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**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION TAX UNIT**

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

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Rule 560-2-2-.01 Definitions

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(1) As used in these Regulations:

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(a) "Act" means the Georgia Alcoholic Beverage Code ~~as Amended~~ amended.

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(b) "Alcohol" ~~as defined by the Act~~ means ethyl Alcohol, alcohol, hydrated oxide of ethyl, or spirits of Wine, from whatever source or by whatever process produced.

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(c) "Alcoholic Beverage" ~~as defined by the Act~~ means and includes all Alcohol, Distilled Spirits, ~~beer, Malt Beverage, or Wine, or fortified Wine~~ intended for human consumption.

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(d) "Alcohol Type" means the various ~~derivatives of 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.

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(e) "Brand" means ~~the Manufacturer of Alcoholic Beverages~~ any word, name, group of letters, symbols or combination thereof that is adopted by a Manufacturer to identify a specific Distilled Spirit, Malt Beverage, Wine, or other Alcoholic Beverage product and which is used by the Manufacturer to distinguish that product from other Alcoholic Beverage products.

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(f) "Brand Label" means ~~the differences in the Manufacturer's colors, Alcoholic Beverage name, or design as shown on the label~~ any distinctive labeling characteristics of an Alcoholic Beverage product associated with a Brand including, without limitation, 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.

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(g) "Broker" ~~as defined by the Act~~ means any person who purchases or obtains an Alcoholic Beverage from an Importer, distillery, brewery, or ~~Winery~~ 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.

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(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 ~~or service~~ using its facilities or those of other carriers.

- 40 (i) "Commissioner" means the state revenue commissioner, or the Commissioner's
41 designated agent or representative.
- 42 (j) "Consular Officer" means a career consular officer who is a national of the sending
43 country assigned to a consular post in Georgia for the exercise of consular functions, and
44 whose sending country is a contracting party to the multilateral consular convention
45 referred to in Rule 560-2-15-.07 or another treaty with the United States of similar import.
- 46 (k) "Consular Post" means any consulate-general, consulate, vice-consulate or consular
47 agency.
- 48 (l) "County or Municipality" ~~as defined by the Act~~ means ~~those~~ a political subdivisions of
49 this state as defined by law and includes any form of political subdivision consolidating a
50 county with one or more municipalities.
- 51 (m) "Department" ~~as defined by the Act~~ means the Georgia Department of Revenue.
- 52 (n) "Denatured Alcohol" means a type of Alcohol, ~~as defined in Code § 3-2-1,~~ to which
53 denaturants have been added in order to render the Alcohol unfit for beverage purposes or
54 internal human medicinal use.
- 55 (o) "Denaturants" means materials authorized for use pursuant to Chapter 1 of Title 27 of
56 the Code of Federal Regulations.
- 57 (p) "Distilled Spirits" ~~as defined by the Act~~ means any Alcoholic Beverage obtained by
58 distillation or containing more than twenty-one percent (21%) Alcohol by volume,
59 including, but not limited to, all ~~fortified~~ Fortified Wines.
- 60 (q) "Family or Immediate Family" means any person related to a Manufacturer, ~~producer,~~
61 Shipper, Importer, or Broker within the first degree of consanguinity and affinity as
62 computed according to the canon law.
- 63 (r) "Flavored Malt Beverage" means any Malt Beverage containing flavors and other non-
64 beverage ingredients containing Alcohol. Except as provided by paragraph (r)1. ~~below of~~
65 ~~this Section,~~ no more than 49% of the overall Alcohol content may be derived from the
66 addition of flavors and other non-beverage ingredients containing Alcohol.
- 67 1. In the case of Malt Beverages with an Alcohol content of more than six percent
68 (6%) and not to ~~exceed~~ exceeding fourteen percent (14%) by volume, no more than
69 one and a half percent (1.5 %) of the volume of the Malt Beverage may consist of
70 Alcohol derived from added flavors and other non-beverage ingredients containing
71 Alcohol.
- 72 2. A Flavored Malt Beverage shall be deemed a Malt Beverage for purposes of
73 these Regulations.
- 74 (s) "Fortified Wine" ~~as defined by the Act~~ means any Alcoholic Beverage containing more
75 than twenty-one percent (21%) Alcohol by volume made from fruits, berries, or grapes
76 either by natural fermentation or by natural fermentation with brandy added. The term
77 includes, but is not limited to, brandy.

78 (t) "Fraternal Organization" means any society, order, or supreme lodge, whether
79 incorporated or not, conducted solely for the benefit of its members and their beneficiaries
80 and not for profit, operated on the lodge system with a ritualistic form of work, and having
81 a representative form of government.

82 (u) "Gallon" or "Wine Gallon" ~~as defined by the Act~~ means a United States gallon of liquid
83 measure equivalent to the volume of 231 cubic inches or the nearest equivalent metric
84 measurement.

85 (v) "Hard Cider" ~~as defined by the Act~~ means an Alcoholic Beverage obtained by the
86 fermentation of the juice of apples, containing not more than six percent (6%) of Alcohol
87 by volume, including, but not limited to flavored or carbonated cider. For purposes of this
88 regulation, hard cider shall be deemed a Malt Beverage. This term does not include "sweet
89 cider."

