

House Bill 392 (AS PASSED HOUSE AND SENATE)

By: Representatives Ridley of the 6<sup>th</sup>, Powell of the 32<sup>nd</sup>, Erwin of the 28<sup>th</sup>, Scoggins of the 14<sup>th</sup>, and Washburn of the 141<sup>st</sup>

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 related to the sale of alcoholic beverages; to allow for local  
3 control as to the distance requirements for the sale of wine and malt beverages for  
4 consumption off the premises from school grounds, but not to change provisions related to  
5 distances from school buildings; to provide an exception; to change a definition; to clarify  
6 that certain quantity limitations apply to package sales of certain alcoholic beverages; to  
7 provide for related matters; to provide an effective date; to repeal conflicting laws; and for  
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is  
12 amended by revising Code Section 3-3-21, relating to sales of alcoholic beverages near  
13 churches, school buildings, or other sites, as follows:

14 "3-3-21.

15 (a)(1) No person knowingly and intentionally may sell or offer to sell:

- 16 (A) Any distilled spirits in or within 100 yards of any church building or within 200  
17 yards of any school building, educational building, school grounds, or college campus;
- 18 (B) Any wine or malt beverages within 100 yards of any school building, school  
19 grounds, or college campus. This subparagraph shall not apply at any location for  
20 which a license has been issued prior to July 1, 1981, nor to the renewal of such license.  
21 Nor shall this subparagraph apply at any location for which a new license is applied for  
22 if the sale of wine and beer was lawful at such location at any time during the  
23 12 months immediately preceding such application. Nothing in this subparagraph shall  
24 prohibit a grocery store licensed for the retail sale of only wine and malt beverages for  
25 consumption off the premises from selling wine or malt beverages within 100 yards of  
26 any school building, ~~school grounds~~, or college campus, where so permitted by  
27 resolution or ordinance of the county or municipality. As used in this subparagraph, the  
28 term 'grocery store' means a retail establishment which has a total retail floor space of  
29 at least 10,000 square feet of which at least 85 percent is reserved for the sale of food  
30 and other nonalcoholic items, conducts all of its sales inside the building containing its  
31 retail floor space, and meets such other criteria as may be required by the local  
32 governing authority of the county or municipality; or
- 33 (C) Any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic  
34 treatment center owned and operated by this state or any county or municipal  
35 government therein. This paragraph shall not apply to any business having a license  
36 in effect on July 1, 1981.
- 37 (2) As used in this subsection, the term 'school building' or 'educational building' shall  
38 apply only to state, county, city, or church school buildings and to such buildings at such  
39 other schools in which are taught subjects commonly taught in the common schools and  
40 colleges of this state and which are public schools or private schools as defined in  
41 subsection (b) of Code Section 20-2-690.

42 (b) Nothing contained in this Code section shall prohibit the licensing of the sale or  
43 distribution of alcoholic beverages by:

44 (1) Hotels of 50 rooms or more which have been in continuous operation for a period of  
45 at least five years preceding July 1, 1981;

46 (2) Bona fide private clubs, owning their own homes, subject to licensing under  
47 Chapter 7 of this title;

48 (3) Licensees for the retail sale of alcoholic beverages for consumption on the premises  
49 only who shall be subject to regulation as to distances from churches, schools, and  
50 college campuses by counties and municipalities; ~~and~~

51 (4) Licensees for retail sale packages of alcoholic beverages for consumption off the  
52 premises who shall be subject to regulation as to distances from college campuses by  
53 counties and municipalities; provided, however, that such distances may be less  
54 restrictive than those provided in this Code section but shall not be more restrictive; and  
55 provided, further, that if such licensees are not regulated as to distances from college  
56 campuses by a county or municipality, then the distances set forth in this Code section  
57 shall govern such licensees; and

58 (5) Licensees for retail sale packages of wine and malt beverages for consumption off  
59 the premises who shall be subject to regulation as to distances from school grounds by  
60 counties and municipalities; provided, however, that if such licensees are not regulated  
61 as to distances from school grounds, then the distances set forth in this Code section shall  
62 govern such licensees.

63 For purposes of this subsection, the term 'college campus' shall include, but shall not be  
64 limited to, all buildings and grounds of any public or private technical school, vocational  
65 school, college, university, or other institution of postsecondary education.

66 (c) For purposes of this Code section, distances shall be measured by the most direct route  
67 of travel on the ground.

68 (d) Reserved.

69 (e)(1) As used in this subsection, the term 'housing authority property' means any  
70 property containing 300 housing units or fewer owned or operated by a housing authority  
71 created by Article 1 of Chapter 3 of Title 8, the 'Housing Authorities Law.'

72 (2) No person knowingly and intentionally may sell any alcoholic beverages for  
73 consumption on the premises within 100 yards of any housing authority property. This  
74 subsection shall not apply at any location for which a license has been issued prior to  
75 July 1, 2000, nor to the renewal of such license. Nor shall this subsection apply at any  
76 location for which a new license is applied for if the sale of alcoholic beverages for  
77 consumption on the premises was lawful at such location at any time during the  
78 12 months immediately preceding such application."

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## SECTION 2.

80 Said title is further amended by revising paragraph (2) of Code Section 3-9-10, relating to  
81 definitions related to sales of alcoholic beverages by hotels and motels, as follows:

82 "(2) 'In-room service' means:

83 (A) The delivery of alcoholic beverages ~~in unbroken packages~~ by an employee of the  
84 hotel to a registered guest's room or to a registered guest at any other location in the  
85 same building as the hotel when such alcoholic beverages have been ordered by the  
86 guest and when the guest shall be billed for the cost of such alcoholic beverages at the  
87 time of delivery and when the sale of such alcoholic beverages is completed at the time  
88 of delivery; and

89 (B) The provision of a cabinet or other facility located in a hotel's guest room which  
90 contains alcoholic beverages and which is provided upon written request of the guest  
91 and which is accessible by lock and key only to the guest and for which the sale of the  
92 alcoholic beverages contained therein is deemed to be final at the time requested except  
93 for a credit which may be given to the guest for any unused portion."

94 **SECTION 3.**

95 Said title is further amended by revising subsection (d) of Code Section 3-9-11, relating to  
96 licenses for in-room service, as follows:

97 "(d) Distilled spirits sold by the package pursuant to this article shall not be sold in  
98 packages containing less than 50 milliliters each."

99 **SECTION 4.**

100 This Act shall become effective upon its approval by the Governor or upon its becoming law  
101 without such approval.

102 **SECTION 5.**

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