

**RULES
OF
DEPARTMENT OF REVENUE**

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

**SUBJECT 560-2-2
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Rule 560-2-2-.02 Licensing Qualifications

- (1) No Person shall manufacture, distribute, sell, handle, possess for sale, or otherwise deal in Alcoholic Beverages or non-beverage Alcohol without first obtaining all applicable licenses required by the Act and these regulations.
- (2) Every Person applying for a state license, permit, or registration to deal in Alcoholic Beverages shall make application on forms through the Georgia Tax Center, accessible through the Department's website, or in any other manner prescribed by the Commissioner, and under oath shall answer all questions, supply all information and statements (including information regarding applicant's employees and all Persons with a beneficial interest in the applicant), furnish all certificates, affidavits, bonds and other supporting data or documents as reasonably required by the Commissioner.
 - (a) All license applications under these regulations shall be a permanent record.
 - (b) Willful failure to furnish the Department with any of the information required by these regulations or by law shall constitute grounds for denial or revocation of a license.
- (3) Applications for a state license, permit, or registration shall state the identical name and address of the applicant as stated in the application for a license required by local governing authorities.
 - (a) Every license shall specify the premises where the Licensee shall have its Place of Business and such location shall not be changed during the term of the license.
 - (b) Any Fraternal Organization shall be permitted to apply for a license in the name of any qualified officer or member of such organization.
 - (c) Any legal entity, including but not limited to, all partnerships, limited liability companies, domestic or foreign corporations, lawfully registered and doing business under the laws of Georgia or the laws of another state and authorized by the Secretary of State to do business in Georgia which seeks to obtain an Alcoholic Beverage or non-beverage Alcohol license may be permitted to apply for a license

in the name of the legal entity as it is registered in the Office of the Secretary of State of Georgia. Notwithstanding the foregoing, however:

1. In its application for an Alcoholic Beverage or non-beverage Alcohol license, the legal entity shall provide the Commissioner with the name and address of its agent authorized to receive service of process under the laws of Georgia, together with a listing of its current officers and their respective addresses.
 2. Any change in the status of the Licensee's registered agent, including but not limited to, change of address, or name, shall be reported to the Commissioner within five (5) days of such occurrence.
 3. In the event that a legal entity fails to appoint or maintain a registered agent in Georgia as required by law, or whenever its registered agent cannot with due diligence be found at the registered office of the corporation as designated in its application for license, the Commissioner shall be appointed agent to receive any citation for violation of these regulations.
 4. Process may be served upon the Commissioner by leaving with the Commissioner duplicate copies of such citations.
 5. In the event that the notice of citation is served upon the Commissioner or one of the Commissioner's designated agents, the Commissioner shall immediately forward one of the copies to the corporation at its registered office.
 6. Any service made upon the Commissioner shall be answerable within thirty (30) days.
 7. The Commissioner shall keep a record of all citations served upon the Commissioner under this Regulation, and shall record the time of service and the disposition of that service.
- (4) The state license issued shall be valid for the calendar year indicated; provided that:
- (a) The Licensee is actively engaged in business; and
 - (b) If applicable, has a valid county or municipal license.
- (5) In the event a Licensee ceases to be actively engaged in business, or if a Licensee's local license becomes invalid in any way, the state license shall be invalid and the Licensee of that business shall immediately notify and return the state license to the Department.
- (a) Any license issued to a Retailer after November 1, 2023 by a local licensing jurisdiction that does not conform with the requirements of O.C.G.A. § 3-2-7.1 shall be deemed an invalid license until the local licensing jurisdiction satisfies the requirements of O.C.G.A. § 3-2-7.1 and, until such requirements are met, no state license shall be issued to any such Retailer.
- (6) No alcohol license application will be granted where it would lead to a violation of or is in conflict with any Department regulations or other laws of the State of Georgia.

