

Senate Bill 17

By: Senators Unterman of the 45th, Miller of the 49th, Ginn of the 47th, Mullis of the 53rd, Beach of the 21st and others

AS PASSED

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 governing authorities of counties and municipalities may authorize sales
3 of alcoholic beverages for consumption on the premises during certain times on Sundays
4 subject to the passage of a referendum; to provide procedures; to change the time on Sundays
5 during which farm wineries may sell certain wine for consumption on the premises; to
6 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
11 amended in Code Section 3-3-7, relating to local authorization and regulation of sales of
12 alcoholic beverages on Sunday, by revising subsection (j) and adding a new subsection to
13 read as follows:

14 "(j)(1) Notwithstanding any other provisions of law, on and after the effective date of this
15 Act, in all counties or municipalities in which the sale of alcoholic beverages is lawful
16 for consumption on the premises, the governing authority of the county or municipality
17 may, by resolution or ordinance conditioned on approval in a referendum, authorize the
18 sale of alcoholic beverages for consumption on the premises on Sundays from ~~12:30 P.M.~~
19 11:00 A.M. until 12:00 Midnight in any licensed establishment which derives at least 50
20 percent of its total annual gross sales from the sale of prepared meals or food in all of the
21 combined retail outlets of the individual establishment where food is served and in any
22 licensed establishment which derives at least 50 percent of its total annual gross income
23 from the rental of rooms for overnight lodging.

24 (2) Any governing authority desiring to permit and regulate Sunday sales pursuant to this
25 subsection, but only after a referendum election, shall so provide by proper resolution or
26 ordinance conditioned on a referendum. Not less than ten nor more than 60 days after the

27 date of approval of such resolution or ordinance, it shall be the duty of the election
 28 superintendent of the county or municipality to issue the call for an election for the
 29 purpose of submitting the question of Sunday sales to the electors of the county or
 30 municipality for approval or rejection. The superintendent shall set the date of the
 31 election for a day not less than 30 nor more than 60 days after the date of the issuance of
 32 the call. The superintendent shall cause the date and purpose of the election to be
 33 published in the official organ of the county once a week for two weeks immediately
 34 preceding the date thereof. The ballot shall have written or printed thereon the words:

35 '() YES Shall the governing authority of (name of municipality or county) be
 36 authorized to permit and regulate Sunday sales of distilled spirits or
 37 () NO alcoholic beverages for beverage purposes by the drink?'

38 All persons desiring to vote for approval of Sunday sales shall vote 'Yes,' and those
 39 persons desiring to vote for rejection of Sunday sales shall vote 'No.' If more than
 40 one-half of the votes cast on the question are for approval of Sunday sales, the governing
 41 authority may by appropriate resolution or ordinance permit and regulate Sunday sales
 42 by licensees. Otherwise, such Sunday sales shall not be permitted. The expense of the
 43 election shall be borne by the county or municipality in which the election is held. It
 44 shall be the duty of the superintendent to hold and conduct the election. It shall be his or
 45 her further duty to certify the result thereof to the Secretary of State.

46 (3) Notwithstanding this subsection or any other provision of law, all county or
 47 municipal resolutions or ordinances enacted prior to April 6, 1984, pursuant to the
 48 authorizations granted by subsections (a) through (i) of this Code section are declared to
 49 be valid and shall remain in full force and effect unless affirmatively repealed by the
 50 governing authority of the county or municipality.

51 "(j.1)(1) Notwithstanding any other provisions of law, all counties or municipalities in
 52 which the governing authority prior to the effective date of this Act has been authorized
 53 pursuant to a referendum to permit the sale of alcoholic beverages for consumption on
 54 the premises on Sundays from 12:30 P.M. until 12:00 Midnight in any licensed
 55 establishment which derives at least 50 percent of its total annual gross sales from the
 56 sale of prepared meals or food in all of the combined retail outlets of the individual
 57 establishment where food is served and in any licensed establishment which derives at
 58 least 50 percent of its total annual gross income from the rental of rooms for overnight
 59 lodging may, by resolution or ordinance conditioned on approval in a referendum,
 60 authorize the sale of alcoholic beverages for consumption on the premises of any such
 61 establishments on Sundays for an additional hour and a half during the time period of
 62 11:00 A.M. until 12:30 P.M.

