

House Bill 85 (AS PASSED HOUSE AND SENATE)

By: Representatives Harrell of the 106<sup>th</sup>, Kidd of the 145<sup>th</sup>, and Epps of the 144<sup>th</sup>

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 change a definition; to change certain provisions relating to the sale or  
7 furnishing of alcoholic beverages to patients or inmates of Central State Hospital and to the  
8 sale or possession of alcoholic beverages near or upon the grounds of such hospital; to  
9 provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

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

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

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

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

22 Nor shall this subparagraph apply at any location for which a new license is applied for  
23 if the sale of wine and beer was lawful at such location at any time during the 12  
24 months immediately preceding such application. Nothing in this subparagraph shall  
25 prohibit a grocery store licensed for the retail sale of only wine and malt beverages for  
26 consumption off the premises from selling wine or malt beverages within 100 yards of

27 any school building, school grounds, or college campus, where so permitted by  
 28 resolution or ordinance of the county or municipality. As used in this subparagraph, the  
 29 term 'grocery store' means a retail establishment which has a total retail floor space of  
 30 at least 10,000 square feet of which at least 85 percent of its ~~total retail floor space~~ is  
 31 reserved for the sale of food and other nonalcoholic items, conducts all of its sales  
 32 inside the building containing its retail floor space, and meets such other criteria as may  
 33 be required by the local governing authority of the county or municipality; or

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

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

## 43 SECTION 2.

44 Said chapter is further amended by revising Code Section 3-3-25, relating to furnishing  
 45 alcoholic beverages to prisoners or inmates of places of confinement, possession on grounds  
 46 or within 200 yards of certain buildings prohibited, and exceptions, as follows:

47 "3-3-25.

48 (a) No person knowingly and intentionally shall:

49 (1) Offer for sale, sell, barter, exchange, give, provide, or furnish alcoholic beverages to:

50 ~~(A) Any~~ any person confined in any jail, penal institution, correctional facility, or other  
 51 lawful place of confinement; or

52 ~~(B) Any person who is a patient or lawful inmate of the Central State Hospital;~~

53 ~~(2) Offer for sale any alcoholic beverages within 200 yards of any building of the Central~~  
 54 ~~State Hospital which was in existence on July 1, 1977; or~~

55 ~~(3)~~(2) Introduce or possess any alcoholic beverages ~~upon the grounds of the Central State~~  
 56 ~~Hospital~~ or in the buildings of the Georgia War Veterans Home operated for the use and  
 57 care of disabled war veterans.

58 (b) Nothing contained in this Code section shall prevent or prohibit:

59 (1) The administration of alcohol by the staff of the ~~above-mentioned~~ institutions  
 60 provided for in subsection (a) of this Code section to any prisoner, patient, or lawful  
 61 inmate in strict compliance with the prescription of a licensed physician; or

62 (2) The staff members of the ~~Central State Hospital~~ and the Georgia War Veterans Home  
63 who maintain their domicile on the grounds of ~~these institutions~~ such institution from  
64 possessing alcoholic beverages for their own consumption or for that of their families or  
65 persons invited to their homes, except patients or lawful inmates of ~~these institutions~~ such  
66 institution.

67 (c) No person shall knowingly allow any other person to violate this Code section."

68 **SECTION 3.**

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