90 (w) "Head of a Consular Post" means the Consular Officer charged with the duty of acting
91 in the capacity of head of the Consular Post to which he or she is assigned.

92 (x) "Importer" ~~as defined by the Act~~ means any person who imports an Alcoholic Beverage
93 into this state from a foreign country and sells the Alcoholic Beverage to another Importer,
94 Broker, or Wholesaler and who maintains a stock of the Alcoholic Beverage.

95 (y) "Individual" ~~as defined by the Act~~ means a natural person.

96 (z) "Licensee" means any person who is granted a license or permit by the Department
97 concerning the manufacturing, brokering, importing, wholesaling, or shipping of Alcoholic
98 Beverages, or who is licensed as a Retailer or Retail Consumption Dealer.

99 (aa) "Malt Beverage" ~~as defined by the Act~~ means any Alcoholic Beverage obtained by the
100 fermentation of any infusion or decoction of barley, malt, hops, or any other similar
101 product, or any combination of such products in water containing not more than fourteen
102 percent (14%) Alcohol by volume and including, but not limited to, the Alcohol Types of
103 ale, porter, brown, stout, lager beer, small beer, and strong beer. This term does not include
104 sake, also known as Japanese rice Wine-wine.

105 (bb) "Manufacturer" ~~as defined by the Act~~ means any maker, producer, or bottler of an
106 Alcoholic Beverage and:

107 1. In the case of Distilled Spirits, any person engaged in distilling, rectifying, or
108 blending any Distilled Spirits;

109 2. In the case of Malt Beverages, any brewer; and

110 3. In the case of Wine, any vintner.

111 (cc) "Mead Wine" or "Honey Mead" means a fermented Alcoholic Beverage made from
112 honey that may not contain an Alcoholic content of more than fourteen percent (14%) by
113 volume or total solids content that exceeds thirty-five (35) degrees Brix.

114 (dd) "Military Beer" means Malt Beverages which have been purchased pursuant to these
115 regulations which are exempt from Georgia excise taxes and which have been properly
116 identified pursuant to Regulations 560-2-15-.03 and 560-2-15-.04.

- 117 (ee) "Military Liquors" means Distilled Spirits purchased pursuant to these regulations
118 which are exempt from Georgia excise taxes and which have been properly identified
119 pursuant to Regulation 560-2-15-.04.
- 120 (ff) "Military Reservation" ~~as defined by the Act~~ means a duly commissioned post, camp,
121 base, or station of a branch of the armed forces of the United States located on territory
122 within this state which has been ceded to the United States.
- 123 (gg) "Military Wine" means Wine purchased pursuant to these regulations which is exempt
124 from Georgia excise taxes.
- 125 (hh) "Package" ~~as defined by the Act~~ means a bottle, can, keg, barrel, or other original
126 consumer container.
- 127 (ii) "Person" ~~as defined by the Act~~ means any individual, firm, partnership, cooperative,
128 nonprofit membership corporation, joint venture, association, company, corporation,
129 agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or
130 combination acting as a unit, body politic, or political subdivision, whether public, private,
131 or quasi-public.
- 132 (jj) "Place of Business" means the ~~premises~~ Premises of a licensed Manufacturer, Broker,
133 Importer, Wholesaler, Retailer or Retail Consumption Dealer described in ~~the~~ such license
134 where Alcohol, or Alcoholic Beverages are manufactured, sold, or offered for sale.
- 135 (kk) "Premises" means one physically identifiable Place of Business operated by the same
136 ownership and overall management with only one address registered as a single Place of
137 Business with the local licensing authority and the State of Georgia.
- 138 (ll) "Regulations" means the regulations that are promulgated by the Commissioner
139 pursuant to the Act.
- 140 (mm) "Representative" means a person, employee, agent, independent contractor, or
141 salesperson with or without compensation from a Licensee, who, acting on behalf of or at
142 the direction of the Licensee, represents the Licensee to a third-party.
- 143 (nn) "Retail Consumption Dealer" ~~as defined by the Act~~ means any person who sells
144 Distilled Spirits for consumption on the premises at retail only to consumers and not for
145 resale.
- 146 (oo) "Retailer" ~~as defined by the Act~~ means, except as to Distilled Spirits, any person who
147 sells Alcoholic Beverages, either in unbroken packages or for consumption on the
148 premises, at retail only to consumers and not for resale. With respect to Distilled Spirits,
149 the term means any person who sells Distilled Spirits in unbroken packages at retail only
150 to consumers and not for resale.
- 151 (pp) "Routine Hub Transfer" means a simultaneous transfer of Alcoholic Beverage
152 products from one Wholesaler delivery truck (the hub truck) to another Wholesaler
153 delivery truck(s) (the spoke truck(s)).
- 154 (qq) "Shipper" ~~as defined by the Act~~ means any person who ships an Alcoholic Beverage
155 into Georgia from outside of Georgia.

156 (rr) "Social Media" means websites and other web-based technology that enable users to
157 create, share, or exchange information, ideas, messages, and other content.

158 (ss) "Standard Case" ~~as defined by the Act~~ means six (6) containers of 1.75 liters, twelve
159 (12) containers of 750 milliliters, twelve (12) containers of one liter, twenty-four (24)
160 containers of 500 milliliters, twenty-four (24) containers of 375 milliliters, forty-eight (48)
161 containers of 200 milliliters, or one hundred twenty (120) containers of 50 milliliters.

