

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-1
ORGANIZATION**

TABLE OF CONTENTS

560-2-1-.01 Organization
560-2-1-.02 Repealed
560-2-1-.03 Personnel of Department Prohibited From Dealing in Alcoholic Beverages;
Exception
560-2-1-.04 Restriction on Law Enforcement Agents
560-2-1-.05 Retention of Weapon and Badge Upon Retirement

Rule 560-2-1-.01 Organization

- (1) The Rules and Regulations and Forms contained in this Chapter are promulgated pursuant to authority contained in the Act.
- (2) All words and terms are used as defined by the Act unless otherwise defined or unless the context in which such words or terms are used clearly indicate that they shall be given their usual and ordinary meaning.
- (3) The Alcohol and Tobacco Division of the Department of Revenue is responsible to the Commissioner for proper administration of the Act.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-1-.02 Repealed

Authority: O.C.G.A. §§ 3-2-2, 3-2-6, 48-2-12.

Rule 560-2-1-.03 Personnel of Department Prohibited From Dealing in Alcoholic Beverages; Exception

- (1) Employees of the Alcohol and Tobacco Division, the Compliance Division, the Audits Division and the Taxpayer Services Division of the Department are prohibited from employment within the Alcoholic Beverage industry.
- (2) Employees in other Divisions of the Department may be employed within the Alcoholic Beverage industry when such employment would pose no conflict of interest or

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-1
ORGANIZATION**

interference with the employee's performance of his or her duties as an employee of the Department.

- (3) Any employee of the Department desiring employment within the Alcoholic Beverage industry shall first obtain written approval for such employment from the Department.

Authority: O.C.G.A. §§ 3-2-2, 3-2-30, 48-2-12.

Rule 560-2-1-.04 Restriction on Law Enforcement Agents

No license, permit or registration shall be issued or recorded which will permit or entitle any person who is a law enforcement agent of the United States or of Georgia or of any county or municipality of the State to engage in or derive remuneration or profit from the operation of any businesses regulated under the Act.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-1-.05 Retention of Weapon and Badge Upon Retirement

- (1) Upon service retirement from the Department under honorable conditions, a special agent or enforcement officer who has accumulated a minimum of twenty-five (25) years of service as a law enforcement officer with the Department will be eligible to retain his or her Department-issued handgun, badge, and a "retired" Department Identification Card as part of their compensation.
- (2) When a special agent or a sworn enforcement officer separates from the Department as a result of disability arising in the line of duty in performance of official duties, the special agent or enforcement officer will be eligible to retain his or her weapon, badge and a "disability" Department Identification Card as part of their compensation. The term "disability" shall mean an impairment that prevents a person from working as a law enforcement officer.
- (3) A special agent or enforcement officer who is eligible to retain his or her weapon, badge, and "retired" or "disability" Department Identification Card shall file a request in writing with the Commissioner as soon as the date of separation is known. The request shall include the law enforcement officer's or special agent's full name, Employee Identification Number, Social Security Number, badge number(s), the make, model and serial number of the weapon, dates of creditable service, and residential address. If available at the time of

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-1
ORGANIZATION**

application, a copy of the qualifying retirement or disability documentation shall also be attached to the request.

- (4) The Commissioner shall evaluate the conditions of departure prior to approving or denying the request. The request may be denied if:
- (a) The special agent or enforcement officer does not have twenty-five (25) years of creditable service at time of retirement;
 - (b) The special agent or enforcement officer does not retire under honorable conditions;
 - (c) The special agent or enforcement officer separates from the Department for reasons other than retirement or disability arising out of performance of official duties;
 - (d) The employee is approved for disability retirement for reasons of mental instability;
 - (e) The employee is separated from the Department pending a disciplinary action; or
 - (f) The issuance of the firearm would be deemed contrary to the public safety and welfare.
- (5) The Commissioner shall keep all approved requests and such other documentation as may be required concerning disposal of the weapon, badges, and Department Identification Card on file in perpetuity.
- (6) The Commissioner shall not be responsible for any liability associated with providing such weapon to the special agent or enforcement officer pursuant to Title 3 and Title 48.
- (a) The Commissioner shall not be responsible for the continued training or qualification of the special agent or enforcement officer with the weapon provided pursuant to Title 3 and Title 48.

Authority: O.C.G.A. §§ 3-2-2, 3-2-30, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

TABLE OF CONTENTS

560-2-2-.01 Definitions
560-2-2-.03 Bonds
560-2-2-.04 Display of License
560-2-2-.05 Monthly Report; Remittance of Taxes
560-2-2-.06 Initial Applications; Temporary Permits Authorized; Conditions of Issuance
560-2-2-.07 Certain Requirements for Licensees Upon Suspension of Alcohol License
560-2-2-.09 Failure to Comply with Tax Laws
560-2-2-.10 Ownership Interest; Change or Transfer of Ownership
560-2-2-.11 Restrictions for Employees of Manufacturers, Shippers, Importers, Brokers, Joint Registrants or Wholesalers
560-2-2-.13 Refunds; Discounts; Gifts; All Sales Final
560-2-2-.14 Coupons and Rebates
560-2-2-.15 Inspection of Licensed Premises and Records
560-2-2-.16 Emergency Movement of Alcoholic Beverages - General Provisions
560-2-2-.17 Trade Practices - Inventory Sets and Resets; Notification
560-2-2-.18 Trade Practices - Point-of-Sale Advertising
560-2-2-.19 Trade Practices - Promotional Items and Marketing Events
560-2-2-.20 Promotional Events
560-2-2-.21 Prohibited Advertising
560-2-2-.22 Trade Show
560-2-2-.23 Sales Invoice Requirements for Manufacturers, Shippers, Importers, Brokers and Wholesalers
560-2-2-.25 Sales to Minors; Exceptions
560-2-2-.27 Violations; Unlawful Activities
560-2-2-.28 Other Alcoholic Beverages Prohibited
560-2-2-.29 Furnishing Alcoholic Beverages When Sale Not Permitted; Prohibited
560-2-2-.30 Non-Registered Brands
560-2-2-.31 Dishonored Payments
560-2-2-.32 Notification of Disciplinary Action
560-2-2-.33 Termination of Business and Refunds on Close-Out Inventory
560-2-2-.34 Product Recall
560-2-2-.35 Special Use Permits
560-2-2-.67 Special Events on the Premises of a Licensed Manufacturer or Wholesaler

Rule 560-2-2-.01 Definitions

- (1) As used in these Regulations:

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (a) "Act" means the Georgia Alcoholic Beverage Code as amended.
- (b) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of Wine, from whatever source or by whatever process produced.
- (c) "Alcoholic Beverage" means and includes all Alcohol, Distilled Spirits, Malt Beverage, Wine, or Fortified Wine intended for human consumption.
- (d) "Alcohol Type" means the various Alcohol products within the categories of Alcoholic Beverages such as bourbon, gin and vodka for Distilled Spirits, chardonnay and pinot noir for Wine and lager and ale for Malt Beverages.
- (e) "Brand" means any word, name, group of letters, symbols or combination thereof that is used to identify a specific Distilled Spirit, Malt Beverage, Wine, or other Alcoholic Beverage product and which is used to distinguish that product from other Alcoholic Beverage products.
- (f) "Brand Label" means any distinctive labeling characteristics of an Alcoholic Beverage product associated with a Brand including, without limitation, trade name, trademark, trade dress, colors, packaging, Alcohol Type designation, or design. A Brand may have more than one Brand Label associated with such Brand. A difference in packaging container size alone is not considered a new or different Brand or Brand Label.
- (g) "Broker" means any person who purchases or obtains an Alcoholic Beverage from an Importer, distillery, brewery, or winery and sells the Alcoholic Beverage to another Broker, Importer, or Wholesaler without having custody of the Alcoholic Beverage or maintaining a stock of the Alcoholic Beverage.
- (h) "Carrier" means any person whose business is to transport goods or people while acting in the capacity as common, private, or contract transporter of a product using its facilities or those of other carriers.
- (i) "Commissioner" means the state revenue commissioner, or the Commissioner's designated agent or representative.
- (j) "Consular Officer" means a career consular officer who is a national of the sending country assigned to a consular post in Georgia for the exercise of consular functions, and whose sending country is a contracting party to the multilateral consular convention referred to in Rule 560-2-15-.06 or another treaty with the United States of similar import.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (k) "Consular Post" means any consulate-general, consulate, vice-consulate or consular agency.
- (l) "County or Municipality" means a political subdivision of this state as defined by law and includes any form of political subdivision consolidating a county with one or more municipalities.
- (m) "Department" means the Georgia Department of Revenue.
- (n) "Denatured Alcohol" means a type of Alcohol to which denaturants have been added in order to render the Alcohol unfit for beverage purposes or internal human medicinal use.
- (o) "Denaturants" means materials authorized for use pursuant to Chapter 1 of Title 27 of the Code of Federal Regulations.
- (p) "Distilled Spirits" means any Alcoholic Beverage obtained by distillation or containing more than twenty-four percent (24%) Alcohol by volume, including, but not limited to, all Fortified Wines.
- (q) "Family or Immediate Family" means any person related to a Manufacturer, Shipper, Importer, or Broker within the first degree of consanguinity and affinity as computed according to the canon law.
- (r) "Flavored Malt Beverage" means any Malt Beverage containing flavors and other non-beverage ingredients containing Alcohol. Except as provided by paragraph (r)1. below, no more than 49% of the overall Alcohol content may be derived from the addition of flavors and other non-beverage ingredients containing Alcohol.
 - 1. In the case of Malt Beverages with an Alcohol content of more than six percent (6%) and not exceeding fourteen percent (14%) by volume, no more than one and a half percent (1.5%) of the volume of the Malt Beverage may consist of Alcohol derived from added flavors and other non-beverage ingredients containing Alcohol.
 - 2. A Flavored Malt Beverage shall be deemed a Malt Beverage for purposes of these Regulations.
- (s) "Fortified Wine" means any Alcoholic Beverage containing more than twenty-one percent (21%) Alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (t) "Fraternal Organization" means any society, order, or supreme lodge, whether incorporated or not, conducted solely for the benefit of its members and their beneficiaries and not for profit, operated on the lodge system with a ritualistic form of work, and having a representative form of government.
- (u) "Gallon" or "Wine Gallon" means a United States gallon of liquid measure equivalent to the volume of 231 cubic inches or the nearest equivalent metric measurement.
- (v) "Georgia Tax Center" is the Department's electronic filing and payment system, which includes registration, collection, and licensing for Alcohol. This term shall include any successor electronic filing and payment system implemented by the Department.
- (w) "Hotel" means any hotel, inn, or other establishment which offers overnight accommodations to the public for hire.
- (x) "Hard Cider" means an Alcoholic Beverage obtained by the fermentation of the juice of apples, containing not more than six percent (6%) of Alcohol by volume, including, but not limited to flavored or carbonated cider. For purposes of this regulation, hard cider shall be deemed a Malt Beverage. This term does not include "sweet cider."
- (y) "Head of a Consular Post" means the Consular Officer charged with the duty of acting in the capacity of head of the Consular Post to which he or she is assigned.
- (z) "Importer" means any person who imports an Alcoholic Beverage into this state from a foreign country and sells the Alcoholic Beverage to another Importer, Broker, or Wholesaler and who maintains a stock of the Alcoholic Beverage.
- (aa) "Individual" means a natural person.
- (bb) "Licensee" means any person who is granted a license or permit by the Department concerning the manufacturing, brokering, importing, wholesaling, or shipping of Alcoholic Beverages, or who is licensed as a Retailer or Retail Consumption Dealer.
- (cc) "Malt Beverage" means any Alcoholic Beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water containing not more than fourteen percent (14%) Alcohol by volume and including, but not limited to, the Alcohol Types of ale, porter, brown, stout, lager beer, small beer, and strong beer. This term does not include sake, also known as Japanese rice wine.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (dd) "Manufacturer" means any maker, producer, or bottler of an Alcoholic Beverage and:
1. In the case of Distilled Spirits, any person engaged in distilling, rectifying, or blending any Distilled Spirits;
 2. In the case of Malt Beverages, any brewer; and
 3. In the case of Wine, any vintner.
- (ee) "Mead Wine" or "Honey Mead" means a fermented Alcoholic Beverage made from honey that may not contain an Alcoholic content of more than fourteen percent (14%) by volume or total solids content that exceeds thirty-five (35) degrees Brix.
- (ff) "Military Beer" means Malt Beverages which have been purchased pursuant to these regulations which are exempt from Georgia excise taxes and which have been properly identified pursuant to Rules 560-2-15-.03 and 560-2-15-.04.
- (gg) "Military Liquors" means Distilled Spirits purchased pursuant to these regulations which are exempt from Georgia excise taxes and which have been properly identified pursuant to Rules 560-2-15-.03 and 560-2-15-.04.
- (hh) "Military Reservation" means a duly commissioned post, camp, base, or station of a branch of the armed forces of the United States located on territory within this state which has been ceded to the United States.
- (ii) "Military Wine" means Wine purchased pursuant to these regulations which is exempt from Georgia excise taxes and which have been properly identified pursuant to Rules 560-2-15-.03 and 560-2-15-.04.
- (jj) "Package" means a bottle, can, keg, barrel, or other original consumer container.
- (kk) "Person" means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.
- (ll) "Place of Business" means the Premises of a licensed Manufacturer, Broker, Importer, Wholesaler, Retailer or Retail Consumption Dealer described in such license where Alcohol, or Alcoholic Beverages are manufactured, sold, or offered for sale.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (mm) "Premises" means one physically identifiable Place of Business operated by the same ownership and overall management with only one address registered as a single Place of Business with the local licensing authority and the State of Georgia.
- (nn) "Regulations" means the regulations that are promulgated by the Commissioner pursuant to the Act.
- (oo) "Representative" means a person, employee, agent, independent contractor, or salesperson with or without compensation from a Licensee, who, acting on behalf of or at the direction of the Licensee, represents the Licensee to a third-party.
- (pp) "Retail Consumption Dealer" means any person who sells Distilled Spirits for consumption on the premises at retail only to consumers and not for resale.
- (qq) "Retailer" means, except as to Distilled Spirits, any person who sells Alcoholic Beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to Distilled Spirits, the term means any person who sells Distilled Spirits in unbroken packages at retail only to consumers and not for resale.
- (rr) "Routine Hub Transfer" means a simultaneous transfer of Alcoholic Beverage products from one Wholesaler delivery truck (the hub truck) to another Wholesaler delivery truck(s) (the spoke truck(s)).
- (ss) "Shipper" means any person who ships an Alcoholic Beverage into Georgia from outside of Georgia.
- (tt) "Social Media" means websites and other web-based technology that enable users to create, share, or exchange information, ideas, messages, and other content.
- (uu) "Standard Case" means six (6) containers of 1.75 liters, twelve (12) containers of 750 milliliters, twelve (12) containers of one liter, twenty-four (24) containers of 500 milliliters, twenty-four (24) containers of 375 milliliters, forty-eight (48) containers of 200 milliliters, sixty (60) containers of 100 milliliters, or one hundred twenty (120) containers of 50 milliliters.
- (vv) "State" means the State of Georgia.
- (ww) "Taxpayer" means any person made liable by law to file a return or to pay tax.
- (xx) "Warehouse" means any premises of a Wholesaler, Manufacturer, Importer, or Shipper other than its registered Place of Business, used for the storage of Alcoholic Beverages in accordance with the express written approval of the Commissioner.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (yy) "Wholesaler" means any person who sells or distributes Alcoholic Beverages to other licensed Wholesalers, Importers, Retailers, or to Retail Consumption Dealers.
- (zz) "Wine" means any Alcoholic Beverage containing not more than 21 percent (21%) Alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added.
1. This term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, other like products and Sake, which is an Alcoholic Beverage produced from rice.
 2. This term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.
 3. A liquid shall first be deemed to be a "Wine" at that point in the manufacturing process when it conforms to the definition of "Wine".

Authority: O.C.G.A. §§ 3-1-2, 3-2-2.

Rule 560-2-2-.03 Bonds

- (1) Alcoholic Beverage Licensees for Distilled Spirits and Wine are required to post with the Commissioner an approved annual bond under a surety company authorized to do business in Georgia, in the amount and under conditions specified by Code § 3-4-22 for Distilled Spirits, and Code § 3-6-21 for Wine.
- (2) Alcoholic Beverage Licensees for Malt Beverages are required to post with the Commissioner either:
 - (a) An approved annual bond under a surety company authorized to do business in Georgia, in the amount and under conditions specified by Code § 3-5-25.1 for Malt Beverages and Code § 3-5-36 and Rule 560-2-8-.02 for brewpubs; or
 - (b) An irrevocable bank letter of credit, issued by a bank located in Georgia, conditioned upon the prompt payment of all sums which may become due as required by all laws, rules and regulations governing the distribution and sale of Alcoholic Beverages in Georgia.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

Authority: O.C.G.A. §§ 3-2-2, 3-2-6, 3-4-22, 3-5-25.1, 3-5-36, 3-6-21, 48-8-12.

Rule 560-2-2-.04 Display of License

- (1) Every license issued under the Act shall be prominently displayed to the public by the holder at the Licensee's Place of Business.
- (2) Retail Consumption Dealers shall display the annual alcohol license at each licensed premises.
 - (a) On-premises retail consumption locations which cannot be determined as one identifiable Place of Business shall require additional licenses regardless of whether those establishments have the same trade name, ownership, or management;
 - (b) Nothing shall require additional licenses for service bars or portable bars used exclusively for the purpose of mixing or preparing Alcoholic Beverage drinks when such bars are accessible only to employees of the licensed establishment and from which Alcoholic Beverage drinks are prepared to be served on the licensed premises.
- (3) Any Alcoholic Beverages kept, stored, or found at the Licensee's Place of Business or Warehouse shall be presumed to be the Licensee's property.

Authority: O.C.G.A. §§ 3-2-2, 3-3-3.

Rule 560-2-2-.05 Monthly Report; Remittance of Taxes

- (1) Taxes imposed on all Alcohol manufactured, imported, sold, possessed, delivered, purchased, used, consumed, handled, or offered for sale within Georgia shall be collected from Wholesalers by use of a reporting system.
 - (a) Every Wholesaler shall file a monthly report with the Commissioner, through the Georgia Tax Center or in such format or manner as the Commissioner may reasonably prescribe setting forth Alcoholic Beverage purchases for each calendar month, beginning and ending inventories for each calendar month, and such other information as the Commissioner may require to describe the complete transactions;
 - (b) Each Wholesaler shall file the report for all Alcoholic Beverages, no later than the fifteenth (15th) day of each month for the preceding calendar month's transactions;

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (c) The report shall indicate the total disposition of Alcoholic Beverages during the report period; and
 - (d) The proper tax remittance for all transactions shall be paid to the Department simultaneously with the filing of the report.
- (2) When one Wholesaler sells or transfers Alcoholic Beverages to another Wholesaler, the Wholesaler that sells or transfers Alcoholic Beverages is responsible for the payment of taxes and shall indicate on the sales invoice that the Alcoholic Beverages are tax-paid by the seller.
- (a) The seller shall include the transaction on the seller's monthly report and shall remit the proper tax with that report.
- (3) Breweries, brewpubs, distilleries, wineries, and farm wineries that make retail sales to individuals or act as a Wholesaler shall be responsible for monthly reporting and the remittance of taxes.
- (4) No licensed Wholesaler shall accept or take from any municipality or county any fee, discount, rebate, or compensation of any nature for the collection or reporting of the city and/or county excise taxes as required.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6, 48-2-12.

Rule 560-2-2-.06 Initial Applications; Temporary Permits Authorized; Conditions of Issuance

- (1) Persons making initial license applications pursuant to Georgia laws and regulations, after properly filing all required documents, may be authorized by the Commissioner to operate pursuant to a temporary permit.
- (2) Before any temporary permit shall be issued, the applicant must have filed with the Department the following documents and materials under the conditions indicated:
 - (a) A valid local license from the proper governing authority to engage in the business for which application is made;
 - (b) A valid state application with all questions answered and which indicates prima facie eligibility to hold the license sought;

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (c) All other documents required pursuant to the laws and regulations for obtaining a license appropriate to the type of business for which application is made; and
 - (d) Any other relevant information the Commissioner may deem appropriate under the circumstances.
- (3) The issuance of any temporary permit pursuant to the above conditions is within the discretion of the Commissioner and may be withdrawn by the Commissioner at any time without notice or hearing.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3, 3-2-7.

Rule 560-2-2-.07 Certain Requirements for Licensees Upon Suspension of Alcohol License

- (1) In every case in which an Alcoholic Beverage license is suspended, the Licensee shall be required to post a public notice in a prominent and conspicuous place on the front window or door of the licensed premises throughout the period of suspension.
- (a) The dimensions of the notice shall be at least eight and one-half (8.5) inches by eleven (11) inches with a font size of at least eighteen (18) point in Times New Roman typeface.
- (2) The notice shall contain:
- (a) The Licensee name;
 - (b) License number;
 - (c) Address of the licensed location; and
 - (d) A statement that the Licensee's license is suspended pursuant to an order of the Commissioner for violation of the Act and/or the regulations of the Department.
- (3) In addition to the public notice requirement set forth under paragraph (1) of this Rule, the Commissioner may make available to the public a complete or partial listing of all Alcohol license suspensions and cancellations on the Department's website or by such other means as designated by the Commissioner.
- (4) Licensees who fail to comply with this Regulation shall be subject to additional disciplinary action, including, but not limited to, further license suspension or cancellation.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

Authority: O.C.G.A. §§ 3-2-2, 3-2-3.

