

The House Committee on Judiciary Non-Civil offers the following substitute to SB 40:

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 provide for certain retailers to make curbside or drive thru on-premises carry-out sales of alcoholic beverages in unbroken packages or sealed containers pursuant to specific terms and conditions; to provide for definitions; to provide for the commissioner of revenue to promulgate certain rules and regulations; to provide for related matters; to provide for automatic repeal; to provide for 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 in Article 1 of Chapter 3, relating to provisions regarding the regulation of alcoholic beverages generally, by adding a new Code section to read as follows:

"3-3-7.1.

(a) For purposes of this Code section, the term:

(1) 'Carry-out' means taken from the point of sale for the purpose of being consumed at a location other than the licensed premises where sold.

(2) 'Drinks to go retailer' means a person licensed under this title as a retailer that is authorized to and does sell alcoholic beverages for consumption on the licensed premises.

(3) 'Mixed drink' means a beverage consisting of wine or distilled spirits combined with fruit juice or other ingredients.

(b) Notwithstanding any other provision of law and subject to the restrictions set forth in subsection (c) of this Code section, a drinks to go retailer may sell on its licensed premises for carry-out in original, unbroken packages any malt beverages or wine such retailer is licensed to sell under this title. If such drinks to go retailer is licensed to sell distilled spirits, such drinks to go retailer may also sell on its licensed premises for carry-out mixed drinks in hermetically sealed containers subject to the restrictions set forth in subsection (c) of this Code section; provided, however, that the drinks to go retailer shall not be allowed

to sell for carry-out any distilled spirits unless such distilled spirits constitute part of a mixed drink.

(c) Carry-out sales of alcoholic beverages may be conducted on the licensed premises of the drinks to go retailer at curbside and from a drive thru in addition to any location on the licensed premises of such drinks to go retailer as may be permitted by the department; provided, however, that any carry-out sales shall be subject to the following restrictions:

(1) Carry-out sales shall not be made:

(A) On a day or during a time when the package sale of malt beverages, wine, or distilled spirits is otherwise prohibited by law within the municipality or county from which the drinks to go retailer has been issued an alcoholic beverage license by the local governing authority; or

(B) At any location that is within distances to grounds or buildings where the sale of alcoholic beverages by the package or for consumption on the licensed premises is otherwise prohibited by this title or by an ordinance or resolution of the local governing authority of the municipality or county that has issued an alcoholic beverage license to the drinks to go retailer; and

(2) Any single mixed drink sold for carry-out shall not exceed 1,500 milliliters in volume, shall not exceed 20 percent alcohol by volume, and shall be prepared on the licensed premises of the drinks to go retailer.

(d) The commissioner shall be authorized to promulgate and enforce such rules and regulations as it may deem necessary to carry out or make effective the provisions of this Code section, including, but not limited to, rules and regulations governing the specifications of the unbroken packages and hermetically sealed containers that may be sold for carry-out under this Code section.

(e) This Code section shall be repealed in its entirety on March 1, 2021, unless extended by an Act of the General Assembly."

## SECTION 2.

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

## SECTION 3.

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