162 (tt) "State" means the State of Georgia.

163 (uu) "Taxpayer" ~~as defined in the Act~~ means any person made liable by law to file a return
164 or to pay tax.

165 (vv) "Warehouse" means any premises of a Wholesaler, Manufacturer, Importer, or
166 Shipper other than its registered Place of Business, used for the storage of Alcoholic
167 Beverages in accordance with the express written approval of the Commissioner.

168 (ww) "Wholesaler" ~~as defined by the Act~~ means any person who sells or distributes
169 Alcoholic Beverages to other licensed Wholesalers, Importers, Retailers, or to Retail
170 Consumption Dealers.

171 (xx) "Wine" ~~as defined by the Act~~ means any Alcoholic Beverage containing not more than
172 21 percent (21%) Alcohol by volume made from fruits, berries, or grapes either by natural
173 fermentation or by natural fermentation with brandy added.

174 1. This term includes, but is not limited to, all sparkling ~~Wines-wines~~, champagnes,
175 combinations of such beverages, vermouths, special natural ~~Wines-wines~~, rectified
176 ~~Wineswines~~, other like products and Sake, which is an Alcoholic Beverage
177 produced from rice.

178 2. This term does not include cooking ~~Wine-wine~~ mixed with salt or other
179 ingredients so as to render it unfit for human consumption as a beverage.

180 3. A liquid shall first be deemed to be a "Wine" at that point in the manufacturing
181 process when it conforms to the definition of "Wine" ~~contained in the Act~~.

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183 Authority: O.C.G.A. § 3-2-2.

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**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION TAX UNIT
SUBJECT 560-2-5
MANUFACTURERS, SHIPPER, IMPORTERS & BROKERS**

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Rule 560-2-5-.08 Initial Brand/Brand Label Registration, Designations of Wholesalers and Sales Territories.

34 (1) Every Manufacturer, Shipper, Importer, or Broker shall, at least thirty (30) days in advance of
35 offering Alcoholic Beverages for sale in Georgia:

36 (a) Submit with his an application for a license through the Georgia Tax Center and;

37 1. Include one U.S. Alcohol and Tobacco Tax and Trade Beverage approved Brand
38 Label for each Brand of Alcoholic Beverage to be shipped for the first time into, or within,
39 Georgia, not to exceed ten (10) Brand Labels; additional Brands or Brand Labels may be
40 submitted pursuant to paragraph (2) below;

41 (b) 2. Designate, in the application for registration, sales territories for each of its
42 Brands or Brand Labels sold in Georgia; and

43 (c) 3. Name one licensed Wholesaler in each territory who, shall be the exclusive
44 Wholesaler distributor of such Brand or Brand Label within that territory;

45 (d) Such designations of Wholesalers or Wholesalers' territories shall be initially
46 approved by the Commissioner and shall not be changed nor initially disapproved except
47 for cause, and the Commissioner shall determine cause after a hearing pursuant to these
48 Regulations.

49 (e) The registration of Wind and Malt Beverage Brands and Brand Labels does not require
50 an initial registration fee or annual renewal fee.

51 (f) The registration of Distilled Spirits Brands and Brand Labels does not require an initial
52 registration fee for the first ten (10) Brands or Brand Labels.

53 (2) At the time of initial registration, if a Every Manufacturer, Shipper, Importer, or Broker has
54 more than ten (10) Brands or Brand Labels, the additional Brands or Brand Labels may be

40 presented for registration through the Georgia Tax Center by the Manufacturer, Shipper, Importer,
41 or Broker subject to the following terms: ~~desiring to register additional Brands or Brand Labels~~
42 subsequent to the initial registration of Brands or Brand Labels must:

43 (a) For Wind and Malt Beverages, ~~Submit~~ submit the additional Brands or Brand Labels
44 designating Wholesaler(s) and sales territories up to a maximum of ten (10) Brands or
45 Brand Labels per submission. ~~such request to the Commissioner thirty (30) days in~~
46 advance; and as to Distilled Spirits;

47 (b) For Distilled Spirits:

48 1. Submit the additional Brands or Brand Labels designating Wholesaler(s) and
49 sales territories and ~~The applicant shall pay a registration fee of ten dollars (\$10.00)~~
50 for each additional Brand or Brand Label, up to a maximum of ten (10) Brands and
51 Brand Labels per submission. ~~in the sum of one hundred dollars (\$100.00) for no~~
52 more than ten (10) Brand Labels of Distilled Spirits.

53 2. If a producer presents Brand Labels for registration after the initial registration,
54 the registration fee for each additional Brand Label of Distilled Spirits shall be ten
55 dollars (\$10.00) per Brand Label.

56 3. Pay an annual ~~A~~ fee of ten dollars (\$10.00) for all each registered Brand or
57 Brand Labels registered by the producer must be paid annually every year following
58 the year of initial application.

59 4. No producer shall present for registration at any one time more than ten (10)
60 brands of Distilled Spirits.