Rule 560-2-2-.09 Failure to Comply with Tax Laws

- (1) No application for a license to sell Alcoholic Beverages will be considered as long as the applicant, Person, firm, or corporation holding any interest in the business for which application is made has failed to meet any obligations imposed by any tax law of Georgia.
- (2) The failure of any Licensee, permittee, registrant, Person, firm, or corporation holding an interest in the business for which the license, permit, or registration is issued to meet any obligations imposed by the Act, any tax law of Georgia, or any regulations of the Commissioner shall be grounds for suspension, revocation, or cancellation of a license, permit, or registration.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-2-.10 Ownership Interest; Change or Transfer of Ownership

- (1) Neither a Manufacturer, Shipper, Importer, or Broker, nor any of its employees or members of such Manufacturer's, Shipper's, Importer's, or Broker's Immediate Family shall have, own, or enjoy any ownership interest in, or partnership arrangement or other business association with the business of any Wholesaler or Retailer.
- (2) Neither a Wholesaler, nor any of its employees, nor any members of such Wholesaler's Immediate Family shall have, own, or enjoy any ownership interest in, or partnership arrangement or other business association with the business of any Manufacturer, Shipper, Importer, Broker, or Retailer; provided nothing shall prohibit such persons from owning stock in such firms when such firms' stock is publicly traded on a national exchange or over the counter.
- (3) Neither a Retailer or Retail Consumption Dealer, nor any of its employees or members of such Retailer's or Retail Consumption Dealer's Immediate Family, shall have, own, or enjoy any ownership interest in, or partnership arrangement or other business association with, the business of any Wholesaler, Manufacturer, Shipper, Importer or Broker.
- (4) Provided however, nothing shall prohibit the Commissioner from waiving the above prohibitions in regard to children of the Manufacturer, Wholesaler, Shipper, Importer, or

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

Retailer, provided the children are emancipated and hold no business interest, financial interest, or vested interest in the parent's operation.

- (5) It shall be the duty of the Licensee to notify the Commissioner in writing concurrently with:
- (a) Any change to an answer or personnel statement made on an application for a license which is either pending or approved, and such written notification must be timely reported as an amendment to the application.
 - (b) Any change in any interest in Licensee's business, including but not limited to:
 - 1. Execution of Letter of Intent to sell or purchase.
 - 2. Receipt of a bona fide proposal to purchase.
 - 3. Division of the profits.
 - 4. Division of net or gross sales for any purpose whatsoever.
 - 5. Change in ownership of any legal entity that has any interest in such business or the change of management of such legal entity.
 - 6. A loss or damage to goods which results in a claim against an insurance policy.
 - (c) Any public corporation whose stock is traded on recognized national stock exchanges shall be exempt from subparagraphs (5)(b)2, (5)(b)3, (5)(b)4, and (5)(b)5.
 - (d) Any substantial change in or any agreement in principle, whether written or not, to change the conduct or ownership interest of any licensed business.
- (6) The Commissioner shall notify Licensee upon receipt of written notice of any objection to the ownership or interest.
- (a) The Licensee shall have fifteen (15) days from the date of the notice to request, in writing, a hearing on the objection.
 - (b) Upon receipt of Licensee's written request, the Commissioner shall provide the Licensee with due notice and opportunity for hearing on the application pursuant to Subject 560-2-16.
 - (c) If the Commissioner, after providing notice and opportunity for hearing, finds the Licensee is not entitled to a license pursuant to these regulations, the applicant shall then be advised in writing of the findings upon which the denial is based.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (d) If the Licensee does not request a hearing, the Commissioner will review the objections, render a final decision and notify the applicant.
- (7) No state license may be transferred from one Person to another.
 - (a) The Commissioner may at the Commissioner's discretion grant a transfer of a license from one location to another location within the same local regulatory jurisdiction, provided authority for such a transfer has also been granted by the local governing authority.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-2-.11 Restrictions for Employees of Manufacturers, Shippers, Importers, Brokers, Joint Registrants or Wholesalers

No employee of any Manufacturer, Shipper, Importer, Broker, joint registrant, or Wholesaler shall at any time, with or without compensation, act as a salesperson or sales-clerk in a Retailer's or Retailer Consumption Dealer's Place of Business.

Authority: O.C.G.A. § 3-2-2.

Rule 560-2-2-.13 Refunds; Discounts; Gifts; All Sales Final

- (1) Unless otherwise specifically permitted by this Act and these regulations, no Manufacturer, Shipper, Importer, Broker, or Wholesaler, nor their employees, agents, Representatives, or anyone acting on their behalf, shall directly or indirectly:
 - (a) Make any gift, refund, price concession, discount, joint offer, or any concession of any kind or character;
 - (b) Give or offer to give any sample, free goods, articles, or things of value in connection with the sale of Alcoholic Beverages, and only to the extent expressly authorized in Subject 560-2-4 and Subject 560-2-5;
 - (c) Compensate any Retailer or Retail Consumption Dealer or their employees for interior or exterior beautification, improvement in premises, displaying any merchandise, or displaying the same merchandise in a particular position or manner;

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (d) Make any inducement to any Retailer or Retail Consumption Dealer or their employees, agents, buyers, or purchasing agents by:
 - 1. Furnishing, giving, or lending any equipment, fixtures, signs, supplies, money, services, or other things of value. Social Media posts or messages used to inform the public where a Manufacturer or Wholesaler's products are available for purchase at retail shall not be considered a thing of value.
 - 2. Guaranteeing any loan or repayment of any financial obligation, paying total or partial payment of salary, or promoting any promotion or sales contest for such persons.
- (2) Nothing shall prohibit quantity discounts by Wholesalers to Retailers or Retail Consumption Dealers provided such quantity discounts are for sale and delivery to a single retail location and are available to all Retailers and Retail Consumption Dealers within that Wholesaler's designated sales territory upon equal terms.
- (3) It shall be a violation of this Rule for any Retailer or Retail Consumption Dealer, their employees, agents, buyers, purchasing agents, or anyone acting directly or indirectly on their behalf to accept, acquiesce, or otherwise participate in the prohibited acts contained in the Act or this Chapter or to coerce or attempt to coerce, entice, request, or solicit any prohibited acts.
- (4) Alcoholic Beverages shall be inspected at the time of delivery for breakage, damage, shortage, and for any other condition which would render delivery unacceptable to the Retailer or Retail Consumption Dealer.
 - (a) No adjustment or exchange subsequent to delivery shall be permitted where breakage, shortage, or other conditions are evident to the extent that such conditions would have been obvious upon casual inspection at the time of delivery.
- (5) A licensed Wholesaler may accept from any licensed Retailer or Retail Consumption Dealer any quantity of Alcoholic Beverages and give that Retailer or Retail Consumption Dealer credit for the same, but only if on the same day the Retailer or Retail Consumption Dealer buys from the Wholesaler, at prevailing prices, a like quantity, measured in case lots, of the same Alcohol Type and Brand, and copies of the invoices evidencing such transfer are promptly filed at the Wholesaler's Place of Business for inspection by the Commissioner or his agents.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (6) Exchanges of identical Brands and quantities of Alcoholic Beverages shall be authorized for "leakers" or "short fills," provided at the time of such exchange the tops of the containers are affixed and such leakage is apparent.
- (a) No adjustment, credit, or exchange subsequent to delivery shall be permitted for chipped bottle necks of Malt Beverages;
- (b) Within thirty (30) days of Malt Beverage Brands becoming outdated in accordance with written brewery or Wholesaler's quality control standards and provided the Malt Beverages were sold to the Retailer or Retail Consumption Dealer at the Wholesaler's posted unit price at the time of sale, Wholesalers:
1. May exchange identical Brands and quantities of Malt Beverages.
 2. May exchange the Malt Beverage for identical quantities of the same or other Brands within the mix and match assortment sold under authority of Rule 560-2-4-.07 and the Malt Beverages have the same single case price as products being exchanged.
 3. Shall retain copies of invoices evidencing such exchanges and promptly file same at the Wholesaler's Place of Business for inspection by the Commissioner or the Commissioner's agents.
 4. Shall not issue a credit, rebate, or refund of excise taxes for such an exchange.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-2-.14 Coupons and Rebates

- (1) It shall be a violation of these regulations for any licensed Retailer or Retail Consumption Dealer to offer any coupon or rebate affecting the price or prices of Alcoholic Beverages, nor shall any licensed Retailer or Retail Consumption Dealer accept any coupon or rebate in payment for purchases of Alcoholic Beverages.
- (2) No Retailer or Retail Consumption Dealer shall redeem any Manufacturer coupon or rebate promoting the sale or use of Alcoholic Beverages.
- (a) All Manufacturer coupons or rebates promoting the sale or use of Alcoholic Beverages, or for merchandise other than Alcoholic Beverages, shall only be

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

redeemable by the Manufacturer or its designated agent. A designated agent cannot be a Retailer or Retail Consumption Dealer in Georgia.

- (3) Nothing shall prohibit a licensed Retailer or Retail Consumption Dealer, for its own advertising purposes, from offering in-store coupons or rebates and from redeeming such coupons or rebates for the purchase of merchandise other than Alcoholic Beverages, unless otherwise prohibited by local regulation.
- (4) No Manufacturer, or anyone acting on its behalf, shall make any arrangement of any kind or character, or enter into any agreement, with any licensed Retailer or Retail Consumption Dealer in connection with the use and redemption of coupons or rebates promoting the sale or use of Alcoholic Beverages.
- (5) No Manufacturer, or anyone acting on its behalf, shall make its coupons or rebates available to any licensed Retailer or Retail Consumption Dealer offering the Manufacturer's products for sale to the exclusion of other licensed Retailers or Retail Consumption Dealers offering the Manufacturer's products for sale.

Authority: O.C.G.A. §§ 3-2-2.

Rule 560-2-2-.15 Inspection of Licensed Premises and Records

- (1) The Commissioner and/or the Commissioner's agents may enter the licensed Place of Business of any person engaged in the manufacture, transportation, distribution, sale, storage, or possession of Alcoholic Beverages at any time for the purpose of inspecting the Place of Business and enforcing this Act and these regulations, and the agents shall have access during the inspection to:
 - (a) All areas of the Place of Business; and
 - (b) All books, records, and supplies relating to the manufacture, transportation, distribution, sale, storage, or possession of Alcoholic Beverages.
- (2) Failure to cooperate with all aspects of an inspection or any action or effort to hinder or interfere with an agent in the performance of the agent's duties shall be a violation of these regulations by any Licensee, its employee, or anyone acting on behalf of or with the approval of the Licensee, compensated or otherwise.
- (3) Interference or hindrance of an agent shall include, but not be limited to, the following:

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (a) Disorderly conduct, including behaving in any manner tending to threaten or to appear to threaten the agent or members of the public during an inspection or performance of the agent's duties;
- (b) Disturbing the peace including, but not limited to, utilizing loud, boisterous, threatening, abusive, insulting, or indecent language during an inspection or performance of the agent's duties.

Authority: O.C.G.A. §§ 3-2-2, 3-2-32.

Rule 560-2-2-.16 Emergency Movement of Alcoholic Beverages - General Provisions

- (1) Whenever any Licensee's Place of Business is threatened with destruction or looting because of riot, civil disorder, or natural disaster, the Licensee is authorized to transport its supply of Alcoholic Beverages to a secure location by any means of any transportation available.
- (2) The Licensee shall notify the Commissioner as soon as practical.
- (3) In any such case the Licensee shall cease business and shall not reopen without the express written approval of the Commissioner.
- (4) Upon approval for reopening, the Licensee shall be permitted to transport the Alcoholic Beverages back to the licensed location at a time, date, and in a manner as agreed to by the Commissioner.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-2-.17 Trade Practices - Inventory Sets and Resets; Notification

- (1) A Retailer or Retail Consumption Dealer may submit a request for Wholesalers to conduct a single initial setting of Alcoholic Beverages at the Retailer's or Retail Consumption Dealer's location.
- (2) A Retailer or Retail Consumption Dealer at their option, may submit a request for Wholesalers to conduct the re-setting of assigned Brand Labels once per calendar year at the Retailer's or Retail Dealer's location.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (3) Each Retailer or Retail Consumption Dealer shall notify the Department through the Georgia Tax Center and notify all applicable Wholesalers of such sets or resets no less than ten (10) business days prior to the scheduled date.
 - (a) Participation in a scheduled set or reset by any Wholesaler is completely voluntary. Wholesalers who choose to participate in a set or reset shall be subject to equal terms;
 - (b) All Retailers or Retail Consumption Dealers and participating Wholesalers must maintain a copy of the notification at their licensed premises for three (3) years.
- (4) A set or reset may only be performed Monday through Friday from 7:00 a.m. to 7:00 p.m., excluding state holidays.
- (5) During a set or reset, a Wholesaler may move or touch only its assigned Brand Labels.
 - (a) The Wholesaler may request that the Retailer or Retail Consumption Dealer remove a Brand Label that is located in Wholesaler's assigned space but are not Brand Labels assigned to that Wholesaler;
 - (b) If the Retailer or Retail Consumption Dealer declines to remove the Brand Labels, then the shelf space shall be deemed assigned to that Brand Label.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6.

Rule 560-2-2-.18 Trade Practices - Point-of-Sale Advertising

- (1) A Wholesaler, Broker, Importer, or Manufacturer is only authorized to distribute to a Retailer or Retail Consumption Dealer, without cost, generic point-of-sale advertising materials for use inside the licensed Place of Business.
 - (a) The materials may be provided without charge for use inside a retail location to attract consumer attention to specific Alcoholic Beverages, provided that all such materials shall be available on equivalent terms to all accounts of the Wholesaler;
 - (b) Where products are not generic point-of-sale advertising materials, or the products are intended for exterior use, such materials must be invoiced to the Retailer or Retail Consumption Dealer and paid for based upon fair market value.
- (2) Generic point-of-sale advertising materials do not include items for use that are of a permanent or semi-permanent nature, are constructed or created on the premises of a

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

Retailer or Retail Consumption Dealer, are affixed or attached in any way to the exterior premises, or that refer specifically to a Retailer or Retail Consumption Dealer.

- (3) It shall be a violation by the Retailer or Retail Consumption Dealer to use any point-of-sale material provided without charge on the exterior of their premises.
- (4) A Wholesaler, Broker, Importer, or Manufacturer who performs any service or provides general point-of-sale advertising items to Retailers or Retail Consumption Dealers shall make such service or items available on equal terms to all Retailers and Retail Consumption Dealers within its designated sales territories.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-2-.19 Trade Practices - Promotional Items and Marketing Events

- (1) A Wholesaler, Broker, Importer, or Manufacturer may conduct "marketing events" in Georgia as a promoting or sponsoring party.
 - (a) The marketing event shall be at no cost to the participants;
 - (b) The person promoting or sponsoring the marketing event ("promoter") shall notify all of its accounts within its sales territories of the marketing event;
 - (c) If the marketing event cannot accommodate all of the accounts of the promoter, then the promoter shall timely notify all accounts and advise them that due to a limitation there will be a drawing to select which accounts will attend the event;
 - 1. The promoter shall provide, without cost to its accounts, a reasonably acceptable means for interested parties to register for the drawing, or in the alternative, upon notification place all of its accounts into the drawing for selection.
 - 2. The promoter shall notify all accounts of the winner or winners as applicable.
 - (d) For purposes of this regulation the term "marketing event" means any marketing activity sponsored by Wholesalers, Brokers, Importers, or Manufacturers during which the total value of all non-alcoholic items given by Wholesalers, Brokers, Importers, or Manufacturers may not exceed \$300 per Brand in a single retail establishment in a rolling twelve-month period;

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

1. A "rolling" twelve month period is defined as the twelve months prior to the most recent occurrence.
 2. Wholesalers, Brokers, Importers, or Manufacturers may not pool or combine dollar limitations in order to provide products or services to a Retailer or Retail Consumption Dealer valued in excess of \$300 per Alcohol Type.
 3. The following are not considered "marketing events" as defined in these regulations:
 - (i) Licensed Special Event as provided for in Rule 560-2-11-.02;
 - (ii) Trade Show as provided for in Rule 560-2-2-.22;
 - (iii) Promotional Events as provided for in Rule 560-2-2-.20.
- (e) For two years after the date of each marketing event, Wholesalers, Brokers, Importers, or Manufacturers shall keep and maintain records of all items furnished to Retailers or Retail Consumption Dealers under this Regulation;
1. Commercial records or invoices may be used to satisfy this record-keeping requirement if the following required information is shown:
 - (i) The name and address of the Retailer or Retail Consumption Dealer receiving the item;
 - (ii) The date furnished;
 - (iii) The item furnished;
 - (iv) The Wholesaler's, Broker's, Importer's, or Manufacturer's cost of the item furnished (determined by the Manufacturer's invoice price of the item); and
 - (v) Charges to the Retailer or Retail Consumption Dealer for any item.
 - (2) All promotional items and marketing events are to be available on equal terms to all similarly situated accounts of the sponsoring party.
 - (3) Banners for internal or external use at promotional events may be provided at no cost to the non-Licensee and may be displayed at the event.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (a) The banners shall not refer to any specific Retailer or Retail Consumption Dealer or to the fact that an Alcoholic Beverage business is located at or in the promotional event location.
- (4) A Wholesaler, Broker, Importer, or Manufacturer may provide promotional items, excluding tobacco products, Alcoholic Beverage products, and lottery products, directly to consumers on the premises of a Retailer or Retail Consumption Dealer, provided that all patrons are given an equal chance for such items without charge and without any purchase being required.
 - (a) Permitted Wholesaler, Broker, Importer, or Manufacturer employees or agents must be present to provide the items to patrons;
 - (b) These items shall be delivered concurrently with the arrival of the permitted agents or employees and such employees or agents must remove any items not distributed upon their departure.
- (5) A Wholesaler, Broker, Importer, or Manufacturer may not make any payment, reimbursement, or compensation of any kind or character to any Retailer or Retail Consumption Dealer for any purpose, either directly or indirectly, or through a third-party arrangement.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6.

Rule 560-2-2-.20 Promotional Events

- (1) Any Alcoholic Beverage Licensee may sponsor or cosponsor a promotional event with any other promoter, provided the promoter is not an Alcoholic Beverage Licensee, and the location of the event is licensed as a Retailer or Retail Consumption Dealer.
- (2) The Alcoholic Beverage Licensee shall not pay or otherwise provide any consideration to any other Licensee located at or within the publicly owned stadium, park, coliseum, or auditorium where the promotional event is held.
- (3) Advertising promoting a promotional event shall not focus solely on any specific Alcoholic Beverage Licensee or to the fact that an alcohol licensed business is located at or within the publicly owned stadium, park, coliseum, or auditorium.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (a) Nothing in this Regulation shall be construed to prevent advertising which includes the name of the sponsor, the promotional event, or the name of the publicly owned stadium, park, coliseum, or auditorium at which the promotional event is held.
- (4) No agreement between any of the parties promoting a promotional event shall limit the sale of Alcoholic Beverage products during the promotional event to specific types or Brands of Alcoholic Beverages or prohibit the sale of certain types or Brands of Alcoholic Beverages during the promotional event.

Authority: O.C.G.A. §§ 3-2-2.

Rule 560-2-2-.21 Prohibited Advertising

- (1) No advertising of Alcoholic Beverages shall be published or disseminated in Georgia which:
 - (a) Contains any statement, design, or pictorial representation which falsely implies that the product has been endorsed by, made by, used by; or produced for or under the supervision of; or produced in accordance with the specification of any religious organization, the United States government, the government of Georgia, or any other domestic governmental entity;
 - (b) Contains any reference, directly or indirectly, which falsely implies an endorsement by or relationship with any school, college, or university athlete, or any school, college or university;
 - (c) Is directed to or promotes in any way the sale of Alcoholic Beverages to persons under the legal age to purchase Alcoholic Beverages in Georgia.

Authority: O.C.G.A. §§ 3-2-2.

Rule 560-2-2-.22 Trade Show

- (1) For purposes of this Regulation, the term "trade show" shall be an exhibition organized and hosted by a licensed Wholesaler, Broker, Importer, Shipper, or Manufacturer for the purpose of providing information regarding new Alcoholic Beverage products.
 - (a) A Wholesaler, Broker, Importer, Shipper, or Manufacturer may conduct twelve (12) trade shows per calendar year at its licensed Place of Business or at a Retailer Consumption Dealer's Premises;

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (b) A trade show hosted by a Broker, Importer, Shipper or Manufacturer can be attended only by Wholesalers and their employees within the Broker's, Importer's, Shipper's, or Manufacturer's sales territory;
 - (c) A trade show hosted by a Wholesaler can only be attended by Licensed Manufacturer's Representatives, bona fide journalists, Retailers, and/or Retail Consumption Dealer's and their respective employees within the Wholesaler's sales territory;
 - (d) Wholesalers, Manufacturers, Shippers, Importers, Brokers, and their Representatives and agents can accept orders for Alcoholic Beverage products at the trade show.
 - 1. Sale and delivery shall not occur at the trade show.
 - (e) A licensed Representative of any Broker, Importer, Shipper, Manufacturer or Wholesaler, at the request of the host Licensee, may provide pouring services and product information during any trade show.
 - 1. The trade show host together with the employing Licensee and the permitted Representatives shall be responsible for all acts or omissions of any Representative providing service at the trade show.
- (2) At least fifteen (15) days prior to the trade show, a party seeking to conduct a trade show shall make a request in writing to the Commissioner accompanied by the following documents and materials:
- (a) A valid license or authorization, if required, from the appropriate local governing authority granting permission to conduct such trade show; and
 - (b) A signed statement from the Wholesaler, Broker, Importer, Shipper or Manufacturer in substantially the following format:

Date: _____

Time: Begin: _____ End: _____

Location Name: _____

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

Address: _____

(city) (state) (ZIP code)

The undersigned hereby affirms that:

1. The excise tax on all alcohol beverages at the trade show has been paid and documentation of payment will be available at the trade show.
2. All (Retailers/Retail Consumption Dealers) (Wholesalers) within the applicant's sales territory have been invited to the event.
3. The event is without charge or cost of any kind to the attendees.
4. The host is paying "fair market value" for the use of any retail licensed premises.
5. All participants will be or have been advised in writing that a participant may only order Alcohol Products during the trade show and shall not receive shipment of orders for product onsite.

