

SENATE COMMITTEE SUBSTITUTE TO HB 152:

AS PASSED SENATE**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 prohibit certain conduct related to alcohol; to impose certain requirements upon
 3 holders of certain alcohol licenses and those who issue such licenses; to provide for
 4 definitions; to change certain provisions relating to notice to the Department of Revenue of
 5 violations relating to the sale of alcoholic beverages to underage persons; to require
 6 self-reporting of disciplinary actions to the department by persons licensed to manufacture,
 7 distribute, or sell alcoholic beverages; to provide for fines and penalties; to provide for the
 8 reporting of certain disciplinary actions by counties and municipalities which issue licenses
 9 or permits for the manufacture, distribution, or sale of alcoholic beverages; to provide for the
 10 state revenue commissioner to promulgate certain rules and regulations; to prohibit
 11 individuals under a certain age from being bouncers for or entering certain establishments;
 12 to prohibit the manufacture, use, sale, and possession of powdered alcohol; to provide for
 13 exceptions; to provide for penalties; to provide for related matters; to provide for effective
 14 dates and applicability; to repeal conflicting laws; and for other purposes.

15 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

SECTION 1.

16 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
 17 amended by adding a new paragraph to Code Section 3-1-2, relating to definitions, to read
 18 as follows:
 19

20 "(2.1) 'Bar' means any premises at which a retailer licensed pursuant to this title to sell
 21 alcoholic beverages derives 75 percent or more total annual gross revenue from the sale
 22 of alcoholic beverages for consumption on the premises."

SECTION 2.

23 Said title is further amended by revising Code Section 3-3-2.1, relating to notice to the
 24 Department of Revenue of violations relating to the sale of alcoholic beverages to underage
 25 persons, as follows:
 26

27 "3-3-2.1.

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

29 (1) 'Disciplinary action' means any citation or arrest arising out of the violation of any
 30 law, rule, regulation, resolution, or ordinance of a governmental entity relating to the
 31 manufacture, distribution, sale, or possession of alcoholic beverages against a licensee,
 32 an employee of a licensee, or any person holding a financial interest in the license of the
 33 licensee on the premises or place of business of any licensee.

34 (2) 'Governmental entity' means the United States government, any state governmental,
 35 any local government, and any department, agency, or instrumentality thereof.

36 (3) 'Licensee' means any person issued a license pursuant to this title by a governmental
 37 entity to operate a bar.

38 (b)(1) Within 45 days of any disciplinary action, the licensee shall notify the department
 39 of the details of such disciplinary action, including the date such action was taken, the
 40 nature of such action, and any other information required by the department, using a
 41 format to be determined by the department.

42 (2) The commissioner may impose a fine not to exceed \$750.00 for each violation of
 43 paragraph (1) of this subsection. A second or subsequent violation of paragraph (1) of
 44 this subsection which occurs within three years from the date of the first violation may
 45 constitute grounds for the suspension, revocation, or cancellation of such person's license.

46 (c) Every ~~Whenever~~ any county or municipality which issues ~~permits or licenses to a~~
 47 licensee authorizing the manufacture, distribution, or sale of alcoholic beverages ~~is made~~
 48 ~~aware of the fact that the holder of any such permit or license has been convicted of~~
 49 ~~violating paragraph (1) of subsection (a) of Code Section 3-3-23, prohibiting the furnishing~~
 50 ~~of alcoholic beverages to underage persons, or takes any~~ shall by resolution or ordinance
 51 ~~adopt a policy and implement a process by which any disciplinary action against the holder~~
 52 ~~of any such permit or license for violating any state law or local ordinance relating to the~~
 53 ~~sale of alcoholic beverages to underage persons, the county or municipality shall notify a~~
 54 ~~licensee shall be reported to the department of such violation within 45 days of any officer,~~
 55 ~~department, agency, or instrumentality of such county or municipality taking such~~
 56 ~~disciplinary action.~~

57 (d) The commissioner shall determine and make available the format for the reporting of
 58 disciplinary actions and shall promulgate rules and regulations as to the implementation
 59 and use of such reporting method."

60 **SECTION 3.**

61 Said chapter is further amended by revising Code Section 3-3-24.1, relating to definition and
 62 penalty, as follows:

63 "3-3-24.1.

64 ~~Reserved.~~ (a) As used in this Code section, the term 'bouncer' means an individual
 65 primarily performing duties related to verifying age for admittance, security, maintaining
 66 order, or safety, or a combination thereof.

67 (b) No person shall allow or require an individual under the age of 21 to serve as a bouncer
 68 on a premises or in an establishment where alcoholic beverages are dispensed, served, or
 69 sold pursuant to a license issued under this title.

70 (c) No individual under the age of 21 shall enter or be allowed to enter a bar unless he or
 71 she is accompanied by his or her parent, guardian, or spouse who is 21 years of age or older
 72 unless to attend a musical performance or concert or presentation of the performing arts."

73 **SECTION 4.**

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

75 "3-3-34.

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

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

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

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

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

86 (2) State institution;

87 (3) Private college or university; or

88 (4) Pharmaceutical or biotechnology company.

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

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

94 **SECTION 5.**

95 (a) Except as provided in subsection (b) of this section, this Act shall become effective on
 96 July 1, 2016.

97 (b) Section 4 of this Act shall become effective upon its approval by the Governor or upon
98 its becoming law without such approval.

99 **SECTION 6.**
100 All laws and parts of laws in conflict with this Act are repealed.