- (7) A Licensee that desires to continue in business during the next calendar year must make a new application for that year on or before November 1 of the preceding year.
- (8) Any untrue, misleading, or omitted statement or information contained in an application shall be cause for denial and, if any license has been granted, shall be cause for its revocation.
- (9) The failure of any applicant, or failure of any Person, firm, corporation, legal entity, or organization having any interest in any operation for which an application has been submitted, to meet any obligations imposed by the tax laws or other law or regulation of Georgia shall be grounds for denial of the license, permit or registration for which an application is made.
- (10) To protect the public interest or welfare, no license to sell Alcoholic Beverages of any kind shall be issued by the Commissioner to:
 - (a) Any person as determined by the Commissioner, who, by reason of that person's business experience, financial standing, trade associations, personal associations, records of arrests, or reputation in any community in which the person has resided, is not likely to maintain the operation for which the person is seeking a license in conformity with federal, state or local laws;
 - (b) Any person convicted of a felony who served any part of a criminal sentence, including probation, within the ten (10) years immediately preceding the date of receipt of submission of the application; or
 - (c) Any person who has been convicted of a misdemeanor who served any part of a criminal sentence, including probation, within the five (5) years immediately preceding the date of receipt of submission of the application.
- (11) The Commissioner may decline to issue a state license to a person for the operation of a Place of Business when any person having any interest in the operation of that Place of Business or control over such Place of Business does not meet the same requirements as set forth in these regulations for the Licensee.
- (12) If the Commissioner has reason to believe that the applicant is not entitled to the license for which the applicant has applied, the Commissioner shall notify the applicant in writing.
 - (a) The applicant shall have fifteen (15) days from the date of the notice to request, in writing, a hearing on the application.
 - (b) Upon receipt of applicant's written request, the Commissioner shall provide the applicant with due notice and opportunity for a hearing on the application pursuant to Subject 560-2-16.
 - (c) If the Commissioner, after providing notice and an opportunity for a hearing, finds the applicant is not entitled to a license, the applicant shall be advised in writing of the findings upon which that denial is based.

- (13) In order to ensure correspondence is timely received, any change to an applicant's or licensee's contact information including, but not limited to, a change of mailing address, email address, or telephone number, shall be updated via the Georgia Tax Center, or in any other manner prescribed by the Commissioner, within five (5) days of such change.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3, 3-2-7.1, 48-2-12.

Rule 560-2-2-.08 Providing Testimony and Documents

- (1) By the application for, the acceptance of, or the conduct of business under any license or permit issued pursuant to this Act, every holder of a license or permit issued and every employee or officer of such Licensee agrees to appear and give sworn testimony and produce documents and records reasonably calculated to aid the Commissioner in any investigation or hearing held under this Act or under these regulations.
- (2) Each such person shall appear and produce the required documents at the office of the Commissioner or at such other place as he may reasonably designate, at a time as the Commissioner may designate in writing and with reasonable notice.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3.

Rule 560-2-2-.12 Measurement of Distances

- (1) Unless otherwise provided by law, all measurements to determine compliance with distance requirements under the Act for the issuance of an initial state Alcoholic Beverages license shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:
- (a) Prior to April 1, 2007:
1. From the front door of the structure which Alcoholic Beverages are sold or offered for sale;
 2. In a straight line to the nearest public sidewalk, walkway, street, road or highway;
 3. Along such public sidewalk, walkway, street, road or highway by the nearest route;
 4. To the front door of the building or to the nearest portion of the grounds, whichever is applicable under the appropriate statute.
- (b) After March 31, 2007:
1. In a straight line from the front door of the structure from which Alcoholic Beverages are sold or offered for sale;

2. To the front door of the building of a church, government-owned treatment center or a retail package store; or
 3. To the nearest property line of the real property being used for school or educational purposes.
- (2) When measuring distances pursuant to this Rule, the Department will ignore obstacles added by the licensee or any other party, such as fences or other improvements or obstructions, added with the purpose of increasing the measurement of distance, and where removal of all such obstacles would result in the premises not satisfying any applicable distance requirement. The Department will measure over or through any such obstacles, as the Department deems appropriate, to obtain the proper distance measurement.
- (3) All renewal applications shall use the measurements required in the initial application and license.

Authority: O.C.G.A. §§ 3-2-2, 3-3-21.

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, except 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;
 - (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.
- (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.

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

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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 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. Items customarily used in the preparation of Alcoholic Beverage drinks, including but not limited to cocktail olives, onions, cherries, lemons, limes, and sugars or salts, provided such products are 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.

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

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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. Except where not required by law, 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.
- (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 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, 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;
 - (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.
- (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.
- (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 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.

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Rule 560-2-11-.01 Hotel Catered Functions; In-Room Service License – Hotels, Charitable Events & REAPs

- (1) Licensed Hotels shall be permitted to cater Hotel functions in ballrooms, meeting rooms, reception rooms, or patio areas of the licensed premises, provided that the functions are catered in connection with a meeting, conference, convention, or other similar type of gathering at the licensed premises.
- (2) Any Hotel is authorized to provide in-room service as defined in O.C.G.A. § 3-9-10, provided the establishment:
 - (a) Is licensed to sell Alcoholic Beverages;
 - (b) Applies for a hotel in-room service license through the Georgia Tax Center; and
 - (c) Is approved for a valid hotel in-room service license issued by the Department.
- (3) In order to qualify for a hotel in-room service license, an applicant must be a Hotel and:
 - (a) Have a valid Retailer license; or
 - (b) Have a valid Retail Consumption Dealer license.
- (4) Applicant may only qualify for a hotel in-room service license for the types of Alcoholic Beverages for which the Hotel has a Retailer license or Retail Consumption Dealer license.
- (5) A hotel in-room service Licensee shall be authorized to:
 - (a) Deliver Alcoholic Beverages of the types for which the Hotel has a Retailer license or Retail Consumption Dealer license and a hotel in-room service license to a registered guest's room when:
 1. The Alcoholic Beverages have been ordered by the guest; and
 2. The guest is billed for the cost of the Alcoholic Beverages at the time of delivery.