Signed: _____

Date: _____

Name: _____

(print or type)

Title: _____

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

Company Name: _____

Ga. License No. _____

- (3) All trade shows must be approved by the Commissioner or Agents of the Department.
- (4) If the applicant does not receive written notification from the Commissioner within ten (10) days after applying, the request has been denied.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6, 48-2-12.

Rule 560-2-2-.23 Sales Invoice Requirements for Manufacturers, Shippers, Importers, Brokers and Wholesalers

- (1) No Manufacturer, Shipper, Importer, Broker, or Wholesaler, its agents, or employees, shall:
 - (a) Make any sale or delivery of any Alcoholic Beverages without a written invoice made concurrently with the sale or delivery in accordance with requirements of this Regulation;
 - (b) Make any invoice which falsely indicates prices and terms of any sale;
 - (c) Insert in any invoice any statements which make the invoice a false record, wholly or in part, of the transaction invoiced or represented on the face of the invoice; or
 - (d) Withhold from any invoice any statement which properly should be included in it so that in the absence of such a statement the invoice does not truly reflect the transaction involved.
- (2) Each sales invoice shall have the name, address, and license number of the seller and shall show the following information:
 - (a) Name, address, and license number of purchaser;
 - (b) Date of delivery or shipment and invoice number;
 - (c) Brand, Alcohol Type, size of container, amount of cases, number of containers and size of container in each case of Alcoholic Beverage delivered or shipped;

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (d) The place from which the Alcoholic Beverage was shipped; and
 - (e) Invoices covering sales of Distilled Spirits and Wine shall show, in addition to the above, the total number of liters by tax category.
- (3) For each sale made to a licensed retail location, a Wholesaler shall issue a separate and distinct sales ticket or invoice in compliance with this Regulation.
- (a) The terms and conditions of sale shall at all times be consistent with applicable current price sheet and there shall be no terms or conditions of the transaction that are not readily determinable from the face of the invoice or ticket.
 - (b) A Wholesaler shall not favor specific retail locations and shall sell to retail locations within its territories on substantially the same terms and conditions at all times consistent with these regulations.
- (4) Within twenty-four (24) hours after sale, all sales tickets or invoices must be on file on the premises of the Wholesaler and shall be open for inspection by authorized agents of the Commissioner.

Authority: O.C.G.A. §§ 3-2-2, 3-6-24.

Rule 560-2-2-.25 Sales to Minors; Exceptions

No Licensee, employee of such Licensee, or any person acting on behalf of or with the knowledge of such Licensee shall give, sell, offer to sell, furnish, cause to be furnished, or offer to furnish any Alcoholic Beverage to any person who is under the lawful drinking age as established by Georgia law.

Authority: O.C.G.A. §§ 3-2-2, 3-2-23, 48-2-12.

Rule 560-2-2-.27 Violations; Unlawful Activities

- (1) Any person holding any license, permit, or registration issued pursuant to this Chapter or any employee or agent of such person who violates any provision of this Chapter, or directs, consents to, permits, or acquiesces in such violation, either directly or indirectly shall, by such conduct, subject the license to suspension, revocation or cancellation.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (a) For purposes of administering and enforcing this Chapter, any act committed by an employee, agent, or Representative of a Licensee shall be deemed to be an act of the Licensee.
- (2) It shall be a violation of this Chapter for any Licensee, permittee, or registrant to permit any person to engage in any activity on the premises for which the license is issued or within the Place of Business which is in violation of the laws or regulations of any federal, state, county or municipal governing authority or regulatory agency.
 - (a) With respect to any such activity, it shall be rebuttably presumed that the act was done with the knowledge or consent of the Licensee, provided however, that this presumption may be rebutted only by evidence which precludes every reasonable hypothesis that such Licensee did not know of, assisted, or aided in such occurrence, or in the exercise of full diligence could not have discovered or prevented such activity.

Authority: O.C.G.A. §§ 3-2-2, 3-3-9.

Rule 560-2-2-.28 Other Alcoholic Beverages Prohibited

No Licensee shall keep, possess, or store at the Licensee's Place of Business any Alcoholic Beverages for which the Licensee does not hold a valid license to sell those Alcoholic Beverages at that Licensee's Place of Business.

Authority: O.C.G.A. §§ 3-2-2, 3-3-3.

Rule 560-2-2-.29 Furnishing Alcoholic Beverages When Sale Not Permitted; Prohibited

No Licensee, employee of any Licensee, or any person acting on behalf of any Licensee shall furnish or give Alcoholic Beverages to any person on any day or at any time when sale of same is prohibited by law.

Authority: O.C.G.A. §§ 3-2-2, 3-3-7, 3-3-20, 48-2-12.

Rule 560-2-2-.30 Non-Registered Brands

Except where not required by law, no Person shall move or cause to be moved into Georgia, receive, hold, purchase, give away, sell, or offer to sell in Georgia any Alcoholic Beverages unless

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

the Brand has first been registered with and approved by the Commissioner or the Commissioner's agent as provided in Rule 560-2-5-.08 or Rule 560-2-5-.09.

Authority: O.C.G.A. §§ 3-2-2, 3-4-152, 3-4-153.

Rule 560-2-2-.31 Dishonored Payments

- (1) Retailers or Retail Consumption Dealers remitting payment for purchases of merchandise from a Wholesaler shall, upon notification that any payment has been dishonored, make immediate payment for such purchases. This requirement applies regardless of whether the Retail or Retail Consumption Dealer is the maker, endorser, account holder, or payor of the payment.
 - (a) Failure to comply with this Regulation may subject Retailers and Retail Consumption Dealers to a citation.
- (2) Wholesalers who receive a dishonored payment from a Retailer or Retail Consumption Dealer and secure a criminal warrant or a returned check citation against the Retailer or Retail Consumption Dealer must notify the Commissioner in writing within ten (10) days of the date of issuance of the warrant or citation.
 - (a) The notification shall include all pertinent information associated with the criminal warrant or returned check citation, including the county where the warrant or citation was secured, the warrant or citation number, docket number, and/or a copy of the warrant or citation.

Authority: O.C.G.A. §§ 3-2-2.

Rule 560-2-2-.32 Notification of Disciplinary Action

- (1) Any Licensee who has any disciplinary action taken against the Licensee or the Licensee's employees by any authority, either municipal, county, state, or federal, shall notify the Commissioner, through the Georgia Tax Center or the Commissioner's agents within fifteen (15) days of such action, except as otherwise provided by law.
 - (a) The notification must include the complete details of the action taken;
 - (b) Any Licensee who fails to notify the Commissioner or the Commissioner's agents of such action within the prescribed time may be cited and required to appear before

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

the Commissioner to show cause as to why the Licensee's license should not be suspended, revoked, or cancelled.

- (2) Disciplinary action as used in this Regulation means any action taken by any municipal, county, state or federal agency against the Licensee, its employees, or its Place of Business including but not limited to:
- (a) Arrests by local, state, or federal authorities of the Licensee or any of its employees;
 - (b) Citations issued by local, state, or federal authorities, to the Licensee or any of its employees;
 - (c) Indictments, presentments, or accusations in any local, state, or federal courts against the Licensee or any of its employees;
 - (d) Convictions of, or penalties imposed pursuant to a plea of nolo contendere or non vult against the Licensee or any of its employees in any local, state, or federal court;
 - (e) Penalties imposed by any regulatory agency against the Licensee or any of its employees; or
 - (f) Any other written charges or reprimand by local, state, or federal authorities.
- (3) Traffic citations that do not result in arrest, written to the Licensee or any of its employees need not be reported to the Commissioner or the Commissioner's agents.
- (4) Civil actions or accusations against the Licensee, or any person, firm or corporation holding a financial interest in the license, shall be reported in accordance with paragraph (1) of this Regulation.
- (a) Civil actions or accusations against employees of the Licensee need not be reported.

Authority: O.C.G.A. §§ 3-2-2, 3-3-2.1, 48-2-12.

Rule 560-2-2-.33 Termination of Business and Refunds on Close-Out Inventory

- (1) Upon termination of a Retailer's or Retail Consumption Dealer's business, including termination of such Retailer's or Retail Consumption Dealer's special event permit pursuant to Rule 560-2-2-.35, Rule 560-2-2-.67, Rule 560-2-11-.02, or Rule 560-2-11-.03, such Retailer or Retail Consumption Dealer may return to the appropriate Wholesaler such goods as the Licensee then has on hand, and the Wholesaler shall accept the return of such goods deemed by such Wholesaler to be saleable at the prices posted by such Wholesaler

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

pursuant to these Regulations at the time such goods were sold to the Retailer or Retail Consumption Dealer.

- (a) No Wholesaler shall charge a fee for picking up or taking back any merchandise greater than ten percent (10%) of the value of the merchandise returned.
- (b) In the event of a termination of a Retailer's or Retail Consumption Dealer's business with such goods on hand being returned to the Wholesaler as provided herein, the Wholesaler may defer payment to the Retailer or Retail Consumption Dealer for a period not to exceed thirty (30) days to ensure that no security interest is being held by a third party on such merchandise.
- (c) With express written permission of the Commissioner, a Retailer or Retail Consumption Dealer terminating its business may sell that portion of its remaining inventory which the Wholesaler does not accept to another Retailer or Retail Consumption Dealer within the same taxing jurisdiction.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3, 3-2-4.

Rule 560-2-2-.34 Product Recall

- (1) For products that are unmarketable due to internal content deterioration resulting in the product varying substantially in taste or appearance from the Manufacturer's specifications, or other conditions the Commissioner deems appropriate, the Manufacturer, Shipper or Importer may petition the Commissioner in writing to request authorization to recall such products.
 - (a) Except in cases where there is an immediate threat to public health and safety, the recall request shall be submitted so that it is received by the Alcohol & Tobacco Division at least fifteen (15) days in advance of the proposed date for initiating the recall and shall specifically detail the reason for the recall, including:
 - 1. The extent and scope of the problem with the product(s);
 - 2. The amount in distribution within Georgia; and
 - 3. The estimated amount of time needed to complete the recall.
 - (b) All approved recalls shall be conducted by Wholesalers working in conjunction with the impacted Manufacturer, Shipper, or Importer under terms and conditions agreed to by the Wholesalers and the impacted Manufacturer, Shipper, or Importer.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (c) Where a product is recalled pursuant to this provision, the product shall be exchanged for an equal quantity of the same product.
 - 1. Where the same product is unavailable because the recall encompasses the total removal of a product from distribution or otherwise, the product shall be exchanged for an equal quantity of a product that is the same type of Alcoholic Beverages, or where such a product is unavailable, the issuance of a credit to the Retailer equal to the original purchase price paid by the Retailer.
- (d) There shall be no refund or credit of any excise tax paid on any products subject to recall for any reason.
- (e) Records regarding recalls of products shall be maintained in a manner consistent with O.C.G.A. § 3-3-6.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3, 3-2-4, 3-3-6.

Rule 560-2-2-.35 Special Use Permits

- (1) The Commissioner may issue a special use permit subject to the following mandatory conditions:
 - a. Using the Georgia Tax Center, accessible through the Department's website, the permittee shall submit an application to the Department no later than ten (10) business days prior to the event; and
 - b. The permittee shall secure all appropriate and necessary local licenses, permits, or authorizations for the event, which must be available for Department inspection upon request.
- (2) The following events shall qualify for a special use permit:
 - a. Estate sales;
 - b. Sales of inventory authorized under a bankruptcy proceeding;
 - c. Inventory auctions; and
 - d. Other such activities as deemed appropriate by the Commissioner.
- (3) All applicable bonds and fees must be paid.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- (4) No special use permit shall be issued unless the applicant is in full compliance with the laws and regulations governing the sale of Alcoholic Beverages, including alcohol excise tax laws.

Authority: O.C.G.A. §§ 3-2-2, 3-2-5, 3-3-1, 3-9-4, 3-14-1.

Rule 560-2-2-.67 Special Events on the Premises of a Licensed Manufacturer or Wholesaler

- (1) Definitions:

For the purpose of this regulation,

- a. "Event Services" means services provided by an event planner, caterer, bartending service, or other third-party food and beverage vendor necessary to organize and execute a special event on the premises of a Manufacturer or Wholesaler on behalf of a Permittee.
- b. "Permittee" means any person issued a special event permit pursuant to this regulation.
- c. "Related Party" means any person who holds an ownership interest in an annual Licensee, is an employee of an annual Licensee, is an immediate family member of any owner or employee of an annual Licensee, or is any person who, in the determination of the Commissioner, has any relationship with an annual Licensee that is not arm's length.

- (2) Permit Applicants:

Persons may apply for a permit to sell or distribute Alcoholic Beverages for consumption on the premises of a licensed Manufacturer or Wholesaler for a period not to exceed three (3) days, subject to the following mandatory conditions:

- a. Applicants shall secure all appropriate and necessary local licenses, permits, or authorizations for the event, which must be submitted to the Department during the application process;
- b. Applicants shall submit an application to the Department no later than ten (10) business days prior to the event using the Georgia Tax Center, accessible through the Department's website;
- c. The rental of the premises of a Manufacturer or Wholesaler for a special event must be made through an arms-length agreement for a flat fee. The agreement cannot be

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

based on the type or quantity of Alcoholic Beverages sold, commission, or a percentage of sales. The agreement must be formalized in writing and available to the Department for inspection upon request;

- d. No special event permit shall be issued unless the applicant is in full compliance with the laws and regulations governing the sale of Alcoholic Beverages and all tax laws of this State; and
- e. No annual Licensee or Related Party may hold a special event on the premises of a licensed Manufacturer or Wholesaler, except where such event will be held on the premises of a licensed Manufacturer or Wholesaler that is located within a local jurisdiction which requires by ordinance that the Permittee be the holder of an annual Retail license.
 - i. No annual retail Licensee shall be issued more than six (6) special event permits per year on the premises of any single licensed Manufacturer or Wholesaler.
 - ii. Permits issued pursuant to this exception shall be imputed between annual Retail Licensees and Related Parties for the purpose of determining the six (6) special event permit limitation.

(3) Duties of the Permittee:

- a. All Alcoholic Beverages to be served or sold at the event must be purchased by the Permittee from a licensed Wholesaler, except where the Alcoholic Beverages have been donated for a charitable event pursuant to Rule 560-2-11-.02.
- b. All Alcoholic Beverages supplied by the Permittee must be clearly identifiable at all times before, during, and after the special event.
- c. Invoices for Alcoholic Beverages purchased by the Permittee must be available for inspection upon request during the event.

(4) Contracting for Event Services:

Nothing in this regulation shall prohibit a vendor ordinarily engaged in the business of providing Event Services who holds a retail or consumption on premises license from providing Event Services as an arms-length independent contractor pursuant to a written agreement.

- a. Permittees shall provide the written agreement for Event Services to the Department for inspection upon request.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-2
GENERAL PROVISIONS**

- b. Event Services vendors may not purchase or provide the Alcoholic Beverages to be sold or dispensed at the special event. All Alcoholic Beverages to be served or sold at the event must be purchased by the Permittee from a licensed Wholesaler, except where the Alcoholic Beverages have been donated for a charitable event pursuant to Rule 560-2-11-.02.
- (5) Duties of the Manufacturer or Wholesaler:
- a. All Alcoholic Beverages owned by the Manufacturer or Wholesaler must be secured by locked barrier and physically isolated at all times from the Permittee and special event attendees.
 - b. Employees of a Manufacturer or Wholesaler are prohibited from providing any services on behalf of a Permittee during a special event, except where services have been donated for a charitable event pursuant to Rule 560-2-11-.02.
 - c. Manufacturers and Wholesalers may not require a Permittee to sell certain brands of Alcoholic Beverages as a condition of the event space rental agreement.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6, 3-14-1, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

TABLE OF CONTENTS

560-2-3-.01 Restriction to Retailer; Storage of Inventory
560-2-3-.02 Restriction to Retailer Business Hours; Exception; Restrictions on Other Mercantile Establishments; Manner of Operation
560-2-3-.03 Place of Sale or Delivery of Goods
560-2-3-.04 Products Other than Distilled Spirits for Sale, Display, or Offer
560-2-3-.05 Games of Chance; Cause for Suspension or Revocation of License
560-2-3-.06 Acceptance of Legal Delivery
560-2-3-.07 Required Signs - Pregnancy Warning and Sales to Underage Persons
560-2-3-.08 Retailer Purchase from Licensed Wholesaler; No Sales Below Purchase Price; Penalty for Violation
560-2-3-.09 Consideration of Goods Bought or Sold, Must Be in Cash; Exceptions
560-2-3-.10 Restriction to Retailers and Retail Consumption Dealers
560-2-3-.11 Keg Registration and Identification
560-2-3-.12 Retailer of Distilled Spirits License
560-2-3-.13 Size of Container Purchased
560-2-3-.14 Consumption on Premises - Retail, Contiguous Operation
560-2-3-.15 Package Sales by Retail Consumption Dealers; Prohibitions
560-2-3-.16 Consumption on Premises; Trade Practices
560-2-3-.17 Outside Delivery of Drinks for Retail Consumption Dealers

Rule 560-2-3-.01 Restriction to Retailer; Storage of Inventory

- (1) No licensed Retailer or Retail Consumption Dealer shall keep any Distilled Spirits stored in any Warehouse, whether bonded or not, nor shall he enter into any agreement whereby Distilled Spirits ordered by him are stored for him by any licensed Wholesaler.
- (2) A licensed Retailer or a Retail Consumption Dealer shall keep no inventory or stock of Distilled Spirits at any place except his licensed Place of Business, and within his licensed Place of Business his storage space for Distilled Spirits shall be immediately adjacent to the room in which he is licensed to do business.
 - (a) If the storage space for Distilled Spirits has an opening leading directly to the outside, the door shall be so equipped that it may only be unlocked and opened from the inside, and shall be opened only while accepting delivery of goods from a licensed Wholesaler;
 - (b) It shall be permissible to store other products, which the Licensee is legally permitted to sell, in the same storage space as described above;

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

- (c) This Rule, however, is subject to the provisions of Rule 560-2-2-.16 of these regulations, which provides for the emergency movement of Distilled Spirits.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-3-.02 Restriction to Retailer Business Hours; Exception; Restrictions on Other Mercantile Establishments; Manner of Operation

- (1) No Retailer of Distilled Spirits shall open its Place of Business or furnish, sell, or offer for sale, any Alcoholic Beverage at any of the following times:
 - (a) In violation of a county or municipal ordinance or regulation;
 - (b) In violation of a special order of the Commissioner;
 - (c) Sundays prior to 11:00 a.m., except as otherwise provided in O.C.G.A. § 3-3-7; or
 - (d) Any other day prior to 8:00 a.m.
- (2) No Retailer of Distilled Spirits shall be in or permit others to be in its Place of Business at any of the following times:
 - (a) In violation of a county or municipal ordinance or regulation;
 - (b) In violation of a special order of the Commissioner;
 - (c) On Sundays prior to 9:00 a.m. or 30 minutes past the closing time, except as otherwise provided in O.C.G.A. § 3-3-7; or
 - (d) Any other day prior to 6:00 a.m. or 30 minutes past the closing time.
- (3) Nothing contained in paragraph (2) shall prohibit a Retailer from being in its Place of Business at any time:
 - (a) For purposes of responding to emergency situations such as fire or burglary;
 - (b) For purposes of taking inventory, making repairs, renovating, or any other Alcoholic Beverage business purpose which does not involve the presence of Persons other than the Retailer, its agents or employees, when the activities could not reasonably be carried out during regular business hours, provided that the Licensee posts on all door entrances to the Place of Business a sign to read: **"CLOSED, NO CUSTOMERS ALLOWED ON PREMISES."**

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

- (c) This exception does not relieve the Licensee from full compliance with all local laws and regulations or authorize the presence on the Retailer's Place of Business of any Person other than the Retailer, its agents or employees.
- (4) Except as provided in Rule 560-2-3-.14, no Retailer shall operate in connection with any other mercantile establishment.

Authority: O.C.G.A. §§ 3-2-2, 3-3-7, 48-2-12.

Rule 560-2-3-.03 Place of Sale or Delivery of Goods

- (1)
 - (a) It shall be permissible for a Retailer to have a drive-in window, and it shall be permissible for the Licensee or any of his employees to deliver Alcoholic Beverages through that window.
 - (b) A Retailer is permitted to load purchased goods into a customer's vehicle when the sale has previously taken place inside the Place of Business.
 - (c) No mechanical devices or contrivances may be used for delivery of, or loading of, merchandise into a customer's vehicle.
 - (d) No individual or business providing delivery for hire may purchase, pickup, or deliver Alcoholic Beverages, except as provided in O.C.G.A. § 3-3-10.
- (2)
 - (a) Except when prohibited by local ordinance, Retailers, excluding those who sell Alcoholic Beverages for consumption on the premises, may offer "online curbside pickup"-type services for sales of Alcoholic Beverages. Purchased goods must be delivered to the customer's vehicle and the vehicle must be located within a clearly designated pickup area located within a paved parking area adjacent to the Place of Business. If the Place of Business is located in a shopping center or other single property owned or leased by more than one business, at the discretion of the Department, the pickup area may be located within a paved parking area that is a part of or adjacent to such shopping center or single property, as long as the pickup area is owned or leased by the Retailer or the Retailer's landlord and is under the supervision and control of the Retailer.
 - (b) Alcoholic Beverages sold as part of "online curbside pickup" services must be pulled from the inventory located at the licensed location of the Retailer providing

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

the "online curbside pickup" services and may not be pulled from the inventory of another Retailer or licensed location.