61 5. (e) Any application for registration of Brands or Brand Labels that tend to create a
62 monopoly or lessen competition with respect to Alcoholic Beverages will not be approved.
63 A proposed change or transfer of any kind whereby ~~that will place more than 25%~~ of the
64 case volume of all Distilled Spirits sold in Georgia ~~under one~~ would be designated to one
65 Wholesaler or controlled group is presumed to be an attempt to create a monopoly and
66 lessen competition.

67 (3) ~~No applicant will be approved which will tend to create a monopoly or lessen competition with~~
68 respect to any type of Alcoholic Beverages or with respect to case volume generally.

69

70 Authority: O.C.G.A. §§ 3-2-2, 3-4-152, 3-5-31, 3-6-21.2, 3-6-22, 48-2-12.

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72

73 **Rule 560-2-5-.09 Registering Additional Brands/Brand Labels; Notice to Previously**
74 **Designated Wholesalers.**

75 (1) After initial registration, a ~~Every~~ Manufacturer, Shipper, Importer, or Broker may
76 desiring to register additional Brands or Brand Labels subject to the following terms:
77 subsequent to the initial registration of Brands or Brand Labels must:

78 (a) For Wine and Malt Beverages, Submit submit such a request through the
79 Georgia Tax Center at least to the Commissioner thirty (30) days in advance of
80 offering such Alcoholic Beverages for sale in Georgia. The registration of
81 additional Brands or Brand Labels shall be limited to a maximum of ten (10)
82 Brands/Brand Labels per submission, with unlimited submissions; and as to
83 Distilled Spirits:

84 (b) For Distilled Spirits:

85 1. Submit a request through the Georgia Tax Center at least thirty (30) days
86 in advance of offering such Alcoholic Beverages for sale in Georgia, up to
87 a maximum of ten (10) Brands or Brand Labels per submission, with
88 unlimited submissions. The applicant shall pay a registration fee in the sum
89 of one hundred dollars (\$100.00) for no more than ten (10) Brand Labels of
90 Distilled Spirits.

91 2. Pay a registration fee of ten dollars (\$10.00) for each additional Brand or
92 Brand Label presented for registration. No producer shall present for
93 registration at any one time more than ten (10) brands of Distilled Spirits.

94 3. If a producer presents more than ten (10) Brand Labels for registration
95 after the initial registration, the registration fee for each additional Brand
96 Label of Distilled Spirits shall be ten dollars (\$10.00) per Brand Label.

97 4. A Pay an annual fee of ten dollars (\$10.00) for all each registered Brand
98 or Brand Labels registered by the producer must be paid annually every year
99 following the year of initial application.

100 5. Any proposed change or transfer that will place more than 25% of the
101 case volume of all Distilled Spirits sold in Georgia under one Wholesaler or
102 controlled group is presumed to be an attempt to create a monopoly and
103 lessen competition.

104 (2) (c) Any application for the registration of Brands or Brand Labels that tend to create
105 a monopoly or lessen competition with respect to Alcoholic Beverages will not be
106 approved. A proposed change or transfer of any kind whereby more than 25% of
107 the case volume of all Distilled Spirits sold in Georgia would be designated to one
108 Wholesaler or controlled group is presumed to be an attempt to create a monopoly
109 and lessen competition. No proposed change will be approved which will tend to
110 create a monopoly or lessen competition with respect to any type of Alcoholic
111 Beverages or with respect to case volume generally.

112 (3) If the additional Should such Brands or Brand Labels submitted for registration are already
113 designated to a have been previously designated to a different Wholesaler, the Manufacturer,
114 Shipper, Importer, or Broker shall: must:

115 (a) Notify the previously designated Wholesaler(s) by mailing, via U.S. certified mail,
116 Furnish a copy of the request to register additional Brands or Brand Labels that designate
117 different Wholesalers or sales territories. for the additional designations to the Wholesaler
118 or Wholesaler's previously designated Wholesaler by such Manufacturer, Shipper, or

119 ~~Broker is such subsequent designations of such subsequent Brands or Brand Labels is to a~~
120 ~~Wholesaler different from the Wholesalers designated for other Brands or Brand Labels of~~
121 ~~such Manufacturer, Shipper, or Broker.~~

122 3.4. The initially designated Wholesaler shall have thirty (30) days from receipt of the notification
123 in paragraph (2) above to file an objection with additional designations from the Manufacturer,
124 Shipper, or Broker in which to object to the Commissioner. to such additional Wholesaler
125 designees, and if no such If an objection is not filed with the Commissioner within such the thirty
126 (30) days, period, the right to file such objection shall be waived.

127 (ia) Objections shall state the specific reasons which form the basis of the objection;

128 (iib) Any Brands or Brand Labels previously registered in Georgia and which have
129 subsequently been withdrawn from distribution for a period of less than four (4) years shall
130 be treated in the same manner as registering additional Brands or Brand Labels and are
131 subject to the provisions in this Section;

132 (iic) Any Brands or Brand Labels previously registered in Georgia and which have
133 subsequently been withdrawn from distribution for a period in excess of equal to or greater
134 than four (4) years shall be considered deemed as an initial application to register the
135 Brands or Brand Labels pursuant to Rule 560-2-5-.08; as provided by this Title and Section
136 (1) of this Regulation;