- (6) The sale shall be evidenced by a signed receipt providing the following:
 - (a) The name of the registered guest who purchased the Alcoholic Beverages; and
 - (b) The type and quantity of Alcoholic Beverages delivered.
- (7) A cabinet may be located in a Hotel's guest room which:
 - (a) Contains Alcoholic Beverages of the types for which the Hotel has a Retailer license or Retail Consumption Dealer license and a hotel in-room service license; and
 - (b) Is accessible by lock and key only to the guest.
- (8) A credit may be given to the guest for any unused and unopened Alcoholic Beverages upon request.
- (9) After receipt of the guest request for credit, the Hotel will maintain a written record of the request which shall:
 - (a) Specify the name of the guest;
 - (b) Provide an inventory of the quantity of Alcoholic Beverages contained in the cabinet; and
 - (c) Indicate the amount of credit, if any, given for any unused and unopened Alcoholic Beverages at the time of the guest's departure.
- (10) All documents as set forth in this Rule shall constitute an essential record to be maintained and stored in accordance with this Title and these regulations.
- (11) All Hotels having a hotel in-room service license shall:
 - (a) Maintain and store all Alcoholic Beverages for use in connection with the license for in-room service in an area that is not accessible to the public and that is separate from any other Alcoholic Beverages purchased for use in any other licensed premises of the Hotel;
 - (b) Not consummate sales in the storage area; and
 - (c) Maintain separate records relating to the purchase and sale of Alcoholic Beverages for in-room service as specified in O.C.G.A. § 3-3-6 and these regulations.
- (12) Nothing contained in this Rule shall be construed to restrict or prohibit the possession of Alcoholic Beverages by Hotel guests in quantities otherwise permitted under these regulations and Title 3 of the Code.

Authority: O.C.G.A. §§ 3-2-2, 3-3-6, 3-9-10, 48-12-2.

Rule 560-2-11-.02 Charitable Events Permit

- (1)

- (a) Bona fide nonprofit charitable and civic organizations desiring to sell Alcoholic Beverages may apply for a permit authorizing the organization to sell or distribute Alcoholic Beverages for consumption on the premises only for a period not to exceed three (3) days.
- (b) Applications for such temporary permit must include the following:
 - 1. A copy of an official document, such as nonprofit certification by the Internal Revenue Service, the constitution and by-laws of the organization, or a corporate charter, which clearly states the purpose of the organization; and
 - 2. A letter of authorization or local permit for the event from the local governing authority, or a signed affidavit from the applicant, confirming that applicant is in compliance with all local ordinances and regulations concerning special or charitable events.
- (2) Applications must be submitted 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.
- (3) No 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.
- (4) Except as provided in this paragraph, Manufacturers, Brokers, Importers, Shippers, Wholesalers, and Retailers shall not make any donations of Alcoholic Beverages to any nonprofit charitable or civic organization that has obtained a permit. If a nonprofit charitable or civic organization has obtained a special event permit, Wholesalers shall be authorized to make donations of Alcoholic Beverages, provided that the Alcoholic Beverages were obtained through proper distribution channels and all applicable state and local taxes have been paid.
 - (a) No Alcoholic Beverages shall be donated to a nonprofit charitable or civic organization unless the organization has the appropriate state charitable event permit provided in this Rule.
 - (b) The amount of Alcoholic Beverages donated by the Wholesaler shall not exceed the amount reasonably necessary for the event for which a charitable event permit has been obtained.
- (5)
 - (a) At the request of a nonprofit charitable or civic organization that holds a charitable event permit under this Rule, Manufacturers, Brokers, Importers, Shippers, and Wholesalers may donate services to the organization by having permitted Representatives provide pouring services and product information during the event.
 - (b) The permittee shall be liable, in addition to the liability of the Licensee and its permitted Representative, for all acts or omissions in violation of Title 3 of the Code committed by the Licensee or any of Licensee's permitted Representatives.