- (c) Retailers shall require any customer to register with the Retailer before permitting the customer to order Alcoholic Beverages for "online curbside pickup."
- (d) A Retailer may not knowingly transfer Alcoholic Beverages as part of an "online curbside pickup" service to an individual or business providing delivery for hire services, except as provided in O.C.G.A. § 3-3-10.
- (e) Any employee delivering Alcoholic Beverages to a vehicle for "online curbside pickup" must confirm the individual receiving the Alcoholic Beverages is at least 21 years of age.

Authority: O.C.G.A. §§ 3-2-2, 3-3-10, 48-2-12.

Rule 560-2-3-.04 Products Other than Distilled Spirits for Sale, Display, or Offer

No Retailer of Distilled Spirits shall sell, offer for sale, display, furnish, or keep in stock for sale at its licensed Premises where Distilled Spirits are offered for sale, any other products or services except the following:

- (a) Wines, if the Retailer holds a valid and current license to sell Wine at that Place of Business;
- (b) Malt Beverages, if the Retailer holds a valid and current license to sell Malt Beverages at that Place of Business;
- (c) Cigarettes, cigars, chewing tobacco, alternative nicotine products, or vapor products, snuff, if properly licensed to do so, cigarette papers, lighters and matches, chewing gum, breath mints, manufactured packaged consumable single-serving snack items not requiring any preparation for consumption, single-serving pain medications, and over-the-counter birth control devices;
- (d) Beverages containing no Alcohol and which are commonly used to dilute Distilled Spirits;
- (e) Packaged ice, ice chests, and "koozies" (individual can and bottle coolers).
 - 1. The term "packaged ice" shall refer only to ice in packages of five pounds or greater that is also in compliance with Georgia Department of Agriculture Rule 40-7-1-.08, entitled "Food from Approved Source," and the packaging

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

complies with Georgia Department of Agriculture Rule 40-7-1-.26, entitled "Labeling."

- (f) Paper, Styrofoam, or plastic cups, gift bags, which are limited in size to accommodate one 750 milliliter size bottle of Wine or Distilled Spirits, and contain only products approved for sale or display by this regulation.
- (g) Lottery tickets issued by the Georgia Lottery Corporation and any approved Georgia Lottery Corporation lottery materials, provided such Retailer is also an authorized retailer of the Georgia Lottery Corporation;
- (h) Bar supplies, limited to:
 - 1. Corkscrews, openers, straws, swizzle stirrers, and bar-related containers, and wares made of glass, plastic, metal, or ceramic materials.
 - 2. Cocktail olives, onions, cherries, lemons, limes, and sugars or salts produced and marketed specifically for the preparation of Alcoholic Beverage drinks.
 - 3. Alcoholic Beverage drink recipe booklets, bar guides, and consumer-oriented Alcoholic Beverage publications.
- (i) Products co-packaged with Alcoholic Beverages, provided that the products are limited to items approved for sale or display by this regulation, are offered for sale and sold as a single unit, and do not include more than one type of Alcoholic Beverage product;
- (j) Check cashing services arising out of the sale of any product lawfully sold under this Rule;
- (k) Money order sales arising out of check cashing services;
- (l) Automated teller machine service for customer use;
- (m) Gift certificates for use only at the issuing licensed Retailer; and
- (n) Devices and related accessories designed primarily for accessing or extracting alcohol and/or flavorings from prepackaged containers, including pods, pouches, capsules or similar containers, to mix or prepare alcoholic beverages. Devices which are not designed primarily for these purposes, including but not limited to household blenders, are not eligible under this subparagraph.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-3-.05 Games of Chance; Cause for Suspension or Revocation of License

- (1) Any scheme or device involving the hazarding of money or any other thing of value in any licensed Place of Business, or in any room adjoining the same owned, leased or controlled by the business, shall be cause for suspension or revocation of the Licensee's license. Such schemes or devices include but are not limited to:
 - (a) Gambling;
 - (b) Betting;
 - (c) Operating games of chance;
 - (d) Punchboards;
 - (e) Slot machines;
 - (f) Lotteries; and/or
 - (g) Tickets of chance.
- (2) Nothing shall prohibit the operation of a bingo game, where properly licensed, or operating as an authorized retailer of the Georgia Lottery Corporation.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-3-.06 Acceptance of Legal Delivery

- (1) A licensed Retailer shall take delivery of Alcoholic Beverages only:
 - (a) At their licensed Place of Business; and
 - (b) Only from a licensed Wholesaler or a licensed Carrier acting for a licensed Wholesaler.
- (2) A delivering Wholesaler assumes entire responsibility of legal delivery to a licensed Retailer.
- (3) Licensed Retailers shall not:
 - (a) Keep any Alcoholic Beverages stored in any Warehouse, whether bonded or not;

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

- (b) Enter into any arrangement to store ordered Alcoholic Beverages with any licensed Wholesaler, Manufacturer, Broker, Importer, or Shipper; nor
- (c) Keep any stock of Alcoholic Beverages at any place except its licensed Place of Business.

Authority: O.C.G.A. §§ 3-2-2, 3-4-111, 3-5-28, 3-6-26, 48-2-12.

Rule 560-2-3-.07 Required Signs - Pregnancy Warning and Sales to Underage Persons

- (1) All Retail Consumption Dealers, Retailers, distilleries, farm wineries, and breweries in this state who sell at retail any Alcoholic Beverages for consumption on the Premises must display a sign warning that consumption of Alcoholic Beverages during pregnancy can cause birth defects.
 - (a) The Department shall furnish on its website the necessary warning sign that must be displayed;
 - 1. Nothing shall prohibit the display of additional similar information.
 - (b) The warning sign shall be prominently displayed at or near the entrance to where Alcoholic Beverages are consumed and shall be displayed in a readily visible, well lighted place, and safe from being defaced or destroyed;
 - (c) Should the sign be defaced or destroyed, the Licensee shall immediately obtain a replacement from the Department website;
 - (d) Retailers selling Alcoholic Beverages in the unbroken Packages for consumption off the Premises may also display the warning sign.
- (2) Every Retailer shall post in a conspicuous place a notice containing provisions of the laws of Georgia regarding the unlawful sale or furnishing of Alcoholic Beverages to Persons under the lawful drinking age.
 - (a) The Department shall furnish the initial necessary notice that must be displayed;
 - 1. Nothing shall prohibit display of additional similar information.
 - 2. Additional copies may be obtained as a download from the Department's website.
 - (b) This notice shall be prominently displayed in a readily visible, well lighted place, safe from being defaced or destroyed;

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

- (c) Should the notice be defaced or destroyed, the Licensee shall immediately obtain a replacement from the Department website.

Authority: O.C.G.A. §§ 3-1-5, 3-2-2, 3-3-24.2, 48-2-12.

Rule 560-2-3-.08 Retailer Purchase from Licensed Wholesaler; No Sales Below Purchase Price; Penalty for Violation

- (1) Retailers and Retail Consumption Dealers shall only buy, arrange to buy, or in any way effect the transfer of, any Alcoholic Beverages from a licensed Wholesaler.
- (2) All sales made by Wholesalers to licensed Retailers shall be bona fide sales transactions from the Wholesaler to the licensed Retailer.
- (3) No Retailer shall sell Alcoholic Beverages for less than the cost for which the Alcoholic Beverages were purchased from a licensed Wholesaler, as evidenced by the Wholesaler's invoice.
 - (a) The Department shall consider the totality of the invoice as evidence of the cost for which the Alcoholic Beverages were purchased;
 - (b) For the purposes of auditing, the Department shall calculate the cost of an Alcoholic Beverage by applying to the Brand cost any:
 - 1. Free Alcoholic Beverages; and/or
 - 2. Cash discounts.
- (4) Failure to comply with this Rule shall be cause for revocation of the licenses of all licensed Wholesalers and Retailers involved.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6, 3-4-26, 3-5-26, 3-5-27, 3-6-25, 48-2-12.

Rule 560-2-3-.09 Consideration of Goods Bought or Sold, Must Be in Cash; Exceptions

- (1) The consideration for all Alcoholic Beverages sold by any Retailer or Retail Consumption Dealer shall be cash only, and, except as otherwise specifically permitted in paragraph (2) of Rule 560-2-3-.03 of these Regulations, the delivery and payment shall be a simultaneous transaction within the licensed Place of Business.
 - (a) No credit of any fashion shall be extended;

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

- (b) The use of post-dated checks is prohibited.
- (2) The use of a credit or debit card for the purchase of Alcoholic Beverages from a Retailer or Retail Consumption Dealer shall not be prohibited, provided that the credit card represents an unqualified obligation to pay without recourse on the part of the Person, institution, or agency issuing such card.
 - (a) Hotels licensed to sell Alcoholic Beverages shall not be prohibited from billing guests for Alcoholic Beverages, provided that payment is tendered at the time the guest leaves or checks out of the Hotel;
 - (b) The sale of Alcoholic Beverages by bona fide private clubs and lodges where members pay all charges on a monthly basis shall not be prohibited, provided that the receivables from such transactions are promptly placed for collection consistent with sound business practices.
- (3) Consideration paid for Alcoholic Beverages when purchased by Retailers or Retail Consumption Dealers shall be cash paid at or before delivery.
- (4) Where a Wholesaler makes deliveries to two or more Places of Business of the same Retailer or Retail Consumption Dealer, payment for all such deliveries shall be made by the Retailer or Retail Consumption Dealer in one cash payment at or before the last delivery on such day.
- (5) Giving or receiving of post-dated checks, other evidence of indebtedness, or other subterfuges for obtaining or extending credit shall be a violation of this Regulation.
- (6) The consideration for all Malt Beverages purchased from a Wholesaler by a Retailer or Retail Consumption Dealer shall be for cash only at or before the time of delivery except that in the event the Retailer or Retail Consumption Dealer owns more than one business and payment is made from a central office, the Wholesaler is permitted to carry an account for a period not to exceed five (5) days after delivery and invoice.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-3-.10 Restriction to Retailers and Retail Consumption Dealers

No licensed Retailer or Retail Consumption Dealer shall transport Alcoholic Beverages except by Carrier and then only with the written approval of the Commissioner, except for delivery pursuant

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

to O.C.G.A § 3-3-10 or emergency movement of Alcoholic Beverages as provided in Rule 560-2-2-.16.

Authority: O.C.G.A. §§ 3-2-2, 3-3-10, 48-2-12.

Rule 560-2-3-.11 Keg Registration and Identification

- (1) Each retail Licensee selling kegs containing Malt Beverages for consumption off licensed Premises shall require each purchaser to present a Georgia driver's license or other proper identification at the time of purchase.
- (2) Upon the sale of a keg of Malt Beverage, Licensees shall record the following information on the keg registration label or tag provided by the Department and shall affix the completed label or tag to the keg:
 - (a) Name and address of the retail Licensee;
 - (b) Keg identification number; and
 - (c) State alcohol license number of the business.
- (3) The Licensee shall record for each keg sale the following information on an identification form:
 - (a) Date of sale;
 - (b) Size of the keg;
 - (c) Keg identification number;
 - (d) Amount of container deposit;
 - (e) Amount of keg registration fee;
 - (f) Name, address, and date of birth of the purchaser; and
 - (g) Form of identification presented by the purchaser.
- (4) Prior to the culmination of the sale, the purchaser shall read and sign a statement acknowledging and attesting to the following:
 - (a) Accuracy of the purchaser's name and address;
 - (b) Location where the keg contents will be consumed;

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

- (c) Knowledge that a violation of O.C.G.A. § 3-3-23, as it relates to furnishing Alcoholic Beverages to Persons under the age of twenty-one (21) years, may result in civil liability, criminal prosecution, or both; and
 - (d) Removal or obliteration of the keg registration label or tag is a violation of O.C.G.A. § 3-5-5 and that this violation may result in criminal prosecution as set forth in O.C.G.A. § 3-3-9.
- (5) Licensees are authorized to charge a keg registration fee due at the time of sale of the keg.
- (6) Licensees are authorized to charge a container deposit due at the time of sale of the keg.
- (a) When the keg is returned and satisfies the conditions outlined in paragraph (7), the container deposit shall be refunded to the purchaser.
 - (b) The Licensee is authorized to retain any container deposit if the keg is returned without the label or the keg identification number, or if the information is illegible.
- (7) Upon return of the keg, the Licensee shall record the condition of the label and keg identification number on the identification form.
- (8) The Licensee shall retain all keg registration information at the Licensee's licensed Premises for a period of six months from the date of sale.
- (a) Keg registration tags and labels issued by the Commissioner are for the use of the Licensee of the licensed Premises at the address as shown on the state license.
 - (b) Keg registration tags and labels are not transferable from one Licensee to another Licensee, or from one licensed Premises to another licensed Premises.

Authority: O.C.G.A. §§ 3-2-2, 3-5-5, 48-2-12.

Rule 560-2-3-.12 Retailer of Distilled Spirits License

- (1) Every applicant for a State license as a Retailer of Distilled Spirits shall comply with the requirements and qualifications set forth in Rule 560-2-2-.02 of these Regulations and this Rule. The requirements and qualifications in this Rule are cumulative and not in lieu of any requirements and qualifications of Rule 560-2-2-.02.
- (2) In all cases where the owner of the business is a resident individual, the application shall be made in that name.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

- (a) Where the owner is a partnership, association, or non-resident of a county or municipality in which the sale of Distilled Spirits is authorized, the application shall be made in the name of a resident officer of a county in which the sale of Distilled Spirits is authorized, partner or associate owning a substantial interest in the business, or in the name of the principal resident managing officer, and the application shall show that the license is for the use of the owner, and the owner shall be named, and both shall be bonded;
 - (b) In the event the owner is a corporation or fraternal organization, the application may be submitted as set forth in Rule 560-2-2-.02 of these Regulations.
- (3) A separate Retailer license shall be required for each Place of Business.
- (4) The requirement that an applicant's license be for the same location may be waived by the Department where the location previously occupied was lost as the result of the judgment of a court of general jurisdiction involving no fault or default of the Person under whom the applicant had occupied the Premises, the condemnation of the property by an authority having the power of eminent domain, or the due acquisition of the property of such authority under the threat of condemnation.
- (a) The requirement that an applicant's license be for the same location may be waived by the Department where the net effect of the proposed change is to reduce the number of package stores attributed to a Person or in which an applicant and his family holds an interest.
- (5) No Retailer of Distilled Spirits shall be approved where the Licensee pays to any Person, firm or corporation any rent, management fee, or other payment based on the profits or sales of such licensed Premises.
- (a) Every applicant for a retail license for Distilled Spirits shall attach to the application a copy of the applicant's lease if the applicant is leasing the Premises. The application will be denied if the rental payments are anything other than fixed amounts reasonable for the area and consistent with rent paid for similar accommodations by other retail business establishments.
- (6) All leases for a Retailer of Distilled Spirits shall be in writing and for a term not less than the period of such license. In the event the lease is terminated for any reason, the retail license shall be terminated immediately.
- (7) Application for a Retailer of Distilled Spirits for a location that has not been licensed in the previous twelve (12) months shall include a certificate or scale drawing of a registered

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

surveyor that the proposed location complies with the Act in regard to distances from alcohol treatment centers, churches, schools, and licensed locations for retail sale of Distilled Spirits.

- (8) Pursuant to O.C.G.A. § 3-4-21, no person shall be issued more than two Retailer of Distilled Spirits licenses, nor shall any person be permitted to have a beneficial interest in more than two Retailer of Distilled Spirits licenses, regardless of the degree of such interest, except under subparagraph (b) of this paragraph 8.
- (a) For purposes of this regulation, a person shall be deemed to have a beneficial interest in a Retailer license when they:
1. Holds a Retailer of Distilled Spirits license;
 2. Has any ownership interest, whether legal, equitable or other, in or control over a retail distilled spirits business;
 3. Holds a retail license for or has any ownership interest in a beer or wine business which is conducted in conjunction with or immediately adjacent to a retail distilled spirits business; or
 4. Holds the license for or has any ownership interest in any retail Alcoholic Beverage business and has any financial, contractual, or other business interest, including any lease arrangement, in or with a retail distilled spirits business or licensee.
- (b) Under the *de minimis* concept, a person who owns less than five percent (5%) of the shares of a corporation which has more than thirty-five (35) shareholders or whose stock is publicly traded shall not, on the fact of stock ownership alone, be deemed to have a beneficial interest in the retail distilled spirits business of such corporation.
- (9) With regards to tasting events, should any broken package containing Alcoholic Beverages be stored by a Retail Package Liquor Store not licensed for retail sales for consumption on the premises pursuant to O.G.C.A. § 3-15-2(9), such package shall be considered an “open package” at all subsequent tasting events for purposes of O.G.C.A. § 3-15-2(3) until such package is entirely consumed or disposed of.

Authority: O.C.G.A. §§ 3-2-2; 3-4-21, 3-15-2, 3-15-3, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

Rule 560-2-3-.13 Size of Container Purchased

- (1) Except as provided in paragraph (2) of this rule, no Retail Consumption Dealer may purchase Distilled Spirits which exceed ten percent (10%) alcohol by volume in containers smaller than 750 milliliters.
- (2) A Retail Consumption Dealer may purchase Distilled Spirits that exceed ten percent (10%) alcohol by volume in containers of 375 milliliters or greater where such brands are not commercially available in containers of 750 milliliters or greater as certified by the Manufacturer with the Department. Manufacturer certification shall be made to the Department at the time of brand registration by electronic means prescribed by the Commissioner.
- (3) A Manufacturer is permitted to bundle single-serving containers of Distilled Spirits containing less than 750 milliliters in secure packaging where the aggregate volume of the bundled containers meets or exceeds 750 milliliters. Single-serving containers must remain bundled until the moment of service to the ultimate consumer by a Retail Consumption Dealer.
- (4) The sale of Distilled Spirits by a Retail Consumption Dealer Licensee in unbroken Packages or in any quantity for other than consumption on the Premises is expressly prohibited.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-3-.14 Consumption on Premises - Retail, Contiguous Operation

- (1) A Person holding a Retail Consumption Dealer license and a valid Retailer of Distilled Spirits license at locations where the Premises of each Place of Business is contiguous to the other and where each business is treated as completely separate for all purposes, including such things as inventory, purchasing and record maintenance, may have a door between the retail Place of Business and the consumption on premises Place of Business subject to the following conditions:
 - (a) Each Place of Business must hold a proper license;
 - (b) Each Place of Business must operate in compliance with all laws and regulations applicable to such business;

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

- (c) The door between the Places of Business must be closed and locked during days and hours when the operation of either Place of Business is prohibited;
 - (d) Each Place of Business must have a separate entrance for the public and no common entrance shall be permitted;
 - (e) Each Place of Business shall have a separate and distinct trade name;
 - (f) Any storage room for the retail Place of Business shall be in compliance with all rules and regulations pertaining to that retail Place of Business;
 - (g) Distilled Spirits may only be sold and delivered in the retail Place of Business;
 - (h) Only the Licensee of each Place of Business or his employees shall be permitted ingress and egress through the passageway or door separating the two Places of Business, and all such Persons must have a proper personnel statement on file with the Department at all times;
 - (i) A separate cash register shall be maintained in each Place of Business and all business transactions of the two Places of Business shall be kept separate;
 - (j) The passageway or door between the two Places of Business shall be located behind the bar or service counter of each Place of Business or otherwise so situated or maintained as to be accessible only to the Licensee and his employees and such passageway or door shall not be used by customers, patrons, or any other Persons not permitted by this Regulation.
 - 1. Any connecting door or passageway which is not located behind the bar or service counter of each Place of Business must be specially approved by the Commissioner. There shall be permanently affixed on or beside that door or passageway a sign in letters at least two inches in height stating "Employees Only May Use This Door--Revenue Regulation 560-2-3-.14."
- (2) It is the express intent of this Regulation that if a Retailer of Distilled Spirits location is operated adjacent to an establishment which sells Alcoholic Beverages for consumption on the premises as provided in paragraph (1) of this Regulation with an inside connecting service door, such Retailer of Distilled Spirits location shall remain a distinct and separate business entity, and the Retailer of Distilled Spirits location is hereby declared to be a separate Premises from the establishment which sells Alcoholic Beverages for consumption on the premises.
- (3) It shall be a violation of this Regulation for any Licensee to sell, offer to sell, or keep for the purpose of sale any item not commonly associated with that establishment. Prohibited

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

items shall include, but are not limited to, guns, ammunition, knives, weapons of any character, gambling paraphernalia, including playing cards or dice, non-immediately consumable items including groceries or any other items not commonly associated with the consumption of Alcoholic Beverages or establishments licensed for the sale of Alcoholic Beverages for consumption on the premises.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-3-.15 Package Sales by Retail Consumption Dealers; Prohibitions

- (1) A Retail Consumption Dealer shall not sell Distilled Spirits in Packages for carryout purposes at any time.
- (2) Retail Consumption Dealers shall not sell beer or Wine by the Package for carryout purposes:
 - (a) On any day or at any time when the sale of Package beer or Wine for carryout purposes is otherwise prohibited by law; or
 - (b) At any location which is within distances to grounds or buildings where the sale of Alcoholic Beverages for carryout purposes is otherwise prohibited by law.
- (3) Any Retail Consumption Dealer violating the provisions of this Rule shall be subject to the suspension or revocation of licenses to sell Alcoholic Beverages.
- (4) Pursuant to O.C.G.A. § 3-6-4, a restaurant that is a Retail Consumption Dealer may allow a patron to remove a partially consumed bottle of Wine which was:
 - (a) Purchased from the Licensee;
 - (b) Partially consumed in conjunction with a meal purchased from the Licensee;
 - (c) Securely resealed with tamper-resistant tape by the Licensee; and
 - (d) Placed in a bag or container that is secured in such a manner that it would be visibly apparent if the container has been subsequently opened or tampered with, along with an affixed, dated receipt indicating the terms of the purchase.