137 (ivd) Any previously designated Wholesaler filing an objection after the Brand/Brand
138 Label has been withdrawn for the a period in excess of equal to or greater than four (4)
139 years and for which an initial application has been deemed filed pursuant to subparagraph
140 (3)(c) above, and Rule 560-2-5-.08, shall only have the right to a hearing if sufficient
141 documentation is provided to an objection is filed with the Department Commissioner
142 within six (6) months of the date of registration and a determination is made by the
143 Department Commissioner that a hearing is warranted;

144 (ve) Sufficient documentation The objection should include information showing that the
145 last date upon which the Manufacturer shipped Alcoholic Beverages to the Wholesaler was
146 within the previous four (4) years;

147 (vif) Maintaining an inventory of the withdrawn Brand and or showing subsequent sales of
148 that Brand to Retailers and/or Retail Consumption Dealers shall NOT constitute sufficient
149 documentation grounds for a determination that a hearing is warranted;

150 (viig) A Brand is considered withdrawn as of the date of the letter of withdrawal pursuant
151 to Rule 560-2-5-.10(8), or if sooner, the date the license expires or is relinquished by the
152 Manufacturer, Shipper, Importer, or Broker. Section (12) of this Regulation, from the date
153 of expiration of the Manufacturer's, Shipper's, Importer's, or Broker's license, or date of
154 relinquishment of the license by the Manufacturer, Shipper, Importer, or Broker.

155 (4) If an objection is filed pursuant to this Rule paragraph (1) above within the thirty (30) day
156 period, or upon his own motion by the Commissioner, the Commissioner shall set a hearing on
157 such matter and give provide at least twenty (20) days notice of such hearing via U.S. certified
158 mail to the initially previously designated Wholesaler, the proposed designated Wholesaler for
159 such additional Brands or Brand Labels, and the Manufacturer, Shipper, Importer or Broker.

160 (a) If it is determined from the evidence adduced at the hearing that the Brand or Brand
161 Label involved is the same as, ~~or similar to,~~ or is such a modification, ~~of,~~ substitution ~~of,~~
162 upgrade ~~of~~ or extension of, a Brand or Brand Label which has already been registered by
163 the Manufacturer, Shipper, or Broker so as to render it unjust or inequitable (without cause
164 being shown) to designate the Brand or Label being so modified, substituted, upgraded or
165 extended; then such request shall be denied;

166 (b) Provided however, that nothing in this Regulation shall be construed to prevent the
167 Manufacturer, Shipper, Importer or Broker from treating the matter as a desire to change
168 Wholesalers, and from proceeding under ~~Regulation 560-2-5-11~~ Rule 560-2-5-10, either
169 before or after such determination;

170 (c) Any inventory of the released Brand may no longer be distributed by the Wholesaler as
171 of the date of the letter of release as specified in Rule 560-2-5-10(7).

172

173 Authority: O.C.G.A. §§ 3-2-2, 3-4-152, 3-5-31, ~~3-6-21.2~~, 3-6-22, 48-2-12.

174

175 **Rule 560-2-5-10 Changing Brands/Brand Labels Registration, Designation of Wholesalers**
176 **or Sales Territories/Territory Designations**

177 (1) Any Manufacturer, Shipper, Importer, or Broker desiring to change Wholesalers with respect
178 to any Brand or Brand Label or to change the territory of a designated Wholesaler, shall file with
179 the Commissioner, a Notice of Intention containing ~~such of~~ the following information: ~~as is~~
180 applicable:

181 (a) Name of each Brand or Brand Label involved;

182 (b) Case volume in Georgia for each Brand/Brand Label for the current year and the two
183 previous years;

184 (c) Name of the Wholesaler currently distributing each ~~such~~ Brand/Brand Label;

185 (d) Name of the proposed new Wholesaler, ~~and the proposed scope of his the sales territory,~~
186 if less than or and whether such territory is different from that of the currently designated
187 Wholesaler;

188 (e) Case volume of all Brands of the proposed new Wholesaler for the current year and the
189 two preceding years;

190 (f) Names of all persons, firms or corporations having any financial interest in the proposed
191 new wholesale business;

192 (g) ~~Whether or not~~ If any person, firm or corporation named in section (f) above has any
193 financial interest in any other business engaged in the sale of Alcoholic Beverages, the
194 Department requires additional information including, but not limited to, the following:
195 ~~and the extent and nature of such interest together with the name and location thereof; and~~

196 1. Business name and address;

197 2. Alcohol license number;

198 3. Ownership interest and/or offices held; and

199 4. Business relationship or association

200 (h) A detailed explanation of the specific business reasons for the request to change
201 Wholesalers or to change the territory of a designated Wholesaler.

202 (2) Business reasons which may be considered by the Commissioner in determining cause for
203 authorizing a change of Wholesalers or to change the territory of a designated Wholesaler include:

204 (a) A Wholesaler's bankruptcy or serious financial instability, including its failure
205 consistently to pay its debts ~~timely as they fall due~~ or its failure to meet or maintain any
206 objective standards of capitalization expressly agreed to between the Wholesaler and the
207 Manufacturer, Importer, ~~producer~~, or Broker, provided such standards are determined by
208 the Commissioner to be reasonable;

209 (b) A Wholesaler's repeated violation of any provision of federal or state law or regulation
210 whether or not such violation resulted in official action;

211 (c) A Wholesaler's failure to maintain sales volume of the Brand reasonably consistent with
212 sales volumes of other Wholesalers of that Brand, or a Wholesaler's failure to otherwise
213 promote the product effectively; and

214 (d) Any other factors relevant to such proposed change ~~and which~~that will aid the
215 Commissioner in determining cause.

