this title to the contrary, in all counties
- and municipalities in which the sale of malt beverages is lawful, the local governing
- authority may issue a home-brew special event permit for the holding of home-brew
- special events, including contests, tastings, and judgings, at locations not otherwise
- 70 licensed under this title. The local governing authority shall specify by ordinance or
- 71 resolution Any governing authority desiring to allow home-brew special events to be held
- within its jurisdiction shall provide by resolution or ordinance for the issuance of
- home-brew special event permits and shall specify the events that shall qualify as
- home-brew special events. A home-brew special event permit shall cost \$50.00 and shall
- be valid for not more than six events per calendar year.
- 76 (2) Home-brew special events shall not be held at any location licensed under this title.
- 77 $\frac{(2)(3)}{(2)}$ Consumption of malt beverages at home-brew special events shall be limited
- solely to malt beverages produced pursuant to this Code section, and such malt beverages
- shall only be consumed by the participants in and judges of the home-brew special
- 80 events.
- 81 (3) Any local governing authority that issues home-brew special event permits shall
- 82 adopt ordinances or resolutions governing home-brew special events.
- 83 (e)(f) Malt beverages produced pursuant to this Code section shall not be sold, offered for
- sale, or made available for consumption by the general public."

SECTION 3.

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