Authority: O.C.G.A. §§ 3-2-2, 3-3-7, 3-3-20, 3-3-21, 3-6-4, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

Rule 560-2-3-.16 Consumption on Premises; Trade Practices

- (1) All Persons licensed to sell or dispense Alcoholic Beverages by the drink for consumption on the premises and the employees of such Person shall not:
 - (a) Sell or dispense any drinks not containing the exact brand, brands, or mixtures ordered or requested by the customer or consumer; or
 - (b) Make any statement which is false or untrue in any fashion or which by any means tends to create a misleading impression as to the quality of any Alcoholic Beverage to the customer or consumer.
- (2) All Persons licensed to sell or dispense Alcoholic Beverages by the drink for consumption on the premises or the employees of such Person shall upon request of any customer or consumer:
 - (a) Divulge to that customer or consumer the quantity of Alcoholic Beverage contained in each drink sold to him or her; and
 - (b) Shall exhibit the specific brand or brands of Alcoholic Beverage contained in each drink to that customer.
- (3) In the case of Distilled Spirits, no Licensee, in the preparation of mixed drinks for consumption on the premises, shall dispense one brand of Distilled Spirits from the container of any other brand of Distilled Spirits or from any container whatsoever except from that originally purchased from a licensed Wholesaler.
 - (a) No container may be refilled with any substance, including but not limited to water, under any conditions or for any reason.
- (4) No Person shall knowingly, and/or cause any other Person to, possess, sell, ship, transport, or in any way dispose of any Alcoholic Beverages under any name other than the proper name or brand known to the industry as designating the kind and quality of the contents of the package or other containers of that Alcoholic Beverage.
- (5) Establishments licensed to dispense Distilled Spirits by the drink shall not through general advertising media, advertise the alcoholic contents or measurements of Distilled Spirits contained in such drinks.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

Rule 560-2-3-.17 Outside Delivery of Drinks for Retail Consumption Dealers

- (1) For purposes of this Regulation, the term "Licensed Premises" shall include the Place of Business and Premises that:
 - a. Is approved by the local governing authority;
 - b. Has the same address as the Licensed Premises;
 - c. Is owned or leased by the Retail Consumption Dealer;
 - d. Is not public domain;
 - e. Is served from the same bar or serving location that permanently services the Licensed Premises; and
 - f. Is under the exclusive custody and control of the Retail Consumption Dealer.
- (2) A Retail Consumption Dealer shall not sell, serve, or deliver or permit the sale, service, or delivery of Alcoholic Beverages except within the Licensed Premises.
- (3) Any area under the exclusive custody and control of the Retail Consumption Dealer that is not located at only one address and is not registered or licensed as a single Place of Business with the local licensing authority and the State of Georgia is subject to Rule 560-2-3-12.
- (4) A Retail Consumption Dealer shall be responsible for:
 - a. All sale, delivery, or service of Alcoholic Beverages through any window, door, or other opening in the Licensed Premises; and
 - b. Consumption and possession of all Alcoholic Beverages by any Person located on the Licensed Premises.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-4
WHOLESALER**

TABLE OF CONTENTS

560-2-4-.01 Wholesaler; Additional Requirements of Licensee
560-2-4-.02 Delivery Charges and Special Charges
560-2-4-.03 Transportation of Distilled Spirits; Vehicle Requirements
560-2-4-.04 Transportation of Distilled Spirits; Limitations
560-2-4-.05 Trade Practices - Inventory Rotations; New Brands; Displays and Bins
560-2-4-.06 Sale Limitation; Delivery
560-2-4-.07 Wholesaler Posted Price for Distilled Spirits and Malt Beverages
560-2-4-.08 Inventories
560-2-4-.09 Audits; Assignment of Auditors; Due Cause
560-2-4-.10 Requirements for Salespersons and Representatives of Wholesalers
560-2-4-.11 Warehouse - Hub and Spoke Operations

Rule 560-2-4-.01 Wholesaler; Additional Requirements of Licensee

- (1) A person applying for a license as a Wholesaler shall, in addition to providing the information required by these regulations, provide the Commissioner with the following items:
- (a) A copy of the deed or purchase contract for the proposed licensed Premises, if the licensed Premises is owned by the applicant;
 - (b) A copy of applicant's lease agreement for the licensed Premises if the proposed licensed Premises is not owned by the applicant;
 - 1. The term of the lease shall not be less than the term of the license sought by applicant.
 - (c) The applicant's scheduled hours and days of operation, including the hours and days when the licensed location is open and staffed.
- (2) The Wholesaler shall:
- (a) Maintain all inventory records at the licensed Premises for no less than three (3) years;
 - (b) Maintain all Alcoholic Beverages separately from all other products of the Wholesaler or from the products of any other parties sharing the facility;
 - 1. Any separate location shall be a secured location under the custody and control of only the applicant, its agent, or employees.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-4
WHOLESALER**

- (c) Maintain and have custody and control over direct access from outside the facility into the licensed Premises.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-4-.02 Delivery Charges and Special Charges

- (1) Delivery Charges: When a shipment to a Retailer or Retail Consumption Dealer consists only of an order for the delivery of Alcoholic Beverages of less than one case of a single or an assortment of brands, the Wholesaler may charge the Retailer or Retail Consumption Dealer a special delivery charge of no more than twenty dollars (\$20.00) for that delivery.
- (2) The amount of a delivery charge, other than special charges, shall be the same as applied to all of the Wholesaler's Retailers and/or Retail Consumption Dealers for shipments of less than one case.
- (3) All special charges, including fuel surcharges, shall be shown on invoices to the Retailer or Retail Consumption Dealer.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-4-.03 Transportation of Distilled Spirits; Vehicle Requirements

- (1) Except for military deliveries as provided in Rule 560-2-15-.03 of these regulations and except for emergency movements as provided in Rule 560-2-2-.16 of these regulations, all transportation of Distilled Spirits from one point within Georgia to another within Georgia shall be by Carrier unless otherwise provided for in this Rule.
- (2) A licensed Manufacturer may transport its product to a Wholesaler under the same provisions as set forth in this Regulation for a licensed Wholesaler.
- (3) A licensed Wholesaler may only transport Alcoholic Beverages in vehicles owned or leased by that Wholesaler.
 - (a) An Alcoholic Beverage Wholesaler may also transport Alcoholic Beverages in vehicles owned or leased and operated by a Wholesaler's employees;
 - (b) Any vehicle used to transport Alcoholic Beverages, whether owned by the Wholesaler or by an employee of that Wholesaler, shall be properly identified;

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-4
WHOLESALER**

1. Proper identification shall include the Wholesaler's trade name or state license number in a conspicuous place on each side of the vehicle.
2. The lettering for that identification shall not be less than two (2) inches in height and not less than one (1) inch in width, and clearly spaced so as to be clearly visible when read from a reasonable distance.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-4-.04 Transportation of Distilled Spirits; Limitations

- (1) Transportation of Distilled Spirits shall be made on any day except Sundays. Each shipment shall be accompanied by an invoice or itemized list showing in detail the number of cases, the size of containers, Alcohol Type, Brand and price of Distilled Spirits included in the shipment and the point of origin and the point of destination.
- (2) No licensed Wholesaler shall transport, or cause to be transported, any Distilled Spirits to any point outside of Georgia without the special approval of the Commissioner.
- (3) No other goods, wares, merchandise, or property of any description, except Wine, Malt Beverages and those items that are lawfully sold in a Retailer's licensed location pursuant to Rule 560-2-3-.04 may be transported in a vehicle transporting Distilled Spirits.

Authority: O.C.G.A. §§ 3-2-2, 3-4-153, 48-2-12.

Rule 560-2-4-.05 Trade Practices - Inventory Rotations; New Brands; Displays and Bins

- (1) No Wholesaler, or anyone acting on its behalf, shall alter, disturb, move, rearrange, or remove any Alcoholic Beverage within any Premises of a Retailer or Retail Consumption Dealer, except:
 - (a) In a retail business where a Malt Beverage Wholesaler has been assigned a specific cooler and/or shelf space, the Malt Beverage Wholesaler may affix the price, as designated by the Retailer, and place its Brand Label in an assigned specific cooler and/or shelf space;
 1. Wholesaler personnel cannot subsequently change or alter the retail price information affixed to Malt Beverages at time of delivery.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-4
WHOLESALER**

- (2) A Malt Beverage Wholesaler may rotate its inventory while stocking its assigned Brand Label within the Place of Business of a Retailer including storerooms, product displays, warm shelves, and coolers.
- (3) Upon introduction of a new Brand Label for distribution and sale in Georgia, or within a Wholesaler's sales territory, Wholesalers, at the request of a Retailer or Retail Consumption Dealer, may assist in rearranging available cooler and/or shelf space which has been previously assigned to the Wholesaler.
 - (a) This service is permitted only within sixty (60) calendar days of date of receipt of first shipment of the Brand Label by the Wholesaler and is limited to the rearranging of the Wholesalers' designated Brand Labels.
- (4) Permitted sales Representatives of Wholesalers, Brokers, Importers, and Manufacturers may deliver generic point-of-sale displays and bins to Retailers provided such displays are made available to all Retailers and Retail Consumption Dealers on equal terms.
- (5) The Wholesaler, at the request of a Retailer or Retail Consumption Dealer, **may** construct displays and bins on the Premises of a Retailer or Retail Consumption Dealer.
 - (a) These are allowed as part of the Wholesaler's marketing function;
 - (b) The construction or setup of displays and bins may include initially stocking the display with Alcoholic Beverages;
 - (c) Any further resets of Alcoholic Beverages associated with the display must be as prescribed under Rule 560-2-2-.17.
- (6) No Wholesaler, Broker, Importer, Manufacturer, or any of their employees or agents shall alter, disturb, block, or in any way impede the property of any other Wholesaler or the products or displays relating to products offered by other Wholesalers.
- (7) Wholesalers are not permitted to re-shelve Alcoholic Beverages contained in a display or bin.
- (8) Except as provided in paragraph (3) of this regulation, all services authorized to be performed by a Wholesaler on or within the Place of Business of a Retailer or Retail Consumption Dealer must be performed within five (5) business days (excluding state holidays and Sunday) after the date of delivery by the Wholesaler, its employees, agents, or contractors.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-4
WHOLESALER**

- (a) Wholesalers shall maintain written copies of their schedules for a subsequent period of three calendar years and make such schedules available to the Commissioner upon request.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6, 48-2-12.

Rule 560-2-4-.06 Sale Limitation; Delivery

- (1) Licensed Wholesalers shall sell only to Georgia Wholesalers, Importers, Retailers or Retail Consumption Dealers holding a valid license.
- (2) Alcoholic Beverages shall only be delivered to the Premises of such Retailers or Retail Consumption Dealers by a vehicle leased, owned, or authorized by these regulations and operated by a Wholesaler with a proper state-issued license or permit to make sales and deliveries within the municipality or county in which the sale and delivery occurs.
- (3) Alcoholic Beverages sold shall not be received, stored, or delivered to any other place than the Place of Business for which a Retailer or Retail Consumption Dealer license has been issued except as otherwise permitted under these regulations.
- (4) It shall be a violation of these regulations for any Wholesaler to sell or deliver Brands of Alcoholic Beverages in a territory designated to another Wholesaler for such Brands.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-4-.07 Wholesaler Posted Price for Distilled Spirits and Malt Beverages

- (1) Every licensed Wholesaler of Distilled Spirits and/or Malt Beverages shall file with the Commissioner a list setting forth all Alcohol Types, Brands, Brand Labels and sizes of Distilled Spirits and Malt Beverages being handled by the Wholesaler for each designated sales territory.
- (2) All price listings for Distilled Spirits and Malt Beverages shall be submitted via the Wholesaler's Georgia Tax Center (GTC) account.
 - (a) All prices listed for Distilled Spirits and Malt Beverages shall include all federal and state taxes. Malt Beverage listings shall include county and municipal taxes.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-4
WHOLESALER**

- (b) No licensed Wholesaler shall make any sale of Distilled Spirits or Malt Beverages for any price lower than the price posted with the Department, except that sales may be made less state tax to persons entitled to exemption from such tax.
- (3) Quantity discounts, including cash, merchandise, and free Alcoholic Beverages provided by the licensed Wholesaler, must be listed separately from the non-discounted price.
 - (a) Quantity discounts shall be for the same Brand and Alcohol Type as required to be purchased to participate in the quantity discount listed by the licensed Wholesaler;
 - (b) Quantity discounts as provided for may not be used as a device or subterfuge to circumvent the provisions of Rule 560-2-2-.13;
 - (c) The quantity discount price shall be available to all Retailers and Retail Consumption Dealers within the Wholesaler's assigned sales territory;
 - (d) Quantity discount prices for Distilled Spirits may continue for a maximum of sixty (60) calendar days from the initial date of sale and delivery of the product to the Retailer or Retail Consumption Dealer provided the applicable price posting specifically notes the availability of the extended discount price on specific products;
 - (e) Quantity discounts for Malt Beverages must be posted at the same time and for the same duration as the actual price posting.
- (4) All reported prices shall be effective the Monday following the date of filing with the Department and shall remain in effect until amended.
- (5) Prices may not be amended for a period of:
 - (a) Fourteen (14) days after the previous effective filing date for Distilled Spirits;
 - (b) One hundred eighty (180) days after the previous effective filing date for Malt Beverages.
 - 1. The Commissioner may grant a waiver of the one hundred eighty (180) day period for Malt Beverages when extenuating circumstances are shown and subject to the following conditions:
 - (i) In the event a change in posted prices for Malt Beverages is requested, the Wholesaler shall submit with the request substantial documentation indicating to the satisfaction of the Commissioner justification for such increase or decrease; and

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-4
WHOLESALER**

- (ii) In the event a waiver in writing is granted for Malt Beverages by the Commissioner pursuant to this Regulation, no subsequent increase or decrease in posted prices shall be permitted within a period of one hundred eighty (180) days after the date of the approval and waiver by the Commissioner unless a subsequent waiver is obtained from the Commissioner in the same manner and under the same conditions as specified in this Rule.
- (6) Every Wholesaler, or Wholesaler employee, when calling on Retailer or Retail Consumption Dealer for the purpose of conducting business, shall have in their possession, and available to such licensee, a copy of the price list as reported to the Commissioner.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3, 3-2-6, 48-2-12.

Rule 560-2-4-.08 Inventories

- (1) Every licensed Wholesaler shall prepare a report, submitted via the Georgia Tax Center (GTC) setting forth (i) total containers by size and (ii) total liters by tax category of Distilled Spirits, Malt Beverages, and Wine on hand as of close of business January 31 and July 31 of each year, and at any other time as directed by the Commissioner or by any authorized agent of the Commissioner.
- (2) The Wholesaler shall file the report via GTC with the Commissioner no later than ten (10) days following taking of the inventory.
 - (a) A detailed record of the physical inventories, broken down by Brand, Brand Label, Alcohol Type and size, must be available at all times at the Wholesaler's licensed Premises for verification by the Commissioner's agents.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3, 3-2-6, 48-2-12.

Rule 560-2-4-.09 Audits; Assignment of Auditors; Due Cause

- (1) In addition to the audits provided for in Rule 560-2-7-.02, the Commissioner, based on credible information that a Wholesaler is not remitting local taxes in a timely manner, may direct Department agents to perform any level of examinations or audits necessary to ensure that:
 - (a) Each taxing jurisdiction has been properly paid the taxes as required; and

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-4
WHOLESALE**

- (b) All applicable state taxes have been paid on each business transaction.
- (2) Upon discovery of any discrepancy, the Commissioner shall report any findings to any and all taxing jurisdictions concerned; and
 - (a) The Commissioner may order the Wholesaler to show cause as to why the Wholesaler's license should not be suspended or revoked, or have other penalties imposed.
- (3) The Department shall make available to any local taxing jurisdiction all:
 - (a) Excise tax reports;
 - (b) Audit briefs and reports;
 - (c) Alcoholic Beverage shipment records; and
 - (d) Any other investigative summaries and documents necessary for those taxing jurisdictions to conduct an independent audit of or inquiry into the reports of any licensed Wholesaler.

Authority: O.C.G.A. §§ 3-2-2, 3-2-11, 3-2-32, 48-2-12.

Rule 560-2-4-.10 Requirements for Salespersons and Representatives of Wholesalers

- (1) No person shall be a salesperson or Representative of a licensed Wholesaler unless:
 - (a) The employing Wholesaler has notified the Department of the person's appointment as a salesperson or Representative;
 - (b) The salesperson or Representative has, under oath, completed and filed an application for a permit in the form prescribed by the Commissioner;
 - (c) The Commissioner has issued the permit to such salesperson or Representative;
- (2) The permit shall expire upon written notice to the Commissioner by the Wholesaler that it no longer employs the salesperson or Representative.
- (3) It shall be a violation of this Regulation for a salesperson or Representative of a licensed Wholesaler to:
 - (a) Engage in any activity that is in violation of the laws or regulations of any federal, state, county, or municipal governing authority or regulatory agency; and/or

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-4
WHOLESALER**

- (b) Cause Alcoholic Beverages to be delivered to an unlicensed place of business.
- (4) A salesperson or Representative of a licensed Wholesaler violating these regulations may be cited and required to show cause as to why his or her permit should not be suspended or revoked.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-4.11 Warehouse - Hub and Spoke Operations

- (1) With the Department's advance approval, a Wholesaler may use Warehouse space as a staging area for the routine transfer of Alcoholic Beverages for delivery within the Wholesaler's designated territory without additional licensing requirements, subject to the following requirements:
 - (a) The Warehouse space must be either owned or leased solely by the Wholesaler;
 - (b) The Warehouse space must not be shared with any other business entity;
 - (c) The Warehouse space must be located within a jurisdiction that allows the sale and retail consumption of Alcoholic Beverages; and
 - (d) The request for authorization from the Department must contain the street address of the Warehouse space.
- (2) The Wholesaler must attest that:
 - (a) No business activity will occur at such Warehouse other than the routine transfer of Alcoholic Beverages; and
 - (b) Such Warehouse will not be used for direct shipments of Alcoholic Beverages from Shippers/Manufacturers to a Wholesaler.
- (3) All Alcoholic Beverages transferred at such Warehouse shall be properly invoiced prior to moving to the Warehouse.
- (4) At no time will Alcoholic Beverages be allowed to remain at such Warehouse in excess of two (2) consecutive days.
- (5) Departmental approvals shall:
 - (a) Not extend beyond twelve (12) calendar months from the date of approval;

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-4
WHOLESALER**

- (b) Be renewed annually during the license renewal process;
- (c) Be made a part of the Wholesaler's licensing file maintained by the Department;
and
- (d) Require that any changes to the original request must be submitted in writing and approved in advance.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-5
MANUFACTURERS, SHIPPERS, IMPORTERS, & BROKERS**

TABLE OF CONTENTS

560-2-5-.01 Advertising Material; Assessments for Advertising
560-2-5-.02 Unlawful Shipments; Seizure; Assessment
560-2-5-.04 Damaged, Lost, or Stolen Goods; Notification
560-2-5-.05 Correct Brand Labeling; Private Brand Label
560-2-5-.06 Registration Requirements for Representatives of Manufacturers
560-2-5-.07 Repealed
560-2-5-.08 Initial Registration by Manufacturer, Shipper, Importer, or Broker; Designation of Wholesalers and Sales Territories
560-2-5-.09 Registering Additional Brands and Brand Labels for Designation of Wholesalers and Sales Territories; Notice to Previously Designated Wholesaler(s)
560-2-5-.10 Changing Brands and Brand Labels Registration, Designation of Wholesalers or Sales Territories
560-2-5-.11 Allocation of Designated Brand Labels for Wine

Rule 560-2-5-.01 Advertising Material; Assessments for Advertising

- (1) No Manufacturer, Shipper, Importer, or Broker shall make any assessment or surcharge against any Wholesaler on the purchase of Alcoholic Beverages, or otherwise, for advertising purposes.
 - (a) This Rule does not prohibit charging for advertising which is voluntarily requested and for which a fair market value is charged.
- (2) No licensed Retailer or Retail Consumption Dealer shall accept from a Wholesaler, directly or indirectly, any free goods or free merchandise, except standard Manufacturer, Shipper, Importer, or Broker advertising material, nor shall any licensed Retailer or Retail Consumption Dealer accept such advertising material on consignment.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-5-.02 Unlawful Shipments; Seizure; Assessment

- (1) Any and all Alcoholic Beverages shipped into or sold within Georgia by any Manufacturer, Shipper, Importer, or Broker that is not in compliance with the provisions of this Act or the provisions of the regulations promulgated pursuant to the Code shall be deemed contraband and shall be seized by agents of the Commissioner and any law enforcement agent in Georgia and disposed of according to the Act.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-5
MANUFACTURERS, SHIPPERS, IMPORTERS, & BROKERS**

- (2) Any Manufacturer, Shipper, Importer or Broker of contraband Alcoholic Beverages shall pay the full amount of tax as assessed to Georgia as determined by the Commissioner on Alcoholic Beverages shipped or sold in violation of the laws.
- (3) Any Shipper may be required to appear before the Commissioner to show cause why the Shipper's license to ship into or within Georgia should not be revoked or suspended, have its bond forfeited, or both.

Authority: O.C.G.A. §§ 3-2-2, 3-2-33, 3-2-35, 48-2-12.