216 (3) At the same time that the original Notice of Intention is filed with the Commissioner, a copy
217 shall be served via U.S. certified mail by the Manufacturer, Shipper, Importer, ~~producer~~, or Broker,
218 upon each Wholesaler who may be affected by the proposed changes and a certificate of such
219 service shall accompany the original Notice of Intention filed with the Commissioner.

220 (4) Any person, including the Commissioner, may file an objection to the request to change
221 Wholesalers or to change territory designations within thirty (30) days of the date of Notice of
222 Intention. Such written objections shall be filed with the Office of the Commissioner. The
223 objecting party shall serve a copy of the objection upon all Wholesalers who may be affected by
224 the proposed change via U.S. certified mail. Within thirty (30) days after the Notice of Intention is
225 filed, any person, including the Commissioner, may interpose written objections thereto. Such
226 written objections, containing reasons therefore, shall be filed in the office of the Commissioner
227 and copies thereof shall be served by the objecting party upon the party proposing the change and
228 upon all Wholesalers who may be affected by the proposed change.

229 (a) Upon the request of any party or upon ~~his own~~ motion by the Commissioner, the
230 Commissioner shall provide at least twenty (20) days notice via U.S. certified mail to all
231 applicable parties, hold a hearing, ~~after providing due notice to all parties concerned~~, for
232 the purpose of determining the truth of any matters of fact alleged by any party and
233 determining whether the proposed changes are based upon sufficient cause and are
234 otherwise consistent with the policies set ~~out forth~~ in Regulation Rule 560-2-5-.09;

235 (b) ~~No proposed~~Proposed changes will not be approved for the following reasons:

236 1. ~~Which will~~ Any change that tends to create a monopoly or lessen competition
237 with respect to any type of Alcoholic Beverage. A proposed change or transfer of
238 any kind whereby more than 25% of the case volume of all Distilled Spirits sold in
239 Georgia would be designated to one Wholesaler or controlled group is presumed to
240 be an attempt to create a monopoly and lessen competition. ~~or with respect to sales~~
241 ~~volume generally; or~~

242 2. ~~Which is based upon the~~ The failure or refusal of a Wholesaler to comply with
243 any demand or request of a Manufacturer, Shipper, Importer, producer, or Broker
244 which would result in a violation of any provision of federal or state law or
245 regulation.

246 (c) During the thirty (30) day period as provided in paragraph (4) above, and until the
247 proposed changes have been finally approved by the Commissioner, the party proposing
248 the change shall continue to supply the designated Wholesaler, upon commercially
249 reasonable terms, such reasonable quantities of the Brand involved as the Wholesaler may
250 require.

251 (5) If no objection is filed to the Notice of Intention as provided in this Rule, paragraph (3) above,
252 the proposed changes shall stand automatically approved by the Commissioner at the expiration
253 of such thirty (30) day period.

254 (6) Any Manufacturer, Shipper, Importer, or Broker who obtains or acquires in any manner, the
255 right to sell, ship, or distribute any Brand or Brand Label shall for the purpose of these regulations
256 stand in the place of, and be subject to, all of the rights, privileges, duties and obligations of its
257 predecessor or its predecessors from whom such Brands or Brand Labels were obtained or
258 acquired.

259 (7) When a Brand is voluntarily released by a Georgia Wholesaler from distribution in Georgia,
260 the Wholesaler must provide mail a letter of release via U.S. certified mail to the Manufacturer,
261 Shipper, Importer, or Broker on company letterhead, ~~and the~~ Wholesaler shall provide a copy of
262 the letter of release must be forwarded by the Wholesaler to the Alcohol and Tobacco Division of
263 the Department within thirty (30) days of the date of the letter of release.

264 (a) The date of the letter of release will be considered the date upon which the Brand was
265 withdrawn from distribution;

266 (b) Letters of release received by the Department after the thirty (30) day requirement will
267 not be considered valid, and a new letter of release must be provided pursuant to the
268 requirements in this Section;

269 (c) Any inventory of the released Brand may no longer be distributed by the Wholesaler as
270 of the date of the letter of release.

271 (8) When a Brand is voluntarily withdrawn from distribution in Georgia, the Manufacturer,
272 Shipper, Importer, or Broker must provide mail a letter of withdrawal to the Wholesaler on
273 company letterhead, ~~and~~ The Manufacturer, Shipper, Importer, or Broker shall provide a copy of
274 the letter of withdrawal must be forwarded by the Manufacturer, Shipper, Importer, or Broker, to
275 the Alcohol and Tobacco Division of the Department within thirty (30) days of the date of the
276 letter of withdrawal.

