House Bill 392 (AS PASSED HOUSE AND SENATE)  
By: Representatives Ridley of the 6th, Powell of the 32nd, Erwin of the 28th, Scoggins of the 14th, and Washburn of the 141st

A BILL TO BE ENTITLED
AN ACT

To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to change certain provisions related to the sale of alcoholic beverages; to allow for local control as to the distance requirements for the sale of wine and malt beverages for consumption off the premises from school grounds, but not to change provisions related to distances from school buildings; to provide an exception; to change a definition; to clarify that certain quantity limitations apply to package sales of certain alcoholic beverages; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"3-3-21.

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

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(A) Any distilled spirits in or within 100 yards of any church building or within 200 yards of any school building, educational building, school grounds, or college campus;

(B) Any wine or malt beverages within 100 yards of any school building, school grounds, or college campus. This subparagraph shall not apply at any location for which a license has been issued prior to July 1, 1981, nor to the renewal of such license. Nor shall this subparagraph apply at any location for which a new license is applied for if the sale of wine and beer was lawful at such location at any time during the 12 months immediately preceding such application. Nothing in this subparagraph shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within 100 yards of any school building, school grounds, or college campus, where so permitted by resolution or ordinance of the county or municipality. As used in this subparagraph, the term 'grocery store' means a retail establishment which has a total retail floor space of at least 10,000 square feet of which at least 85 percent is reserved for the sale of food and other nonalcoholic items, conducts all of its sales inside the building containing its retail floor space, and meets such other criteria as may be required by the local governing authority of the county or municipality; or

(C) Any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein. This paragraph shall not apply to any business having a license in effect on July 1, 1981.

(2) As used in this subsection, the term 'school building' or 'educational building' shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private schools as defined in subsection (b) of Code Section 20-2-690.
(b) Nothing contained in this Code section shall prohibit the licensing of the sale or
distribution of alcoholic beverages by:

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

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

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

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

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

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

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

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

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

SECTION 2.

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

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

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

(B) The provision of a cabinet or other facility located in a hotel's guest room which contains alcoholic beverages and which is provided upon written request of the guest and which is accessible by lock and key only to the guest and for which the sale of the alcoholic beverages contained therein is deemed to be final at the time requested except for a credit which may be given to the guest for any unused portion."
SECTION 3.

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

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

SECTION 4.

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

SECTION 5.

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