Rule 560-2-5-.04 Damaged, Lost, or Stolen Goods; Notification

- (1) Should any Alcoholic Beverages that are enroute to, carried through, or carried within Georgia become damaged, destroyed, lost, or stolen during transit, the Shipper or Carrier shall immediately notify the Commissioner.
- (2) The Shipper or Carrier shall identify the Alcoholic Beverages so far as possible by type, Brand, Brand Label, type of Alcoholic Beverage, size and quantity.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6, 48-2-12.

Rule 560-2-5-.05 Correct Brand Labeling; Private Brand Label

- (1) All licensed Manufacturers are required to correctly label all goods by Brand Label produced by them, including the bottles, containers, and cases.
- (2) The Brand Labels shall all contain alcohol content by volume.
- (3) Manufacturers are required to provide a copy of U.S. Alcohol and Tobacco Tax and Trade Bureau Brand Label approval that shall be submitted to the Commissioner along with the request, except where not required by statute.
- (4) Any private Brand Label Alcoholic Beverage to be offered for sale within Georgia shall:
 - (a) Receive prior approval of the Commissioner;
 - (b) Be the product of an arms-length transaction between the contracting Retailer and the Manufacturer, in which the Retailer has no direct involvement in the manufacturing process; and

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-5
MANUFACTURERS, SHIPPERS, IMPORTERS, & BROKERS**

- (c) The Wholesaler must offer the Alcoholic Beverages to all Retailers on equal terms.

Authority: O.C.G.A. §§ 3-2-2, 3-4-152, 48-2-12.

Rule 560-2-5-.06 Registration Requirements for Representatives of Manufacturers

- (1) Every agent, Representative, salesperson, or employee of any brewer, winery, distillery, Manufacturer, Importer, Shipper, or Broker shipping or causing to be shipped Alcoholic Beverages into or within Georgia shall register with the Department before carrying on any activity involving the selling, promoting, displaying, or advertising of Alcoholic Beverages.
- (2) No person shall be a Representative of a Licensee unless:
- (a) The employer has notified the Department of the person's appointment as a Representative;
- (b) The Representative has, under oath, completed and filed an application for a permit in the form prescribed by the Commissioner;
- (c) The Commissioner has issued the permit to such Representative;
1. The permit shall expire upon notice to the Commissioner by the Manufacturer that it no longer employs the Representative.
- (3) Representatives registered under this Rule shall be authorized to contact Wholesalers and Retailers and Retail Consumption Dealers for purposes of carrying on business related to Alcoholic Beverages in Georgia.
- (4) It shall be a violation of this Regulation for a Representative of a licensed Manufacturer to:
- (a) Engage in any activity that is in violation of the laws or regulations of any federal, state, county, or municipal governing authority or regulatory agency; or
- (b) Cause Alcoholic Beverages to be delivered to an unlicensed place of business.
- (5) A Representative of a licensed Manufacturer violating these regulations may be cited and required to show cause as to why his or her permit should not be suspended or revoked.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-5
MANUFACTURERS, SHIPPERS, IMPORTERS, & BROKERS**

Authority: O.C.G.A. §§ 3-2-2, 3-5-40, 48-2-12.

Rule 560-2-5-.07 Repealed

Authority: O.C.G.A. §§ 3-2-2, 3-2-6, 48-2-12.

**Rule 560-2-5-.08 Initial Registration by Manufacturer, Shipper, Importer, or Broker;
Designation of Wholesalers and Sales Territories**

- (1) Except where not required by law, every Manufacturer, Shipper, Importer, or Broker shall, at least thirty (30) days in advance of offering any Alcoholic Beverages for sale for the first time in Georgia:
 - (a) Submit an application for a license through the Georgia Tax Center and:
 1. Include one U.S. Alcohol and Tobacco Tax and Trade Beverage approved Brand Label for each Brand and Brand Label of Alcoholic Beverage to be shipped for the first time into, or within, Georgia. The registration of Brands or Brand Labels shall be limited to a maximum of ten (10) Brands and Brand Labels per submission, with unlimited submissions;
 2. If such Manufacturer, Shipper, Importer, or Broker is not listed as the applicant on the U.S. Alcohol and Tobacco Tax and Trade Beverage Certification/Exemption of Label/Bottle Approval for such Brand or Brand Label, submit a letter of authorization from such applicant granting such Manufacturer, Shipper, Importer, or Broker the authority to register such Brand or Brand Label in Georgia;
 3. Designate, in the application for registration, sales territories for each of its Brands or Brand Labels to be sold for the first time into, or within, Georgia; and
 4. Name one licensed Wholesaler in each territory who, shall be the exclusive Wholesaler of such Brand or Brand Label within that territory;
 - (b) Such designations of Wholesalers or Wholesalers' territories shall be initially approved by the Commissioner and shall not be changed nor initially disapproved

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-5
MANUFACTURERS, SHIPPERS, IMPORTERS, & BROKERS**

except for cause, and the Commissioner shall determine cause after a hearing pursuant to these Regulations.

- (c) The registration of Brands and Brand Labels does not require an initial registration fee or annual renewal fee.
- (2) Any application for registration of Brands or Brand Labels that tends to create a monopoly or lessen competition with respect to Alcoholic Beverages will not be approved. A proposed change or transfer that will place more than 25% of the case volume of all Distilled Spirits sold in Georgia under one Wholesaler or controlled group is presumed to be an attempt to create a monopoly and lessen competition.

Authority: O.C.G.A. §§ 3-2-2, 3-4-152, 3-5-31, 3-6-22, 48-2-12

Rule 560-2-5-.09 Registering Additional Brands and Brand Labels for Designation of Wholesalers and Sales Territories; Notice to Previously Designated Wholesaler(s)

- (1) After a Manufacturer, Shipper, Importer, or Broker has made any registration pursuant to Rule 560-2-5-.08, such Manufacturer, Shipper, Importer, or Broker may register additional Brands or Brand Labels subject to the following terms:
 - (a) Such Manufacturer, Shipper, Importer, or Broker shall, at least thirty (30) days in advance of offering such additional Brands or Brand Labels, submit the following through the Georgia Tax Center:
 1. One U.S. Alcohol and Tobacco Tax and Trade Beverage approved Brand Label for each such Brand and Brand Label of Alcoholic Beverage to be shipped into, or within, Georgia;
 2. If such Manufacturer, Shipper, Importer, or Broker is not listed as the applicant on the U.S. Alcohol and Tobacco Tax and Trade Beverage Certification/Exemption of Label/Bottle Approval for such Brand or Brand Label, submit a letter of authorization from such applicant granting such Manufacturer, Shipper, Importer, or Broker the authority to register such Brand or Brand Label in Georgia;
 3. Designate, in the application for registration, sales territories for each Brand or Brand Label to be sold into, or within, Georgia; and
 4. Name one Licensed Wholesaler in each territory who shall be the exclusive Wholesaler of such Brand or Brand Label within that territory.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-5
MANUFACTURERS, SHIPPERS, IMPORTERS, & BROKERS**

- (b) Such designations of Wholesalers or Wholesalers' territories shall be initially approved by the Commissioner and shall not be changed nor initially disapproved except for cause, and the Commissioner shall determine cause after a hearing pursuant to these regulations.
 - (c) Submit a request through the Georgia Tax Center at least thirty (30) days in advance of offering such Alcoholic Beverages for sale in Georgia. The registration of additional Brands or Brand Labels shall be limited to a maximum of ten (10) Brands and Brand Labels per submission, with unlimited submissions;
 - (d) Any application for the registration of Brands or Brand Labels that tends to create a monopoly or lessen competition with respect to Alcoholic Beverages will not be approved. A proposed change or transfer that will place more than 25% of the case volume of all Distilled Spirits sold in Georgia under one Wholesaler or controlled group is presumed to be an attempt to create a monopoly and lessen competition.
- (2) If any Brands or Brand Labels submitted for registration pursuant to Rule 560-2-5-.08 or this Rule have been previously designated to a different Wholesaler or if such Brands or Brand Labels or any material portions thereof are the same as, or similar to, or such a modification, substitution, upgrade, or extension of, a Brand or Brand Label that has been previously designated to a different Wholesaler, the Manufacturer, Shipper, Importer, or Broker shall:
- (a) Notify the previously designated Wholesaler(s) by mailing, via U.S. certified mail, a copy of the request to register such Brands or Brand Labels that designate different Wholesalers or sales territories.
- (3) The previously designated Wholesaler(s) shall have thirty (30) days from receipt of the notification in paragraph (2) of this Rule above to file an objection with the Commissioner. If an objection is not filed with the Commissioner within the thirty (30) day period, the right to file such objection shall be waived.
- (a) Objections shall state the specific reasons which form the basis of the objection;
 - (b) Any Brands or Brand Labels previously registered in Georgia and which have subsequently been withdrawn from distribution for a period of less than four (4) years shall be treated in the same manner as registering additional Brands or Brand Labels and are subject to the provisions in this Rule;
 - (c) Any Brands or Brand Labels previously registered in Georgia which have subsequently been withdrawn from distribution for a period equal to or greater than

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-5
MANUFACTURERS, SHIPPERS, IMPORTERS, & BROKERS**

four (4) years shall be deemed an initial application to register the Brands or Brand Labels pursuant to Rule 560-2-5-.08;

- (d) Any previously designated Wholesaler filing an objection after the Brand or Brand Label has been withdrawn for a period equal to or greater than four (4) years and for which an initial application has been deemed filed pursuant to subparagraph (3)(c) above, and Rule 560-2-5-.08, shall only have the right to a hearing if an objection is filed with the Commissioner within six (6) months of the date of registration and a determination is made by the Commissioner that a hearing is warranted;
 - (e) The objection should include information showing that the last date the Manufacturer shipped Alcoholic Beverages to the Wholesaler was within the previous four (4) years;
 - (f) Maintaining an inventory of the withdrawn Brand or Brand Label showing subsequent sales of that Brand or Brand Label to Retailers and/or Retail Consumption Dealers shall NOT constitute sufficient grounds for a determination that a hearing is warranted;
 - (g) A Brand or Brand Label is considered withdrawn as of the date of the letter of withdrawal pursuant to Rule 560-2-5-.10(8), or if sooner, the date the license expires or is relinquished by the Manufacturer, Shipper, Importer, or Broker.
- (4) The Commissioner shall set a hearing and provide at least sixty (60) days notice of such hearing via U.S. certified mail to the previously designated Wholesaler(s), the proposed designated Wholesaler(s) for such Brands or Brand Labels, and the Manufacturer, Shipper, Importer or Broker, as provided in subparagraph (a) below:
- (a) The Commissioner shall set a hearing as provided in this Rule if any of the following occur:
 - 1. Any objecting party notifies the Commissioner that the Manufacturer, Shipper, Importer, or Broker has failed to provide notice pursuant to paragraph (2) of this Rule above;
 - 2. An objection is filed pursuant to paragraph (3) of this Rule above within the thirty (30) day period;
 - 3. A Wholesaler notifies the Commissioner that it believes such Brands or Brand Labels or any material portions thereof are the same as, or similar to,

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-5
MANUFACTURERS, SHIPPERS, IMPORTERS, & BROKERS**

or such modification, substitution, upgrade or extension of, a Brand or Brand Label which has already been registered; or

4. A motion is filed by the Commissioner.
- (b) If it is determined from the evidence adduced at the hearing that the Brand or Brand Label involved, including any material portion thereof, is the same as or similar to or is such a modification, substitution, upgrade or extension of, a Brand or Brand Label which has already been registered by the Manufacturer, Shipper, Importer or Broker (or a predecessor of such Brand or Brand Label) so as to render it unjust or inequitable (without cause being shown) to designate the Brand or Brand Label being so modified, substituted, upgraded or extended; then such request shall be denied or reversed, as the case may be;
- (c) Provided however, that nothing in this Regulation shall be construed to prevent the Manufacturer, Shipper, Importer or Broker from treating the matter as a desire to change Wholesalers, and from proceeding under Regulation 560-2-5-.10, either before or after such determination;
- (d) Any inventory of the released Brand may no longer be distributed by the Wholesaler as of the date of the letter of release as specified in Rule 560-2-5-.10(7).

Authority: O.C.G.A. §§ 3-2-2, 3-4-152, 3-5-31, 3-6-22, 48-2-12.

Rule 560-2-5-.10 Changing Brands and Brand Labels Registration, Designation of Wholesalers or Sales Territories

- (1) Any Manufacturer, Shipper, Importer, or Broker desiring to change Wholesalers with respect to any Brand or Brand Label or to change the territory of a designated Wholesaler, shall file with the Commissioner, a Notice of Intention containing the following information:
 - (a) Name of each Brand or Brand Label involved;
 - (b) Case volume in Georgia for each Brand or Brand Label for the current year and the two previous years;
 - (c) Name of the Wholesaler currently distributing each such Brand or Brand Label;
 - (d) Name of the proposed new Wholesaler, the proposed scope of the sales territory, and whether such territory is different from that of the currently designated Wholesaler;

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-5
MANUFACTURERS, SHIPPERS, IMPORTERS, & BROKERS**

- (e) Case volume of all Brands or Brand Labels of the proposed new Wholesaler for the current year and the two preceding years;
 - (f) Name of all persons, firms or corporations having any financial interest in the proposed new Wholesaler;
 - (g) If any person, firm or corporation named in subparagraph (f) above has any financial interest in any other business engaged in the sale of Alcoholic Beverages, the Department requires additional information including, but not limited to, the following:
 - 1. Business name and address;
 - 2. Alcohol license number;
 - 3. Ownership interest and/or offices held; and
 - 4. Business relationship or association.
 - (h) A detailed explanation of the specific business reasons for the request to change Wholesalers or to change the territory of a designated Wholesaler.
- (2) Business reasons which may be considered by the Commissioner in determining cause for authorizing a change of Wholesalers or to change the territory of a designated Wholesaler include:
- (a) A Wholesaler's bankruptcy or serious financial instability, including its failure consistently to pay its debts timely or its failure to meet or maintain any objective standards of capitalization expressly agreed to between the Wholesaler and the Manufacturer, Shipper, Importer, or Broker, provided such standards are determined by the Commissioner to be reasonable;
 - (b) A Wholesaler's repeated violation of any provision of federal or state law or regulation whether or not such violation resulted in official action;
 - (c) A Wholesaler's failure to maintain sales volume of the Brand or Brand Label reasonably consistent with sales volumes of other Wholesalers of that Brand or Brand Label, or a Wholesaler's failure to otherwise promote the product effectively; and
 - (d) Any other factors relevant to such proposed change that will aid the Commissioner in determining cause.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-5
MANUFACTURERS, SHIPPERS, IMPORTERS, & BROKERS**

- (3) At the same time that the original Notice of Intention is filed with the Commissioner, a copy shall be served via U.S. certified mail by the Manufacturer, Shipper, Importer, or Broker, upon each Wholesaler who may be affected by the proposed changes and a certificate of such service shall accompany the original Notice of Intention filed with the Commissioner.
- (4) Any person, including the Commissioner, may file an objection to the request to change Wholesalers or to change territory designations within thirty (30) days of the date of Notice of Intention. Such written objections shall be filed with the office of the Commissioner. The objecting party shall serve a copy of the objection upon all Wholesalers who may be affected by the proposed change via U.S. certified mail.
- (a) Upon the request of any party or upon motion by the Commissioner, the Commissioner shall provide at least sixty (60) days notice via U.S. certified mail to all applicable parties, hold a hearing, for the purpose of determining the truth of any matters of fact alleged by any party and determining whether the proposed changes are based upon sufficient cause and are otherwise consistent with the policies set forth in Rules 560-2-5-.08 and 560-2-5-.09;
- (b) Proposed changes will not be approved for the following reasons:
1. Any change that tends to create a monopoly or lessen competition with respect to any type of Alcoholic Beverage. A proposed change or transfer that will place more than 25% of the case volume of all Distilled Spirits sold in Georgia under one Wholesaler or controlled group is presumed to be an attempt to create a monopoly and lessen competition.
 2. The failure or refusal of a Wholesaler to comply with any demand or request of a Manufacturer, Shipper, Importer, or Broker which would result in a violation of any provision of federal or state law or regulation.
- (c) During the thirty (30) day period as provided in paragraph (4) above, and until the proposed changes have been finally approved by the Commissioner, the party proposing the change shall continue to supply the designated Wholesaler, upon commercially reasonable terms, such reasonable quantities of the Brands or Brand Labels involved as the Wholesaler may require.
- (5) If no objection is filed to the Notice of Intention as provided in this Rule, the proposed changes shall stand automatically approved by the Commissioner at the expiration of such thirty (30) day period.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-5
MANUFACTURERS, SHIPPERS, IMPORTERS, & BROKERS**

- (6) Any Manufacturer, Shipper, Importer, or Broker who obtains or acquires in any manner, the right to sell, ship, or distribute any Brand or Brand Label shall for the purpose of these regulations stand in the place of, and be subject to, all of the rights, privileges, duties and obligations of its predecessor or its predecessors from whom such Brands or Brand Labels were obtained or acquired.
- (7) When a Brand or Brand Label is voluntarily released by a Georgia Wholesaler from distribution in Georgia, the Wholesaler must mail a letter of release via U.S. certified mail to the Manufacturer, Shipper, Importer, or Broker on company letterhead. Wholesaler shall provide a copy of the letter of release to the Alcohol and Tobacco Division of the Department within thirty (30) days of the date of the letter of release.
- (a) The date of the letter of release will be considered the date upon which the Brand was withdrawn from distribution;
 - (b) Letters of release received by the Department after the thirty (30) day requirement will not be considered valid, and a new letter of release must be provided pursuant to the requirements in this Rule;
 - (c) Any inventory of the released Brand or Brand Label may no longer be distributed by the Wholesaler as of the date of the letter of release.
- (8) When a Brand or Brand Label is voluntarily withdrawn from distribution in Georgia, the Manufacturer, Shipper, Importer, or Broker must mail a letter of withdrawal to the Wholesaler on company letterhead. The Manufacturer, Shipper, Importer, or Broker shall provide a copy of the letter of withdrawal to the Alcohol and Tobacco Division of the Department within thirty (30) days of the date of the letter of withdrawal.
- (a) The date of the letter of withdrawal will be considered the date upon which the Brand or Brand Label is withdrawn from distribution;
 - (b) Letters of withdrawal received after the thirty (30) day requirement will not be considered valid, and a new letter of withdrawal must be provided pursuant to the requirements in this Rule;
 - (c) Any inventory of the withdrawn Brand or Brand Label may still be distributed after receipt of the letter of withdrawal by the Wholesaler.

Authority: O.C.G.A. §§ 3-2-2, 3-4-152, 3-5-31, 3-6-22, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-5
MANUFACTURERS, SHIPPERS, IMPORTERS, & BROKERS**

Rule 560-2-5-.11 Allocation of Designated Brand Labels for Wine

- (1) Any Manufacturer, Shipper, Importer, or Broker of Wine from a source producing less than 2,500 cases annually may designate Brand Labels for distribution by its designated Wholesaler in the applicable sales territories to select Wine Retailers for consumption on premises locations only, but shall not provide more than fifty (50) cases to any Retail Consumption Dealer during a calendar year.
- (2) Upon registering any such Brand Label pursuant to Rule 560-2-5-.08 or 560-2-5-.09, the Manufacturer, Shipper, Importer, or Broker must provide an affidavit certifying the total annual production of that Brand Label.

Authority: O.C.G.A. §§ 3-2-2, 3-2-21.1, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-6
DISTILLED SPIRITS**

TABLE OF CONTENTS

560-2-6-.01 Specification of Premises

560-2-6-.02 Record of Materials Received, Including Affidavit Regarding Georgia Products;
Length of Time All Records Must Be Maintained; Separation of Georgia Products

Rule 560-2-6-.01 Specification of Premises

- (1) Licenses for Retailers and Retail Consumption Dealers shall be displayed at each Premises.
 - (a) On-Premises outlets where it cannot be determined as one identifiable place of business shall require additional licenses regardless of whether the establishments have the same trade name, ownership, or management;
 - (b) Nothing shall require additional licenses for service bars, or portable bars used exclusively for the purpose of mixing or preparing Alcoholic Beverage drinks when these bars are accessible only to employees of the licensed establishment and from which Alcoholic Beverage drinks are prepared to be served on the licensed Premises.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-6-.02 Record of Materials Received, Including Affidavit Regarding Georgia Products; Length of Time All Records Must Be Maintained; Separation of Georgia Products

- (1) Licensed Manufacturers shall maintain a record of all materials received on the licensed Premises for use in the production of Distilled Spirits, showing:
 - (a) The date of receipt;
 - (b) The name of the Person from whom received; and
 - (c) The kind and quantity of each material received.
- (2) Where the licensed Manufacturer claims that the materials used are Georgia products, the record required in this Rule shall also include:
 - (a) An affidavit of the Person from whom the products were received that they are in fact Georgia products;

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-6
DISTILLED SPIRITS**

1. Where commercial invoices, bills of lading, or prescribed forms contain the required information, a separate record will not be required.
 - (b) The records, commercial invoices, or bills of lading shall be kept available for inspection by the Commissioner at all times during regular business hours.
- (3) All materials which are Georgia products shall be kept separate from materials which are not Georgia products.
- (4) Distilled Spirits manufactured from Georgia products shall be kept separate from Distilled Spirits manufactured from products that are not from Georgia.
- (5) The records required by this Rule and all other records required of licensed Manufacturers shall be kept and maintained for a period of seven (7) years unless upon written application the Commissioner has authorized otherwise.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-7
MALT BEVERAGES**

TABLE OF CONTENTS

560-2-7-.02 Additional Reports Prohibited; Authority of Commissioner
560-2-7-.03 Regulatory Agencies; Business Relations Prohibited; Conflicts of Interest

Rule 560-2-7-.02 Additional Reports Prohibited; Authority of Commissioner

- (1) No other reports may be required of a Wholesaler except reports as provided for in these regulations.
- (2) The Commissioner shall enforce the provisions of these regulations pursuant to Georgia Law, and shall:
 - (a) Examine all reports submitted by licensed Wholesalers;
 - (b) Compare the total transactions by the Wholesaler as reported by the Wholesaler in the Georgia Tax Center (GTC) or on Form ATT-123 with the sum of all reports submitted to municipalities and counties on Form ATT-122 to ensure that all municipalities and/or counties are receiving the proper tax specified;
 - (c) Ensure that thorough, complete, and continuing audits are conducted by auditors of the Department to verify that all local Malt Beverage taxes are collected and remitted to the proper local taxing jurisdiction;
 1. Such audits shall also verify that all applicable state taxes have been paid.
 2. Any discrepancy discovered during the audit shall immediately be investigated and the taxing jurisdiction concerned shall be promptly notified of such findings.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6, 3-5-84, 48-2-12.

