



**Georgia Department of Revenue
Alcohol and Tobacco Division
Policy Bulletin 2024 - 01
Overview of Restriction on Hemp Products in Retail Package Liquor Stores
Issue Date: August 22, 2024**

NOTICE TO RETAIL PACKAGE LIQUOR STORES

The Georgia Legislature recently passed SB 494, which provides new rules regarding the production and sale of consumable hemp products.¹ While SB 494 specifically prohibits the sale or distribution of alcoholic beverages that contain consumable hemp products, as well as the sale of food products that contain consumable hemp products,² the Department of Revenue has received additional inquiries regarding the ability of Retailers of Distilled Spirits to sell other consumable hemp products. This bulletin provides notice to Retail Package Liquor Stores regarding the permissibility to sell certain consumable hemp products: vapor products, hemp gummies, consumable base oils, and non-alcoholic beverages containing hemp.

The permissibility for each product is set forth below, but please note the following:

- 1) Hemp vapor products may be sold after October 1, 2024, so long as all applicable licenses have been obtained, to include a retail consumable hemp establishment license.
- 2) Hemp gummies and consumable base oils **are neither currently nor prospectively permitted** to be sold in Retail Package Liquor Stores.
- 3) The sale of non-alcoholic beverages containing hemp by Retail Package Liquor Stores will not be permitted when the applicable provisions of SB 494 take effect on October 1, 2024. **As such, Retailers of Distilled Spirits have until October 1, 2024, to sell or remove all non-alcoholic beverages containing hemp from their licensed premises.**

This bulletin applies the following Department of Revenue regulations:

Ga. Comp. R. & Regs. R. 560-2-3-.02(4):

Except as provided in Rule 560-2-3-.14, no Retailer [of Distilled Spirits] shall operate in connection with any other mercantile establishment.

Ga. Comp. R. & Regs. R. 560-2-3-.14(3):

¹ SB 494 defines “consumable hemp product” to mean a hemp product intended to be ingested, absorbed or inhaled by humans or animals.

² SB 494 defines “food product” to mean product to be consumed by humans for physical subsistence.

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 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.

Ga. Comp. R. & Regs. R. 560-2-3-.04(c), (d) & (h)(2):

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:

...

(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;

...

(h) Bar supplies, limited to:

...

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.

Under the provisions of SB 494, individuals or business entities must obtain a retail consumable hemp establishment license prior to preparing or selling consumable hemp products to consumers. This bulletin provides clarification as to what consumable hemp products can (and cannot) be sold at a Retail Package Store. Store owners should understand the restrictions prior to determining whether to apply for a retail consumable hemp establishment license.

Consumable Hemp Products Permitted To Be Legally Sold In Retail Package Liquor Stores

Hemp Vapor Products

Although Ga. Comp. R. & Regs. R. 560-2-3-.02(4) generally restricts a Retail Package Liquor Store's operation of other types of mercantile business not directly related to their licensed alcohol business, Ga. Comp. R. & Regs. R. 560-2-3-.04(c) specifically provides that Retail Package Liquor Stores may sell, offer for sale, display, furnish, or keep in stock for sale vapor products if properly licensed to do so. Retail Package Liquor Stores may therefore also hold a license from the Department which authorizes the sale of vapor products. Note, however, that vapor products that contain hemp may also constitute consumable hemp products under the provisions of SB 494, and therefore a seller of such products would also be required to obtain a retail consumable hemp establishment license from the Department of Agriculture. As a result, after October 1, 2024, Retail Package Liquor Stores may sell vapor products

that also constitute consumable hemp products under SB 494, so long as all applicable licenses have been obtained, including a retail consumable hemp establishment license.

Consumable Hemp Products Which Are *Not* Permitted To Be Sold In Retail Package Liquor Stores

Hemp Gummies and Consumable Base Oils

Even before the effective date of SB 494, hemp gummies³ and consumable base hemp oils could not be sold in a Retail Package Liquor Store because they are not items “commonly associated with the consumption of Alcoholic Beverages.”⁴ Also, unlike vapor products, hemp gummies and consumable base hemp oils do not have a specific carve out under Ga. Comp. R. & Regs. R. 560-2-3-.04⁵ that would legalize their sale in a Retail Package Liquor Store. The provisions of SB 494, which are effective as of October 1, 2024, do not change this result.

Non-Alcoholic Beverages Containing Hemp

Under the “mercantile rule” described above, unless expressly permitted, Retail Package Liquor Stores cannot offer for sale “items not commonly associated with the consumption of Alcoholic Beverages.” This rule allows Retail Package Liquor Stores to sell items customarily used in the preparation of Alcoholic Beverage drinks such as non-alcoholic mixers, as well as some food products like olives and cherries that are commonly served in mixed drinks. Apart from a specific exception for single serving snack items, unless there is a connection to the preparation of alcoholic beverages, no non-alcoholic drinks or food can be sold in a Retail Package Liquor Store.

With respect to hemp as a potential mixer for alcoholic beverages, SB 494 makes it clear that the sale of alcoholic beverages containing hemp is illegal. Under SB 494, Retail Package Liquor Stores will therefore be prohibited from selling non-alcoholic beverages containing consumable hemp products since mixing them with Distilled Spirits would create a beverage that cannot legally be sold.

The applicable provisions of SB 494 take effect on October 1, 2024. **As such, Retailers of Distilled Spirits have until October 1, 2024, to sell or remove all non-alcoholic beverages containing hemp from their licensed premises.**

FOR MORE INFORMATION

For more information on this subject, contact the Georgia Alcohol and Tobacco Division by email at ATDIV@dor.ga.gov or by phone at 1-877-423-6711 from 8:00 am to 5:00 pm ET, Monday through Friday, excluding holidays. For forms and other information, please visit our website at www.dor.georgia.gov

³ SB 494 defines “gummy” as a gelatinous substance in the form of a cube, sphere, prismatoid, ovoid, or other shape that is designed for human consumption.

⁴ Ga. Comp. R. & Regs. R. 560-2-3-.14(3).

⁵ Under SB 494 neither Hemp Gummies nor Consumable Base Hemp Oils constitute food products. As such they cannot be considered “manufactured packaged consumable single-serving snack items not requiring any preparation for consumption” under Ga. Comp. R. & Regs. R. 560-2-3-.04(c).