- (6) Provided a permit has been issued to a nonprofit charitable or civic organization, the organization shall be considered the same as any retail Licensee and subject to all laws, rules, and regulations under Title 3 of the Code.
- (7) Nothing shall prohibit cash donations by Licensees under Title 3 of the Code to charitable and civic organizations provided that such donations are unconditional and not related to the purchase of a particular Brand or Brand Label of Alcoholic Beverage.
- (8) No more than six (6) temporary charitable event permits may be issued to an organization in any one calendar year.
- (9) Permittees may conduct such events on the Premises of a licensed Manufacturer or Wholesaler provided that all Alcoholic Beverages to be served or sold at the event are purchased from a licensed Wholesaler or donated pursuant to this Rule.

Authority: O.C.G.A. §§ 3-2-2, 3-9-3, 3-9-4, 48-2-12.

Rule 560-2-11-.03 Charitable Auctions; Wine

- (1) Bona fide nonprofit charitable and civic organizations desiring to sell Wine at auction may apply for a temporary special use permit authorizing the organization to auction Wine in unbroken Packages for consumption off premises only for a period not to exceed three (3) days.
 - (a) Applications must be submitted using the Georgia Tax Center, accessible through the Department's website. Applications for the temporary special use permit for Wine auctions must include the following:
 - 1. A copy of an official document, such as nonprofit certification by the Internal Revenue Service or constitution and by-laws of the organization, or a corporate charter, which clearly states the purpose of the organization; and
 - 2. A letter of authorization or a local permit issued for the event from local governing authorities.
- (2) Unlicensed individuals, licensed Retailers, and licensed Wholesalers shall be authorized to make donations of Alcoholic Beverages to a nonprofit organization to be sold at an auction permitted under this Rule, provided that the Alcoholic Beverages were obtained through proper distribution channels and all applicable state and local taxes have been paid or will be paid.
 - (a) Alcoholic Beverages may not be donated to a nonprofit charitable or civic organization unless the organization has the appropriate state special use temporary permit provided for under this Rule.
 - (b) The amount of Wine donated under paragraph (2) shall not exceed the amount necessary for the event for which a permit has been obtained.

- (3) The nonprofit charitable or civic organization holding a temporary special use permit for Wine auctions under this Rule may ship or otherwise transport donated Wine to the location specified in the temporary special use permit for Wine auctions. This paragraph (3) only applies to Wine donated by a person who does not currently hold a license that has been issued by the Department pursuant to this Title or Wine donated by a Georgia licensed Retailer.
- (4) Prior to the commencement of the event for which a temporary special use permit for Wine auctions has been issued under this Rule, the nonprofit charitable or civic organization shall furnish to the Department through the Georgia Tax Center a detailed inventory of the Wine to be auctioned, which shall include the following information:
 - (a) The name, address, telephone number, and Taxpayer Identification Number of any person furnishing Wine for the event; and
 - (b) The type, Brand, Brand Label, and quantity of each Wine to be sold at auction.
- (5) Georgia excise tax is due on all donated Wine.
 - (a) In the event the nonprofit charitable or civic organization cannot verify that Georgia excise tax for the Wine was previously paid to the Department within ten (10) days of the conclusion of the permitted event, the nonprofit or charitable civic organization shall pay to the Department the appropriate excise tax as required by law on Form ATT-75 or its equivalent in the Georgia Tax Center, as provided by the Department.
- (6) At the request of a nonprofit charitable or civic organization that holds a temporary special use permit for Wine auctions under this Rule, Manufacturers, Brokers, Importers, Shippers, and Wholesalers may donate services to the organization by having permitted Representatives provide product information during the event.
- (7) Provided a temporary special use permit for Wine Auctions has been issued to a nonprofit charitable or civic organization, the organization shall be considered the same as any other Licensee and subject to all laws, rules, and regulations under this Title.
- (8) Nothing shall prohibit cash donations by Licensees under Title 3 of the Code to charitable and civic organizations provided that such donations are unconditional and not related to the purchase of a particular Brand or Brand Label of Alcoholic Beverage.
- (9) No more than six (6) temporary special use permits for Wine auctions may be issued to an organization in any one calendar year.

Authority: O.C.G.A. §§ 3-2-2, 3-9-4, 48-2-12.

Rule 560-2-11-.04 Regional Economic Assistance Projects (REAPs)

- (1) Once a Regional Economic Assistance Project (REAP) has received certification through the Department of Community Affairs, all licensing requirements under these regulations must be satisfied in order to obtain a license to sell Alcoholic Beverages.
- (2) In addition to providing all licensing information as required under these regulations, the applicant shall send the Department a copy of the certification received from the Department of Community Affairs.

Authority: O.C.G.A. §§ 3-2-2, 3-13-2, 3-13-4, 48-2-12.