Rule 560-2-7-.03 Regulatory Agencies; Business Relations Prohibited; Conflicts of Interest

- (1) No person licensed to sell Malt Beverages in Georgia shall enter into any agreement, or participate in any scheme or device with the governing authority or regulatory agency of any municipality or county, which results in such municipality or county receiving less than the total sum of Malt Beverage taxes due it as required by law.
- (2) No Licensee shall permit any municipality, county or other regulatory agency to hold any pecuniary interest in such Licensee's business, nor shall any Licensee pay any governing

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-7
MALT BEVERAGES**

authority rent or remuneration for its business premises above the fair market value of such premises.

- (a) No Licensee shall pay any governing authority a percentage of sales or profits as a license fee or charge, or as rent for its business premises, for the purposes of evading the provisions of the Uniform Local Malt Beverage Tax.
- (3) No Licensee shall employ or compensate any agent or employee of any municipality, county, or other governing authority in any manner whereby such compensation or payment of employment is based upon or related to the volume of Malt Beverages sold.
- (4) No Licensee shall accept from any municipality, county, or other governing authority any rebate of any excise taxes imposed on Malt Beverages by such governing authority.
- (5) No person licensed to sell Malt Beverages by the package for carryout purposes shall sell the Alcoholic Beverages at a price less than such Licensee paid for such Malt Beverages.
 - (a) A retail Licensee shall not pay less than the Wholesaler's price as published on its price list plus the local excise tax imposed.
- (6) Violation of this Rule by any Licensee shall be grounds for suspension or revocation of the license.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3, 3-2-4, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-8
BREW PUBS**

TABLE OF CONTENTS

560-2-8-.01 Brewpubs
560-2-8-.02 Brewpub Bonds
560-2-8-.03 Monthly Report; Remittance of Taxes by Brewpubs

Rule 560-2-8-.01 Brewpubs

Upon application through the Georgia Tax Center as prescribed in Rule 560-2-2-.02, and as provided for under O.C.G.A. § 3-5-36, the Commissioner may issue a brewpub license to any brewpub in compliance with the requirements of this Act.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6, 3-5-36, 3-5-37, 48-2-12.

Rule 560-2-8-.02 Brewpub Bonds

- (1) Brewpubs are required to post with the Commissioner in the amount of \$5,000.00, either:
 - (a) An annual or multiyear bond secured by a surety company authorized to do business in Georgia; or
 - (b) An irrevocable bank letter of credit, issued by a bank located in Georgia, conditioned upon prompt payment of all sums which may become due as required by all laws, rules, and regulations governing the production of Malt Beverages in Georgia.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3, 3-5-36, 3-5-37, 48-2-12.

Rule 560-2-8-.03 Monthly Report; Remittance of Taxes by Brewpubs

- (1) Every licensed brewpub located within Georgia shall file a monthly report with the Commissioner on Form ATT-103, or on such other forms or through the Georgia Tax Center as the Commissioner may prescribe, setting forth all Malt Beverage produced during a specific calendar month, setting forth beginning and ending inventories for that month, providing copies of all reports filed with the United States Department of Treasury, and providing other information as the Commissioner may require to describe the completed transactions.
- (2) Brewpubs shall file the monthly report no later than the fifteenth (15th) day of the next calendar month following the month of the transactions.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-8
BREW PUBS**

- (3) The proper tax remittance for all production shall be included with the report.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6, 3-5-37, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-9
WINE**

TABLE OF CONTENTS

560-2-9-.01 Wine Tasting
560-2-9-.02 Wine Special Order Shipper
560-2-9-.03 Records
560-2-9-.04 Mead or Honey Wine; Manufacture, Distribution, Transportation, Sale

Rule 560-2-9-.01 Wine Tasting

- (1) A Person conducting a Wine tasting shall have a valid Wine license issued by the Department in accordance with Rule 560-2-2-.02.
- (2) Any Person without a valid Wine license issued by the Department that seeks to conduct a Wine tasting shall file Form ATT-4SP with the Department, or complete the corresponding application through the Georgia Tax Center, along with any other appropriate forms as reasonably prescribed by the Commissioner, at least ten (10) business days prior to the Wine tasting.
 - (a) Any nonprofit civic organization that seeks to conduct a Wine tasting and is not licensed by the Department shall also comply with the requirements set forth in O.C.G.A. § 3-9-3;
 - (b) Any for-profit organization that seeks to conduct a Wine tasting and is not licensed by the Department shall also comply with the requirements set forth in O.C.G.A. § 3-6-20.
- (3) A Person who conducts a Wine tasting shall comply with these regulations, the Code, and the laws of the jurisdiction where the Wine tasting is being held.
- (4) This permit issued under this Rule allows for the sale of Wine to be consumed on the premises where the Wine tasting is conducted as well as the sale of Packaged Wine for consumption off-premises.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3, 3-2-6, 3-15-2, 3-15-3, 3-6-20, 3-9-3, 48-2-12.

Rule 560-2-9-.02 Wine Special Order Shipper

- (1) An applicant for a Wine Special Order Shipping License shall have an approved Federal Basic Permit prior to submitting its application to the Department.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-9
WINE**

- (2) The Wine Special Order Shipping License will allow a Wine manufacturer to ship Wines into Georgia directly to consumers that are:
 - (a) "Dessert and Table" Wines as defined by the Act;
 - (b) Manufactured by the applicant;
 - (c) Registered with the Department prior to shipping; and
 - (d) Unassigned or are Brands already assigned to a Wine Wholesaler.
- (3) A licensee acting under this Rule shall ensure that:
 - (a) The shipping package is marked according to the Act;
 - (b) The age of the party ordering the Wine is verified by the appropriate documentation as specified in the Act;
 - (c) The licensee is registered with the state for a sales tax number, and the licensee is collecting and remitting all required state and local tax in accordance with the Code and these Regulations;
 - (d) The licensee files all appropriate forms as prescribed by the Commissioner and state law; and
 - (e) The licensee maintains a copy of all invoices for Wine shipped to Georgia consumers for three (3) years from the date of invoice.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3, 3-6-1, 48-2-12.

Rule 560-2-9-.03 Records

- (1) Each Manufacturer, Shipper, Importer, Broker, Wholesaler, Distributor, Retailer, or Retail Consumption Dealer shall retain complete and accurate records of all Alcoholic Beverages manufactured, produced, purchased and sold.
- (2) The records shall be kept in a form prescribed by the Commissioner.
- (3) No Manufacturer, Shipper, Importer, Broker, Wholesaler, Distributor, Retailer, or Retail Consumption Dealer shall store any record concerning the shipping, invoicing, sale, payment, or storage of Alcoholic Beverages at any other location than which a license has been issued, except upon the written approval of the Commissioner.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-9
WINE**

- (4) A Manufacturer, Shipper, Importer, Broker, Wholesaler, Distributor, Retailer, or Retail Consumption Dealer may be required to appear before the Commissioner to show cause as to why the Shipper's license to ship into or within Georgia should not be revoked or suspended, have its bond forfeited, or both for failure to comply with this Rule.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6, 48-2-12.

Rule 560-2-9-.04 Mead or Honey Wine; Manufacture, Distribution, Transportation, Sale

- (1) A proprietor shall first obtain federal approval of its formula and the process by which the Mead or Honey Wine is manufactured before applying with the Department for a license.
- (2) The sale, manufacture, transportation, and distribution of Mead or Honey Wine shall be governed by the same regulations promulgated for Wine as established by the Act, unless specifically stated to the contrary.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-10
FARM WINERIES**

TABLE OF CONTENTS

560-2-10-.01 Farm Wineries
560-2-10-.02 Farm Winery Retail Sales in Tasting Rooms
560-2-10-.03 Farm Winery as Wholesaler
560-2-10-.04 Records of Agricultural Products; Affidavit for Georgia Products
560-2-10-.05 Wine In Bulk; Separation of Wine
560-2-10-.06 Monthly Reports of Production

Rule 560-2-10-.01 Farm Wineries

- (1) Farm wineries, as defined by this Title, may be licensed by application on forms provided by the Commissioner or through the Georgia Tax Center upon compliance with the following requirements:
 - (a) Approval of an application to the Commissioner;
 - (b) Payment of the proper license fee; and
 - (c) Compliance with all applicable Federal, State, and local government laws and regulations.
- (2) A farm winery license shall authorize the farm winery to operate a tasting room on the Premises of the winery and to sell its products at retail at the winery.
- (3) Farm winery Licensees may be licensed to sell their products at wholesale or retail in accordance with Rules 560-2-10-.02 and 560-2-10-.03.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3, 3-6-21.1, 48-2-12.

Rule 560-2-10-.02 Farm Winery Retail Sales in Tasting Rooms

- (1) Farm wineries may, upon approval of the Commissioner, sell Wine in closed Packages at retail for consumption off the premises in tasting rooms exclusively owned and operated by the winery at no more than five (5) locations other than the Premises of the farm winery.
- (2) All other locations must be independently licensed as a Retailer for the sale of Wine as provided by this Title and these regulations.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-10
FARM WINERIES**

Authority: O.C.G.A. §§ 3-2-2, 3-6-21.2, 48-2-12.

Rule 560-2-10-.03 Farm Winery as Wholesaler

- (1) A farm winery may only be licensed as a Wholesaler after receiving written notice from a licensed Wholesaler that the Wholesaler is rejecting the winery's offer to sell its Wine.
 - (a) The offer and the rejection shall be in writing on company letterhead;
 - (b) The letters shall be submitted along with the winery's application for a Wholesaler license.
- (2) Upon application to the Commissioner pursuant to Rule 560-2-10-.01 a farm winery may be issued a Wine Wholesaler license provided that:
 - (a) The application shall be in the same name as that of the farm winery;
 - (b) The license fee is paid; and
 - (c) A surety bond in an amount equal to the tax value in excess of \$5,000.00 has been provided.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3, 3-6-21.1, 48-2-12.

Rule 560-2-10-.04 Records of Agricultural Products; Affidavit for Georgia Products

- (1) Licensed farm wineries shall maintain a record of all produce grown on the licensed Premises for use in the production of Wine, showing:
 - (a) The date of harvest;
 - (b) Quantity by weight; and
 - (c) Definition of produce by type.
- (2) Licensed farm wineries shall maintain a record of all berries, fruits, grapes, or bulk Wines received on the licensed Premises for use in the production of Wine, showing the date of receipt, quantity, description, and the name and address of the person from whom received.
- (3) Where the licensed farm winery claims that the berries, fruits, or grapes are Georgia-grown products, the records shall include an affidavit of the person from whom the berries, fruits or grapes were received, stating that they are in fact Georgia-grown products.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-10
FARM WINERIES**

- (a) Where commercial invoices, bills of lading, or prescribed forms contain the required information, an affidavit will not be required.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6, 3-6-21.1, 48-2-12.

Rule 560-2-10-.05 Wine In Bulk; Separation of Wine

- (1) Farm wineries are authorized to sell, deliver, and ship Wine in bulk to other farm winery Licensees inside Georgia and are further authorized to acquire and receive deliveries and shipments of Wine made within Georgia by farm winery Licensees inside Georgia.
- (2) Wines contained or stored in bulk shall be identified as such and include:
 - (a) The origin of the berries, fruits, or grapes used in the production of Wine; and
 - (b) The percentage of the bulk Wine made from Georgia grown berries, fruits, or grapes.
- (3) Dessert and table Wines shall be stored separately.
- (4) Table Wines produced from at least forty percent (40%) Georgia-grown berries, fruits, or grapes shall be stored separately from table Wines produced from less than forty percent (40%) Georgia-grown berries, fruits, or grapes.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6, 3-6-21.1, 48-2-12.

Rule 560-2-10-.06 Monthly Reports of Production

- (1) Licensed farm wineries shall file a monthly report of production with the Commissioner on such forms or through the Georgia Tax Center as the Commissioner may prescribe.
- (2) Exact copies of each report sent to the United States Treasury and any other such documents that the Commissioner may require shall be attached to the monthly report submitted to the Department.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6, 3-2-6, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-12
LIMOUSINE**

TABLE OF CONTENTS

560-2-12-.01 Definitions
560-2-12-.02 Limousine Carrier License Application for the Sale of Alcoholic Beverages
560-2-12-.03 Alcoholic Beverage License
560-2-12-.04 Duties of Carrier
560-2-12-.05 Driver's Duties
560-2-12-.06 Contracting Customer

Rule 560-2-12-.01 Definitions

- (1) As used in these regulations:
- (a) "Carrier" shall mean a limousine as defined in O.C.G.A. § 40-1-151 and:
 - 1. Has been issued a certificate in accordance with Article 3 of Chapter 1 of Title 40;
 - 2. Has its vehicles registered with the Department; and
 - 3. Is authorized by the Department to sell Alcoholic Beverages.
 - (b) "Contracting Customer" shall mean the person who:
 - 1. Is the contracting party retaining the services of the Carrier;
 - 2. Is liable for payment of the services; and
 - 3. Is a passenger in the Registered Vehicle for the duration of the contracted time period.
 - (c) "Limousine" shall mean a vehicle as defined in O.C.G.A. § 40-1-151;
 - (d) "Permitted Employee" shall mean a Carrier's employees or agents or contractors who have been:
 - 1. Retained by the Carrier to drive its Registered Vehicles;
 - 2. Issued an approved chauffeur certificate in accordance with O.C.G.A. § 40-16-2; and
 - 3. Listed by the Carrier with the Department as a driver of the Carrier's Registered Vehicles.
 - (e) "Registered Vehicle" shall mean a limousine that:

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-12
LIMOUSINE**

1. Is owned or leased by a Carrier;
2. Has been registered by the Carrier with the Department to allow for the sale of Alcoholic Beverages; and
3. Has been posted with the Department's sticker and all other required signage under these regulations.

Authority: O.C.G.A. §§ 3-2-2, 3-9-6, 48-2-12.

Rule 560-2-12-.02 Limousine Carrier License Application for the Sale of Alcoholic Beverages

- (1) An applicant for a Limousine Carrier Alcoholic Beverage License shall:
 - (a) Submit a completed application to the Department in the form and manner prescribed by the Department.
 - (b) The application must include:
 - (i) A list of Carrier's vehicles that will be selling Alcoholic Beverages including:
 - I. Year, make and model;
 - II. Vehicle Identification Number (VIN); and
 - III. License plate number.
 - (ii) A list of all drivers, agents, or contractors who may drive a Registered Vehicle, including:
 - I. Name and residential address;
 - II. Date of birth; and
 - III. Georgia Driver's License Number.
 - (iii) Copy of each driver's Chauffeur's Permit issued by the Department of Driver Services;
 - (iv) Copy of the certificate issued pursuant to Article 3 of Chapter 1 of Title 40;
 - (v) A license fee of \$50.00 with application; and

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-12
LIMOUSINE**

- (vi) A registration fee of \$15.00 for each vehicle operated by the Carrier that will sell Alcoholic Beverages.

Authority: O.C.G.A. §§ 3-2-2, 3-9-6, 40-1-162, 40-16-2, 48-2-12.

Rule 560-2-12-.03 Alcoholic Beverage License

- (1) Upon the Department's approval of a Carrier's application, the Department shall issue a nontransferable license for a term of one (1) calendar year with an expiration date of December 31 to the Carrier and the appropriate Department sticker for each Registered Vehicle.
 - (a) Application and renewal for the license shall be made prior to November 1 for the succeeding calendar year.
- (2) A Registered Vehicle shall be subject to inspection by the Commissioner or the Commissioner's agents for the purpose of inspecting the Premises and enforcing applicable laws and regulations.
- (3) A Carrier shall:
 - (a) Comply with all applicable local laws, state laws, and regulations concerning the sale of Alcoholic Beverages by a Retail Consumption Dealer;
 - (b) Post the signs required by O.C.G.A. §§ 3-1-5 and 3-3-24.2 in each Registered Vehicle of the Carrier so that the signs are readily visible to all occupants of the Registered Vehicle;
 - (c) Maintain a current limousine carrier certificate as required by the Code; and
 - (d) Register all vehicles in which Alcoholic Beverages will be sold and affix the required Department sticker.
 - 1. The sticker shall be affixed in the bottom left portion of the rear windshield so as to be visible from the outside.
 - 2. The sticker issued to the Carrier shall not be transferable to another vehicle or owner.
- (4) Annually a Carrier shall:
 - (a) Submit a renewal application and remit a license fee of \$50.00; and

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-12
LIMOUSINE**

- (b) Remit a renewal registration fee of \$15.00 for each vehicle operated by the Carrier that will sell Alcoholic Beverages.
- (5) A Carrier is authorized to obtain and purchase Alcoholic Beverages only from a Georgia licensed retail Alcoholic Beverage dealer.
- (6) Failure to meet all requirements of this Regulation may result in suspension or revocation of the Carrier's Alcoholic Beverage license.

Authority: O.C.G.A. §§ 3-1-5, 3-2-2, 3-9-6, 48-2-12.

Rule 560-2-12-.04 Duties of Carrier

- (1) All Carriers selling Alcoholic Beverages shall:
 - (a) Notify the Department within fifteen (15) calendar days of employment of new employees who may operate a Registered Vehicle or existing employees who may be selected to operate a Registered Vehicle, in each case also providing the information required for new employees under Rule 560-2-12-.02(1)(b)(ii); and
 - (b) Store all stocked Alcoholic Beverages in an enclosed, locked, tamper-proof container permanently attached to the inside of the Registered Vehicle.
 - 1. The container shall be in a fixed location not accessible to the operator of the Registered Vehicle.
- (2) All Distilled Spirits stocked by the Carrier shall:
 - (a) Be in unbroken Packages; and
 - (b) Be sold in fifty (50) milliliter bottles only.
- (3) All Carriers shall maintain a copy of:
 - (a) The Carrier's license to sell Alcoholic Beverages in each Registered Vehicle; and
 - (b) Each driver's Chauffeur's Permit issued pursuant to O.C.G.A. § 40-16-2.
- (4) A copy of the signed and dated contract for limousine service between the Contracting Passenger and the Carrier shall be kept with the alcohol receipts of sales to that Passenger.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-12
LIMOUSINE**

- (5) A Licensee shall maintain for three (3) years from the date of purchase of the Alcoholic Beverages separate records relating to the purchase and sale of Alcoholic Beverage for the Carrier's Registered Vehicles as specified in O.C.G.A. § 3-3-6 and these Regulations.
- (6) Upon the first violation of these Regulations, a Carrier shall be subject to revocation of registration of the vehicle involved in the violation for one (1) year and the offending driver shall be removed from the Carrier's list of Permitted Employees.
- (7) A subsequent violation within three (3) years of any prior violation of these Regulations by a Carrier for the sale of Alcoholic Beverages from an unregistered vehicle or the sale of Alcoholic Beverages by a non-Permitted Employee of the Carrier shall result in revocation or suspension of the Carrier's license to sell Alcoholic Beverages in any of the Carrier's vehicles for a minimum of one (1) year.

Authority: O.C.G.A. §§ 3-2-2, 3-3-6, 3-9-6, 48-2-12.

Rule 560-2-12-.05 Driver's Duties

- (1) An employee not permitted with the Department shall not operate any Registered Vehicle when Alcoholic Beverages are stocked in the vehicle.
- (2) The Permitted Employee of the Registered Vehicle shall:
 - (a) Not serve any Alcoholic Beverage to any passenger;
 - (b) Verify before any passengers are allowed to enter the vehicle that the Contracting Customer is of legal drinking age and will be a passenger in the vehicle during the entire contract period;
 - (c) Upon verification of the Contracting Customer's legal drinking age, provide the Contracting Customer with access to the secure container where the Alcoholic Beverages are stored;
 - (d) Be responsible for ensuring that all partially consumed Alcoholic Beverages left in the Registered Vehicle are delivered to the Carrier's main facility for disposal;
 - (e) Maintain a copy in the Registered Vehicle of the driver's Chauffeur's Permit issued pursuant to O.C.G.A. § 40-16-2; and
 - (f) Maintain a copy in the Registered Vehicle of the certificate issued to Carrier pursuant to Article 3 of Chapter 1 of Title 40.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-12
LIMOUSINE**

- (3) No passenger shall be permitted to remove any stocked or partially consumed Alcoholic Beverage from the Registered Vehicle.
- (4) When Alcoholic Beverages have been ordered by any passenger(s), the sale shall be evidenced by a signed receipt indicating:
 - (a) Which passenger(s) ordered Alcoholic Beverages;
 - (b) The identity of the Alcoholic Beverages sold; and
 - (c) The quantity of the Alcoholic Beverages that were sold.

Authority: O.C.G.A. §§ 3-2-2, 3-9-6, 48-2-12.

