

House Bill 392

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

1 To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages,
2 so as to provide that licenses for retail sale packages of alcoholic beverages for consumption
3 off the premises shall be subject to regulation as to distances from schools as determined by
4 the local governing authority; to provide definitions; to provide an exception; to provide for
5 related matters; to provide an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

12 "3-3-21.

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

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

16 (B) Any wine or malt beverages within 100 yards of any school building, school
17 grounds, or college campus. This subparagraph shall not apply at any location for
18 which a license has been issued prior to July 1, 1981, nor to the renewal of such license.
19 Nor shall this subparagraph apply at any location for which a new license is applied for
20 if the sale of wine and beer was lawful at such location at any time during the
21 12 months immediately preceding such application. Nothing in this subparagraph shall
22 prohibit a grocery store licensed for the retail sale of only wine and malt beverages for
23 consumption off the premises from selling wine or malt beverages within 100 yards of
24 any school building, school grounds, or college campus, where so permitted by
25 resolution or ordinance of the county or municipality. As used in this subparagraph, the
26 term 'grocery store' means a retail establishment which has a total retail floor space of
27 at least 10,000 square feet of which at least 85 percent is reserved for the sale of food
28 and other nonalcoholic items, conducts all of its sales inside the building containing its
29 retail floor space, and meets such other criteria as may be required by the local
30 governing authority of the county or municipality; or

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

35 (2) As used in this subsection, the term 'school building' or 'educational building' shall
36 apply only to state, county, city, or church school buildings and to such buildings at such
37 other schools in which are taught subjects commonly taught in the common schools and
38 colleges of this state and which are public schools or private schools as defined in
39 subsection (b) of Code Section 20-2-690.

40 (b)(1) Nothing contained in this Code section shall prohibit the licensing of the sale or
41 distribution of alcoholic beverages by:

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

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

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

49 ~~(4)~~(D) Licensees for retail sale packages of alcoholic beverages for consumption off
50 the premises who shall be subject to regulation as to distances from college campuses,
51 school buildings, educational buildings, and school grounds by counties and
52 municipalities; provided, however, that such distances may be less restrictive than those
53 provided in this Code section but shall not be more restrictive; and provided, further,
54 that if such licensees are not regulated as to distances from college campuses, school
55 buildings, educational buildings, or school grounds by a county or municipality, then
56 the distances set forth in this Code section shall govern such licensees. For purposes
57 of this subparagraph, the term 'school building' or 'educational building' or 'school
58 grounds' shall apply only to state, county, city, or church school buildings or school
59 grounds and to such buildings at other schools in which are taught subjects commonly
60 taught in the common schools and colleges of this state and which are public schools
61 or private schools as defined in subsection (b) of Code Section 20-2-690.

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

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

67 (d) Reserved.

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

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

78 **SECTION 2.**

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

81 **SECTION 3.**

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