277 (a) The date of the letter of withdrawal will be considered the date upon which the Brand
278 is withdrawn from distribution;

279 (b) Letters of withdrawal received after the thirty (30) day requirement will not be
280 considered valid, and a new letter of withdrawal must be provided pursuant to the
281 requirements in this Section;

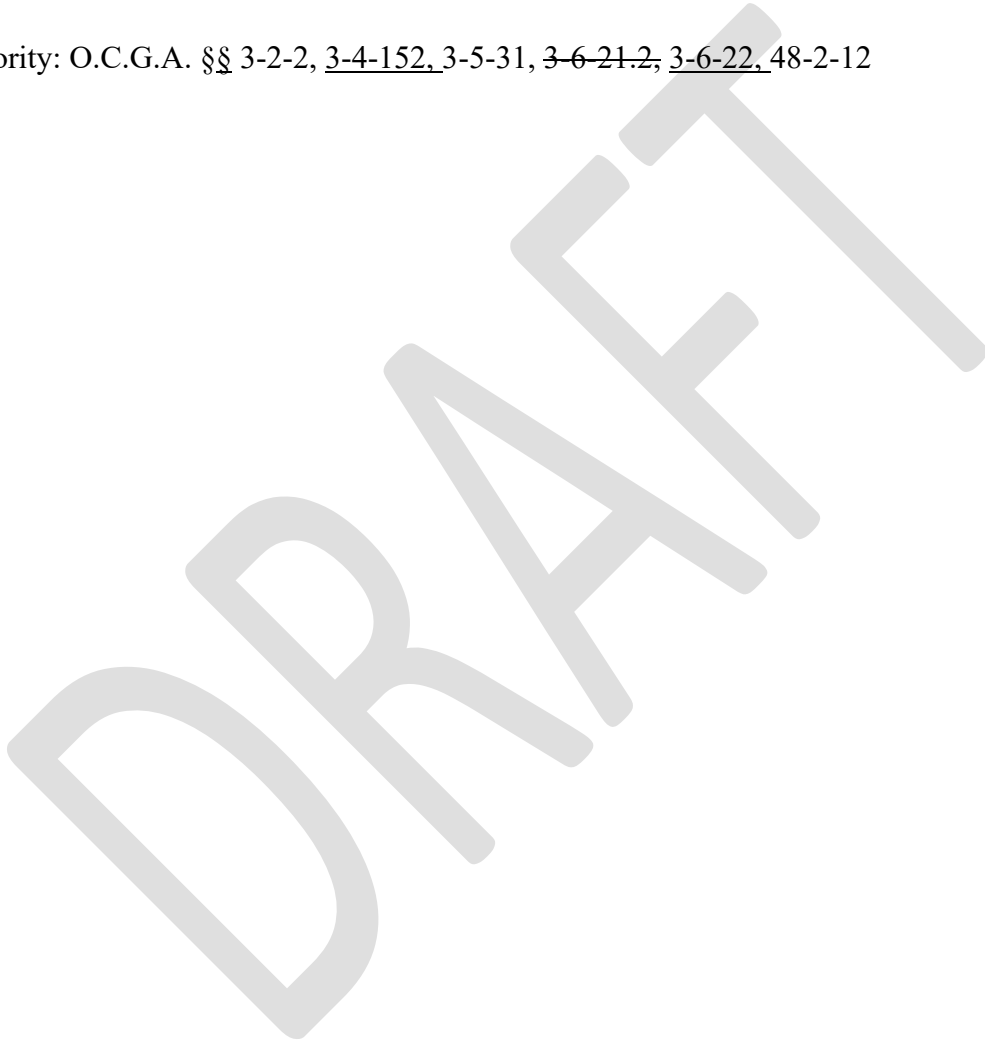
282 (c) Any inventory of the withdrawn Brand may still be distributed after receipt of the letter
283 of withdrawal by the Wholesaler.

284

285 Authority: O.C.G.A. §§ 3-2-2, 3-4-152, 3-5-31, ~~3-6-21.2~~, 3-6-22, 48-2-12

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[Ga. Comp. R. & Regs. r. 560-2-1-.01](#)

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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.

Statutory Authority

[O.C.G.A. Secs. 3-2-2](#), ~~[5A-302](#)~~, ~~[91A-215](#)~~.

History

Original Rule entitled "Administration" adopted. F. and eff. 6/30/1965. **Repealed:** New Rule of same title adopted. F. Oct. 23, 1969; eff. 11/1/1969, as specified by the Agency. **Repealed:** New Rule of same title adopted. F. Aug. 5, 1970; eff. 8/25/1970. **Repealed:**F. Oct. 1, 1975; eff. 10/21/1975. **Amended:**New Rule entitled "Organization" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule of the same title adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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560-2-1-.02 Commissioner's Authority to Rename and Reorganize Chapters

~~Division 560-2 of the Rules of the Department of Revenue shall be organized in the following manner as set forth by the Commissioner:~~

~~Chapter 560-2-1, entitled "Organization."~~

~~Chapter 560-2-2, entitled "General Provisions."~~

~~Chapter 560-2-3, entitled "Retailer/Retail Consumption Dealers."~~

~~Chapter 560-2-4, entitled "Wholesalers."~~

~~Chapter 560-2-5, entitled "Manufacturers, Shippers, Importers & Brokers."~~

~~Chapter 560-2-6, entitled "Distilled Spirits."~~

~~Chapter 560-2-7, entitled "Malt Beverages."~~

~~Chapter 560-2-8, entitled "Brew Pubs."~~

~~Chapter 560-2-9, entitled "Wine."~~

~~Chapter 560-2-10, entitled "Farm Wineries."~~

~~Chapter 560-2-11, entitled "Hotels, Charitable Events & REAP."~~

~~Chapter 560-2-12, entitled "Limousine."~~

~~Chapter 560-2-13, entitled "Alcoholic Beverage Catering."~~

~~Chapter 560-2-14, entitled "Non-Beverage Alcohol."~~

~~Chapter 560-2-15, entitled "Military & Consuls."~~

~~Chapter 560-2-16, entitled "Administrative Hearings."~~

~~Chapter 560-2-17, entitled "Forms in Common Use."~~

~~Chapter 560-2-18, entitled "Coin Operated Amusement Machines."~~

Statutory Authority

[O.C.G.A. Secs. 3-2-2](#), [3-2-6](#), [48-2-12](#).