560-2-12-.06 Contracting Customer

- (1) If the Contracting Customer is a legal entity other than a natural person, then any natural person who is an authorized agent of the legal entity may assume the role of Contracting Customer upon presentation of documentation establishing such person as an authorized agent.
- (2) A Contracting Customer, who is a natural person may, prior to the use of the Registered Vehicle, designate another natural person of legal age for purchasing of Alcoholic Beverages to be the Contracting Customer, provided both parties notify the Carrier in writing about their agreement.
 - (a) Upon presentation of the written agreement to the Carrier, the designated natural person shall assume all responsibility of the Contracting Customer for the purchase of Alcoholic Beverages.

Authority: O.C.G.A. §§ 3-2-2, 3-9-6, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-13
ALCOHOLIC BEVERAGE CATERING**

TABLE OF CONTENTS

560-2-13-.01 Alcoholic Beverage Catering; Qualifications
560-2-13-.02 Requirements; Restrictions; Prohibitions
560-2-13-.03 Transportation and Delivery
560-2-13-.04 Violations

Rule 560-2-13-.01 Alcoholic Beverage Catering; Qualifications

- (1) Any establishment which obtains and holds all the required licenses and permits and otherwise complies with the provisions contained in these regulations shall be authorized to sell, transport, deliver, and dispense Alcoholic Beverages for which a license was obtained.
- (2) In order to qualify as an Alcoholic Beverage caterer, the caterer must satisfy the following requirements:
 - (a) The caterer must be the holder of either:
 1. A valid state Retailer of Distilled Spirits license;
 2. A valid state Retail Consumption Dealer license;
 3. A valid state Retailer of Malt Beverages license; or
 4. A valid state Retailer of Wine license.
 - (b) The caterer must also be the holder of:
 1. A valid local Alcoholic Beverage license; and
 2. A valid local catering event permit issued by the local governing authority in the jurisdiction where the event is to be held, except where catering events are authorized in that local jurisdiction but the local governing authority does not issue such permits.
- (3) The caterer may only sell the types of Alcoholic Beverages for which the caterer has obtained a state license.

Authority: O.C.G.A. §§ 3-2-2, 3-11-2, 3-11-3, 3-11-5, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-13
ALCOHOLIC BEVERAGE CATERING**

Rule 560-2-13-.02 Requirements; Restrictions; Prohibitions

- (1) All sales of Alcoholic Beverages in connection with an authorized catered event shall be paid for in cash.
 - (a) All other Alcoholic Beverage sales will be subject to restrictions and requirements imposed by other Department regulations; and
 - (b) The acceptance of checks, debit cards, and credit cards shall be deemed the same as cash and are subject to the requirements and restrictions imposed by other Department regulations.
- (2) No Distilled Spirits which exceed ten percent (10%) alcohol by volume may be sold in containers smaller than 750 milliliters in connection with an authorized catered event.
- (3) All sales are final and in no case will broken Packages of Alcoholic Beverages be removed or returned by the licensed Alcoholic Beverage caterer from the site of the authorized catered event to his or her place of business or any other location.
 - (a) All returns of unbroken Packages must be documented on the Quantity-Destination report;
 - (b) Return of unbroken Packages of Alcoholic Beverages shall be handled as a "no sale"; and
 - (c) Leftover broken Packages of Alcoholic Beverages shall be the property of the event sponsor.
- (4) The licensed Alcoholic Beverage caterer must provide all personnel needed to handle the Alcoholic Beverages at the authorized catered event.
 - (a) The handling of Alcoholic Beverages shall include, but is not limited to:
 1. Bartending services;
 2. Dispensing;
 3. Serving; and
 4. Providing or furnishing Alcoholic Beverages.
 - (b) Employees of a licensed Alcoholic Beverage caterer must be twenty-one (21) years of age or older in order to dispense, serve, sell, or handle Alcoholic Beverages at any authorized catered event.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-13
ALCOHOLIC BEVERAGE CATERING**

- (5) The sale of Alcoholic Beverages shall only be allowed on Sunday by an Alcoholic Beverage caterer if the sale is authorized on Sunday by Georgia Laws and local ordinances.
- (6) It shall be a violation of these regulations for a licensed Alcoholic Beverage caterer to violate a local ordinance with respect to the sale or transportation of Alcoholic Beverages in connection with an authorized catered event.
 - (a) Except as provided for in this Subject 560-2-13, there shall be no other transportation of Alcoholic Beverages by Retailers or Retail Consumption Dealers.
- (7) The licensed Alcoholic Beverage caterer shall notify the Commissioner in writing of the site of the authorized catered event.
 - (a) The notification shall also contain any other information as the Commissioner may require; and
 - (b) The notification must be received by the Department at least five (5) business days prior to the authorized catered event.
- (8) The licensed Alcoholic Beverage caterer shall keep on file at his place of business for no less than three (3) years:
 - (a) All Beverage Alcohol Quantity/Destination Reports on Form ATT-CA-1;
 - (b) Local catering event permits;
 - (c) The names and identification information of all personnel assigned to work each function; and
 - (d) All other documents, records, and reports required by Georgia law and Department regulations.
- (9) The licensed Alcoholic Beverage caterer is required to notify sponsors of authorized catered events of the authority of the Commissioner or his agents to enter upon the premises of an authorized catered event for the purpose of inspection and enforcement of these regulations and all other laws and regulations pertaining to the sale, possession, dispossession, and distribution of Alcoholic Beverages.

Authority: O.C.G.A. §§ 3-2-2, 3-11-5, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-13
ALCOHOLIC BEVERAGE CATERING**

Rule 560-2-13-.03 Transportation and Delivery

- (1) The transportation and delivery of Alcoholic Beverages by a licensed Alcoholic Beverage caterer is subject to the following requirements and restrictions:
 - (a) Delivery of Alcoholic Beverages by a licensed Alcoholic Beverage caterer shall be made only in connection with a permitted catered event;
 - (b) Deliveries not meeting the requirements as set forth in these regulations shall be a violation of these regulations and other Department regulations governing the transportation of Alcoholic Beverages by Retailers and Retail Consumption Dealers;
 - (c) Violation of these regulations shall be cause for the suspension or revocation of Licensee's Alcoholic Beverage licenses and/or forfeiture of Licensee's bond by the Commissioner;
 - (d) All Alcoholic Beverages transported in violation of these regulations shall be declared contraband and subject to seizure by the Commissioner or the Commissioner's agents;
 - (e) The transportation and delivery of Alcoholic Beverages shall be made in unbroken Packages only to the permitted event site by the Licensee of an Alcoholic Beverage catering establishment or employees of the Licensee who are twenty-one (21) years of age or older;
 - (f) Vehicles used by a licensed Alcoholic Beverage caterer for the transportation and delivery of Alcoholic Beverages in connection with a permitted catered event shall be marked only with the state license number;
 1. The lettering shall be two (2) inches high and one (1) inch wide on each side of the vehicle.
 2. No other wording or advertisements relating to the catering service shall be allowed.
 - (g) While transporting and delivering Alcoholic Beverages in connection with an authorized catered event, the licensee or the employee of the licensed Alcoholic Beverage caterer shall have in his or her possession all of the following items:
 1. A copy of the caterer's valid state Alcoholic Beverage license.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-13
ALCOHOLIC BEVERAGE CATERING**

2. A copy of the caterer's valid local Alcoholic Beverage catering event permit from the local governing authority in the jurisdiction where the event is being held.
 3. The Alcohol Beverage Catering Quantity/ Destination Report.
- (h) Delivery of all Alcoholic Beverages by a Licensee to an authorized catered event must be made in unbroken containers; and
- (i) The serving of all Alcoholic Beverages at the authorized catered event must be by the drink.

Authority: O.C.G.A. §§ 3-2-2,, 3-11-5, 48-2-12.

Rule 560-2-13-.04 Violations

Any violation of these regulations will be considered a violation of the Licensee's state Alcoholic Beverage license and shall be sufficient cause for the suspension or revocation of the license and/or the forfeiture of the Licensee's bond.

Authority: O.C.G.A. §§ 3-2-3, 3-3-1, 3-3-2, 3-4-22, 3-5-25.1, 3-6-21, 3-11-5, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-14
NON-BEVERAGE ALCOHOL**

TABLE OF CONTENTS

560-2-14-.01 Manufacturing and Importing Ethyl Alcohol

Rule 560-2-14-.01 Manufacturing and Importing Ethyl Alcohol

- (1) Manufacture or importation of ethyl alcohol is to be used exclusively for the uses enumerated herein as necessary and appropriate to ensure that such ethyl alcohol is not directed to be used as a beverage or as a Distilled Spirit in contravention of law and evasion of federal, state, and local excise taxes and license fees. Enumerated purposes are:
 - (a) Non-beverage scientific;
 - (b) Chemical;
 - (c) Mechanical;
 - (d) Industrial;
 - (e) Medicinal; or
 - (f) Culinary purposes.
- (2) Every Person, firm, corporation or organization who desires to import or manufacture non-beverage ethyl alcohol exclusively for any of the uses enumerated in paragraph (1) above shall first obtain a license from the Department by completing an application through the Georgia Tax Center (GTC) for a non-beverage distillery, manufacture, or importer license.
 - (a) Each application for a non-beverage manufacturer's, distiller's, or importer's license shall also include:
 1. A personnel statement and a set of fingerprint cards, as prescribed by the Department, for each owner or owners and for principal employees such as manager, foreman, superintendent, etc.;
 2. An accurate and precise description of the exact location where any non-beverage manufacturing or importing facility is to be located;
 3. A copy of a valid Operating Permit or other proper authorization issued to the applicant by the U.S. Alcohol and Tobacco Tax and Trade Bureau; and
 4. A copy of approval from all applicable local governing authorities for the construction and operation of the non-beverage manufacturing or importing facility.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-14
NON-BEVERAGE ALCOHOL**

- (3) When all of the requirements of paragraph (2) of this Rule and all other legal requirements are met, a license for the non-beverage manufacture or importation of ethyl alcohol solely for non-beverage use shall be issued by the Commissioner at no cost to the applicant.
- (4) Licensees under this Rule must renew the license by applying for renewal each year through GTC. Any non-beverage alcohol license issued or renewed by the Commissioner is valid for the remainder of the calendar year in which it is issued. The Commissioner may authorize Licensees who have filed an application for renewal to operate until the license has been renewed or denied.
- (5) Each non-beverage manufacturing or importing facility issued a non-beverage alcohol license pursuant to this Regulation shall be subject to inspection by federal, state, and local law enforcement officers at all times.
- (6) Each Licensee shall maintain all invoices, bills of lading, reports, books, papers, or documents of whatever nature involving all transactions relating to the purchase, sale, distribution, storage, manufacture, importation, or handling of ethyl alcohol in any manner.
 - (a) The records and documents shall be maintained at the Licensee's place of business for a period of three (3) years unless permission for disposal of such records prior to the expiration of three (3) years is obtained in writing from the Commissioner.
- (7) Each Licensee manufacturing or importing ethyl alcohol for use as fuel shall be properly registered with the Motor Fuel Tax Section of the Department.
- (8) All license applications shall be a permanent record, and all Licensees shall comply with and be subject to the provisions of Rule 560-2-6-.01 of these regulations.
- (9) The Commissioner may deny a license to any applicant who has been convicted of any crime involving the illegal sale or manufacture of Alcoholic Beverages.
- (10) The failure of any Person, firm, corporation, or organization holding such license under these regulations to meet any obligations imposed by any tax laws of Georgia or to otherwise comply with any requirements of law shall be grounds for suspension or revocation of the license.

Authority: O.C.G.A. §§ 3-2-2, 3-4-2, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-15
MILITARY & CONSULS**

TABLE OF CONTENTS

560-2-15-.01 Jurisdiction Over Territory Ceded to United States - Military & Consuls
560-2-15-.02 Federal Instrumentality as First Purchaser
560-2-15-.03 Military Purchases
560-2-15-.04 Tax-Paid Alcoholic Beverages
560-2-15-.05 Restrictions to Military Reservations
560-2-15-.06 Consuls

Rule 560-2-15-.01 Jurisdiction Over Territory Ceded to United States - Military & Consuls

The Commissioner asserts the right to regulate and control the manufacture, sale, and transportation of Alcoholic Beverages within Georgia, including over any territory within the historical boundaries of the State of Georgia but ceded to the United States.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-15-.02 Federal Instrumentality as First Purchaser

- (1) The tax imposed by the Act is an excise tax levied upon the first sale, use, or possession of Alcoholic Beverages in Georgia, and where a federal instrumentality is the first purchaser, the transaction is not taxable.
- (2) Federal instrumentalities who wish to sell Alcoholic Beverages to authorized patrons in quantities in excess of those authorized by O.C.G.A. § 3-3-8 for use and consumption outside the boundaries of the federal instrumentality are authorized to purchase tax-paid Alcoholic Beverages from licensed Georgia Wholesalers; however, no refund of the tax may be made on such transactions.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-15-.03 Military Purchases

- (1)
 - (a) Military reservations acting as federal instrumentalities are hereby authorized to purchase tax-free Distilled Spirits from licensed Georgia Wholesalers, and the Wholesalers are authorized to sell and deliver Distilled Spirits to authorized purchasers from stock on hand subject to the following procedures:

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-15
MILITARY & CONSULS**

1. Purchase orders submitted by federal instrumentalities must be maintained on file at the Wholesaler's Place of Business for auditing and inspection by the Department.
 - (i) No credits to Wholesalers for tax-free Distilled Spirits sold to federal instrumentalities shall be given unless required documents to substantiate the sale and delivery are available upon audit or inspection at the Wholesaler's Place of Business.
 2. The Wholesaler shall deliver the Distilled Spirits only to the federal instrumentality through an authorized military officer, who shall sign for the Distilled Spirits received and who shall obligate the federal instrumentality for payment in full for the order.
 - (i) The sales invoice signed by the authorized receiving officer shall be returned and filed at the Wholesaler's Place of Business.
- (2) Malt Beverages.
- (a) Manufacturers, Brokers, Importers, and Shippers of Malt Beverages are authorized to ship Military Beer to Georgia licensed Wholesalers for distribution and sale to authorized military installations.
 - (b) No brewer, Manufacturer, Importer or Broker of Malt Beverages, or Representatives shall sell, offer to sell, ship, or cause to be shipped, or solicit for shipment or sale any Military Beer within or into Georgia except to a licensed Wholesaler and in accordance with the rules and regulations of the Commissioner.
- (3) Wine.
- (a) Purchase orders for tax-free Wines shall be transmitted through a licensed Wholesaler and that Wholesaler is authorized to sell and deliver the Wines to authorized purchasers from stock on hand subject to the following procedures:
 1. Purchase orders submitted by federal instrumentalities must be maintained on file at the Wholesaler's Place of Business for audit and inspection by the Department.
 2. The Wholesaler shall deliver the ordered Wines only to a military officer authorized to receive the Wines, and the receiving officer shall sign for the Wines received.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-15
MILITARY & CONSULS**

- (i) The sales invoice signed by the authorized receiving officer shall be returned and filed at the Wholesaler's Place of Business.
3. No credits to the Wholesaler for tax-free Wines sold to federal instrumentalities shall be given unless required documents to substantiate the sale are available upon audit or inspection at the Wholesaler's Place of Business.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-15-.04 Tax-Paid Alcoholic Beverages

- (1) Licensed Alcoholic Beverage Wholesalers may sell tax-paid Alcoholic Beverages to military reservations authorized to purchase Alcoholic Beverages.
- (2) No credit or refund of the tax shall be made to Alcoholic Beverage Wholesalers for the sale of tax-paid Alcoholic Beverages to military reservations.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-15-.05 Restrictions to Military Reservations

- (1) Military Liquors, Military Beer, and Military Wine purchased pursuant to Subject 560-2-15 shall be sold or purchased on military reservations only by persons authorized to sell or purchase Alcoholic Beverages.
- (2) The possession of Military Liquors, Beer, or Wine purchased pursuant to Subject 560-2-15 off the military reservation in quantities in excess of those authorized by O.C.G.A. § 3-3-8 shall constitute the possession of non-tax paid Alcoholic Beverages subject to all laws and regulations relating to non-tax paid Alcoholic Beverages.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

Rule 560-2-15-.06 Consuls

- (1) This Rule is promulgated pursuant to the Vienna Convention on Consular Relations of April 24, 1963, 21 U.S.T. 77, T.I.A.S. 6820, and other treaties in force between the United States of America and foreign states on the subject of consular relations.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-15
MILITARY & CONSULS**

- (a) The purpose of this Regulation is to provide a procedure for extending certain exemptions guaranteed by these treaties to Consular Officers located in Georgia.
- (2) The tax imposed by the Act is an excise tax levied upon the first purchase or sale of Alcoholic Beverages imported into Georgia.
 - (a) Where a Consular Officer imports Alcoholic Beverages directly from abroad or from a federally bonded warehouse for the official use of the Consular Post or for the personal use of the Consular Officer or members of his family forming part of his household, the transaction is exempt from Georgia Alcoholic Beverages excise tax under the multilateral consular convention referred to in paragraph (1) of this Rule if the Consular Officer's sending state is a party to the convention or another treaty with the United States of similar import.
- (3) Consular Officers are authorized to purchase and import directly from abroad and from federally bonded warehouses located in the United States Alcoholic Beverages free from Georgia Alcoholic Beverages excise tax under the procedures and subject to the restrictions set forth in this Rule.
 - (a) Consular Officers may purchase tax-free Alcoholic Beverages directly from abroad by notifying the Department of the proposed importation on a form provided by the Department;
 - (b) Consular Officers may purchase tax-free Alcoholic Beverages from a federally bonded warehouse by submitting purchase orders to the Alcohol and Tobacco Division, on a form provided by the Department, executed by the head of the Consular Post making the purchase;
 - 1. Upon approval of the order by the Department, the Department shall forward the order to the designated federally bonded warehouse with authorization for shipment of the Alcoholic Beverages directly to the Consular Post.
 - (c) Shipment by the federally bonded warehouse shall be only to the consular premises and shall be accomplished in such manner and under such documentation as the Department may require.
- (4) The Commissioner exercises the plenary regulatory power over Alcoholic Beverages granted to the State of Georgia by the Twenty-First Amendment to the Constitution of the United States, and the authority of Consular Officers to import tax-free Alcoholic Beverages is expressly conditioned upon compliance with the requirements of this Rule, including following the requirements that the Alcoholic Beverages which may be imported

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-15
MILITARY & CONSULS**

tax free under this Rule must be intended for consumption only and shall not exceed the quantity necessary for direct use by the persons concerned.

- (5) In the event the Alcoholic Beverage product desired to be purchased is available from a Georgia licensed Wholesaler and is one in which excise taxes are collected and paid by a reporting system, the Commissioner may authorize tax-free purchases from such licensed Georgia Wholesalers.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6, 48-2-12.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-16
ADMINISTRATIVE HEARINGS**

TABLE OF CONTENTS

560-2-16-.05. Intra-Agency Appeal Procedure; Post Hearing Motions.

Rule 560-2-16-.05. Intra-Agency Appeal Procedure; Post Hearing Motions.

(1) The following two-step appeal procedure shall be the exclusive administrative remedy for appealing decisions entered pursuant to these regulations.

(a) Step One – **Request for Reconsideration:**

1. Prior to an Executive Order becoming final, the Hearing Officer may reconsider his or her decision to correct errors or omissions of fact or law.
2. A licensee or applicant who is aggrieved by the Executive Order entered by the Hearing Officer may appeal by filing a Request for Reconsideration with the Hearing Officer who heard the case no later than ten (10) days after service.
3. The Hearing Officer shall review the request and either deny the request or modify the initial Executive Order by an Order on Reconsideration.

(b) Step Two – **Motion for Review:**

1. Provided a timely Request for Reconsideration was filed with the initial Hearing Officer, a licensee or applicant shall have ten (10) days from the date of receipt of the Hearing Officer's Order on Reconsideration (or denial of request), to file with the Commissioner, a written Motion for Review.
2. The motion shall set forth a concise statement of the basis upon which the appeal is made together with supporting arguments setting forth an enumeration of erroneous conclusions of law or determinations.
3. On review, the Commissioner may consider the whole record or such portions of it as may be cited by the parties. No evidence outside the record shall be considered.
4. After due consideration and as soon as practicable, the Commissioner or his/her designee shall either grant or deny the Motion for Review.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-16
ADMINISTRATIVE HEARINGS**

5. If the Motion is denied, the Hearing Officer's Executive Order shall automatically become the Final Decision of the Department.
 6. If the Motion is granted, the Commissioner will either remand the case to the Hearing Officer for additional proceedings or issue a Final Order either modifying or upholding the Executive Order.
 7. With the exception of an Order remanding the case to the Hearing Officer, either the Commissioner's Order denying a Motion for Review or the Commissioner's Final Order entered pursuant to this procedure shall constitute final Department action, and the matter shall not be further appealable within the Department.
- (2) **Application to Stay Execution of Order:** The filing of a Request for Reconsideration or Motion for Review does not automatically, of itself, stay the execution and enforcement of any Order of the Hearing Officer or Commissioner.
- (a) A request to stay the execution and enforcement of any Order may be made with the Request for Reconsideration or Motion for Review and the Hearing Officer or Commissioner may grant such request to stay upon appropriate terms for good cause shown.
- (3) **Waiver of Administrative Appeal:** The failure to follow the intra-agency appeal procedure as outlined in this Regulation shall constitute a waiver of Department appeal rights. Absent the initiation of the intra-agency appeal procedure, the Hearing Officer's Executive Order shall automatically become the Final Decision of the Department ten (10) days after service.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3.

**RULES
OF
DEPARTMENT OF REVENUE**

**CHAPTER 560-2
ALCOHOL AND TOBACCO DIVISION**

**SUBJECT 560-2-17
FORMS IN COMMON USE**

TABLE OF CONTENTS

560-2-17-.05 Repealed

Rule 560-2-17-.05 Repealed

Authority: O.C.G.A. §§ 48-2-12.