63 (2) Any governing authority desiring to permit and regulate Sunday sales pursuant to this
 64 subsection shall so provide by proper resolution or ordinance conditioned on approval in
 65 a referendum election. Not less than ten nor more than 60 days after the date of approval
 66 of such resolution or ordinance, it shall be the duty of the election superintendent of the
 67 county or municipality to issue the call for an election for the purpose of submitting the
 68 question of Sunday sales to the electors of the county or municipality for approval or
 69 rejection. The superintendent shall set the date of the election for a day not less than 30
 70 nor more than 60 days after the date of the issuance of the call. The superintendent shall
 71 cause the date and purpose of the election to be published in the official organ of the
 72 county once a week for two weeks immediately preceding the date thereof. The ballot
 73 shall have written or printed thereon the words:

74 '() YES Shall the governing authority of (name of municipality or county) be
 75 authorized to permit and regulate Sunday sales of distilled spirits or
 76 alcoholic beverages for beverage purposes by the drink from 11:00
 77 () NO A.M. to 12:30 P.M.?'

78 All persons desiring to vote for approval of such Sunday sales shall vote 'Yes,' and those
 79 persons desiring to vote for rejection of such Sunday sales shall vote 'No.' If more than
 80 one-half of the votes cast on the question are for approval of such Sunday sales, the
 81 governing authority may by appropriate resolution or ordinance permit and regulate such
 82 Sunday sales by licensees. Otherwise, such Sunday sales shall not be permitted. The
 83 expense of the election shall be borne by the county or municipality in which the election
 84 is held. It shall be the duty of the superintendent to hold and conduct the election. It
 85 shall be his or her further duty to certify the result thereof to the Secretary of State.

86 (3) Notwithstanding this subsection or any other provision of law, all county or
 87 municipal resolutions or ordinances enacted prior to April 6, 1984, pursuant to the
 88 authorizations granted by subsections (a) through (i) of this Code section are declared to
 89 be valid and shall remain in full force and effect unless affirmatively repealed by the
 90 governing authority of the county or municipality."

91 **SECTION 2.**

92 Said title is further amended by revising Code Section 3-6-21.2, relating to Sunday sales on
 93 farm wineries, off-site sales, and sales in special entertainment districts, as follows:

94 "3-6-21.2.

95 Notwithstanding any other provisions of this title to the contrary, in all counties in which
 96 the sale of wine is lawful by a farm winery and in all municipalities in which the sale of
 97 wine is lawful by a farm winery, a farm winery which is licensed to sell its wine in a tasting
 98 room or other licensed farm winery facility within the county or municipality, as the case

99 may be, for consumption on the premises or in closed packages for consumption off the
100 premises shall be authorized to sell its wine and the wine of any other Georgia farm winery
101 licensee on Sundays from 12:30 P.M. until 12:00 Midnight in ~~the~~ a tasting room or other
102 licensed farm winery facility, to the same extent as its county or municipal license would
103 otherwise permit; provided, however, that if such sales of wine on Sundays are lawful at
104 a time earlier than 12:30 P.M. within the county or municipality in which the licensed
105 premises of the Georgia farm winery is located, the Georgia farm winery shall be
106 authorized to sell its wine and the wine of any other Georgia farm winery licensee
107 beginning at such earlier time. Nothing in this Code section shall be construed so as to
108 authorize a farm winery to sell wine as provided in this Code section on any other premises
109 which are not actually located on the property where such farm wine is produced, except
110 in special entertainment districts designated by the local governing authority of the county
111 or municipality, as applicable."

112 **SECTION 3.**

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

115 **SECTION 4.**

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