

The Senate Regulated Industries and Utilities Committee offered the following substitute to HB 737:

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.

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 repealing and reserving Code Section 3-3-24.1, relating to a definition and
13 penalty, as follows:

14 "3-3-24.1.

15 ~~(a) For purposes of this Code section, the term 'business establishment primarily engaged~~
16 ~~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~~
18 ~~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.

Said title is further amended by revising Code Section 3-5-4, relating to production of malt beverages in private residences, consumption, and home-brew special events, as follows:

"3-5-4.

(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.

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

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

(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.

(b) Except as provided for in ~~subsection~~ subsections (d) and (e) of this Code section, malt 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 legal drinking age.

(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 following information:

(1) The name of the producer;

(2) The address of the residence at which it was produced;

(3) The name and address of the home-brew special event to which it is being transported; and

(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 glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

(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 location not licensed under this title and for which a permit has not been issued pursuant to subsection (e) of this Code section; provided that not more than 128 ounces of such malt 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 clearly labeled with the following information:

61 (1) The name of the producer; and

62 (2) The address of the residence at which it was produced.

63 If transported in a motor vehicle, the securely sealed containers shall be placed in a locked
 64 glove compartment, a locked trunk, or the area behind the last upright seat of a motor
 65 vehicle that is not equipped with a trunk.

66 ~~(d)(e)~~(1) Notwithstanding any other provision of this title to the contrary, in all counties
 67 and municipalities in which the sale of malt beverages is lawful, the local governing
 68 authority may issue a home-brew special event permit for the holding of home-brew
 69 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
 72 within its jurisdiction shall provide by resolution or ordinance for the issuance of
 73 home-brew special event permits and shall specify the events that shall qualify as
 74 home-brew special events. A home-brew special event permit shall cost \$50.00 and shall
 75 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 ~~(2)(3)~~ Consumption of malt beverages at home-brew special events shall be limited
 78 solely to malt beverages produced pursuant to this Code section, and such malt beverages
 79 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
 84 sale, or made available for consumption by the general public."

85 **SECTION 3.**

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