

Senate Bill 91

By: Senators Harper of the 7th, Ginn of the 47th, Hill of the 6th, Jones of the 25th, Mullis of the 53rd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to the
2 regulation of alcoholic beverages generally, so as to provide for local control of distance
3 requirements for grocery stores as to the retail sale of wine and malt beverages for
4 consumption off the premises only such that grocery stores shall be allowed to open in
5 locations near school buildings and school grounds if so permitted by the local governing
6 authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

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

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

15 (B) Any wine or malt beverages within 100 yards of any school building, school
16 grounds, or college campus. This subparagraph shall not apply at any location for
17 which a license has been issued prior to July 1, 1981, nor to the renewal of such license.

18 Nor shall this subparagraph apply at any location for which a new license is applied for
19 if the sale of wine and beer was lawful at such location at any time during the 12
20 months immediately preceding such application. Nothing in this subparagraph shall
21 prohibit a grocery store licensed for the retail sale of only wine and malt beverages for
22 consumption off the premises from selling wine or malt beverages within 100 yards of
23 any school building, school grounds, or college campus, where so permitted by
24 resolution or ordinance of the county or municipality. As used in this subparagraph, the
25 term 'grocery store' means a retail establishment which has at least 85 percent of its
26 total retail floor space reserved for the sale of food and other nonalcoholic items,
27 conducts all of its sales inside the building containing its retail floor space, and meets

28 such other criteria as may be required by the local governing authority of the county or
29 municipality; or

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

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

39 **SECTION 2.**

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