

[FNL DRAFT 1/30/01]

A BILL TO BE ENTITLED  
AN ACT

To amend Article 1 of Chapter 5 of Title 3 of the Official Code of Georgia Annotated, relating to general provisions relative to malt beverages, so as to provide for conditions under which kegs of malt beverages may be sold at retail; to provide a definition; to provide for related matters; to repeal conflicting laws, and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 5 of Title 3 of the Official Code of Georgia Annotated, relating to general provisions relative to malt beverages, is amended by adding at the end thereof a new Code Section 3-5-5 to read as follows:

- (a) As used in this Code section, the term 'keg' means any brewery-sealed container or barrel containing, by liquid volume, more than two gallons of malt beverage.
- (b) No person licensed under this chapter shall sell malt beverages at retail by the keg except as provided in subsections (c), (d), and (e) of this Code section. The commissioner may take punitive action against violators, up to and including revocation of the state retail dealer's license of any licensed retail dealer who fails to comply with this Code section. The undertaking of any punitive action allowed under this Code section shall not prohibit criminal prosecution for sale to underage persons.
- (c) **Each retail dealer licensee** selling kegs containing malt beverages for consumption off licensed premises shall require each keg purchaser to present **proper identification at the time of purchase. For purposes of this subsection, the term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth and residential address. "Proper identification" shall not include a birth certificate and shall not include any traffic citation and complaint form.** The licensee shall record for each

keg sale the date of sale, the size of keg, the keg identification number, the amount of container deposit, the name, address, and date of birth of the purchaser, and the form of identification presented by such purchaser. The purchaser shall sign a statement at the time of purchase attesting to the accuracy of the purchaser's name and address and acknowledging that misuse of the keg or its contents may result in civil liability, criminal prosecution, or both. The licensee shall retain the identification form and purchaser's signed statement attesting to the accuracy of the purchaser's name and address and acknowledging that misuse of the keg or its contents may result in civil liability, criminal prosecution, or both, for a minimum of six months following the sale of the keg.

- (d) Each keg sold at retail for consumption off licensed premises shall be labeled with the name and address of the retail licensee, an identification number, the State Alcohol License number of the business, the exact date and time of purchase, ~~the address where the keg will be located, as well as the name and address of the purchaser.~~ The Commissioner ~~may~~ shall prescribe the form of registration label or tag to be used for this purpose. The registration label or tag shall be supplied by the Department of Revenue without fee and securely affixed to the keg by the retail dealer licensee making the sale.
- (e) **The retail dealer licensee** shall not refund a deposit for a keg that is returned without the required label and identification number in tact and legible. The licensee shall record the date of return of the keg and the condition of the label and identification number on the identification form required under subsection (c) of this Code section. The licensee may retain any deposit not refunded for this reason. Upon the return of a properly labeled keg from a consumer, the licensee shall remove the tag from the keg and retain such tag with the identification form as required under subsection (c) of this Code section. This requirement shall not apply to permanent identification numbers or other forms of identification placed on the keg by a manufacturer.
- (f) The removal of the required label shall be unlawful. Possession of a keg without the required label and

identification number shall be unlawful and subject to penalty pursuant Code Section 3-3-9.

- (g) **Retail dealer licensees** who sell kegs for consumption off licensed premises shall display at all times in a prominent place a printed card with a minimum height of twenty inches and a width of fourteen inches, with each letter to be a minimum of one-fourth inch in height, which shall read as follows:

**NOTICE** TO PURCHASERS OF BEER KEGS  
PROPER IDENTIFICATION AND REGISTRATION REQUIRED  
**BY** LAWS OF THE STATE OF GEORGIA

SECTION 2.

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