History

Original Rule entitled "Sections" adopted. F. and eff. 6/30/1965. **Repealed:** New Rule of same title adopted. F. Oct. 23, 1969; eff. 11/1/1969, as specified by the Agency. **Repealed:** New Rule entitled "Divisions" adopted. F. Aug. 5, 1970; eff. 8/25/1970. **Repealed:** New Rule of same title adopted. F. June 29, 1972; eff. 7/19/1972. **Repealed:** F. Oct. 1, 1975; eff. 10/21/1975. **Amended:** New Rule entitled "Personnel of Department Prohibited From Dealing in Beverage Alcohol; Exception" adopted. F. May 5, 1982; eff. 5/25/1982. **Amended:** F. Nov. 8, 2006; eff. 11/28/2006. **Repealed:** New Rule entitled "Commissioner's Authority to Rename and Reorganize Chapters" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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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 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.

Statutory Authority

[O.C.G.A. Secs. 3-2-2, 3-2-30.](#)

History

Original Rule entitled "Substantive Regulations (Definitions)" adopted. F. and eff. 6/30/1965. **Repealed:**F. May 5, 1982; eff. 5/25/1982. **Amended:**New Rule entitled "Retention of Weapon and Badge Upon Retirement" adopted. F. June 29, 2007; eff. 7/19/2007. **Repealed:** New Rule entitled "Personnel of Department Prohibited From Dating in Alcoholic Beverages; Exception" adopted. F. Oct 1, 2010; eff. 10/21/2010.

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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 to engage in or derive remuneration or profit from the operation of any businesses regulated under the Act.

Statutory Authority

[O.C.G.A. Secs. 3-2-2](#), ~~[58-1022](#)~~, ~~[92-8405](#)~~, ~~[92-8406](#)~~, ~~[92-8409](#)~~, ~~[92-8427](#)~~.

History

Original Rule entitled "The Act" adopted. F. and eff. 6/30/1965. **Repealed:**F. May 5, 1982; eff. 5/25/1982.

Amended: New Rule entitled "Restriction on Law Enforcement Agents" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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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 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, badges, and a "retired" Department Identification Card.
- (2) When a ~~sworn~~ 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 "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" 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 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 residence location address. If available at the time of 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; and
 - (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.

Statutory Authority

[O.C.G.A. Secs. 3-2-2, 3-2-30, 58-1022, 92-8405, 92-8406, 92-8409, 92-8427](#)

History

Original Rule entitled "Department" adopted. F. and eff. 6/30/1965. **Repealed:**F. May 5, 1982; eff. 5/25/1982.
Amended: New Rule entitled "Retention of Weapon and Badge Upon Retirement" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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560-2-2-.02 Licensing Qualifications

(1) No Person shall manufacture, distribute, sell, handle, ~~or~~ 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 a manner prescribed by the Commissioner, and under oath shall answer all questions, supply all information, ~~personnel and~~ statements, (including information regarding applicant's employees and business partners), ~~if requested~~, 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 a license for Alcoholic Beverage or non-beverage Alcohol 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. Provided, 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 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 ~~shall 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.

(5)(6) No alcohol license application will be granted where it would lead to a violation of local ordinances or is in contradiction with any Department regulations or other laws of the State of Georgia.

(6)(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.

(7)(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.

(8)(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.

(9)(10) When contrary to the public interest and 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, by reason of that person's business experience, financial standing, trade associations, personal associations, records of arrests, ~~or~~ reputation in any community in which he has resided, ~~or~~ who is not likely to maintain the operation for which he 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;

(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.

(10)(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.

(11)(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 Regulation Subject 560-2-16; the regulations in Chapter 16;

Ga. Comp. R. & Regs. r. 560-2-2-.02

(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.

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Statutory Authority

[O.C.G.A. Secs. 3-2-2](#), [3-2-3](#), [48-2-12](#).

History

Original Rule entitled "License Application" adopted. F. and eff. 6/30/1965. **Repealed:** New Rule of same title adopted. F. Oct. 23, 1969; eff. 11/1/1969, as specified by the Agency. **Repealed:** New Rule entitled "Financial Transactions" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:**F. Sept. 6, 2006; eff. 9/26/2006. **Amended:** New Rule entitled "Licensing Qualifications" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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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 Regulation 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.

Statutory Authority

[O.C.G.A. Secs. 3-2-2](#), [3-2-6](#), [3-4-22](#), [3-5-25.1](#), [3-5-36](#), [3-6-21](#), [48-8-12](#).

History

Original Rule entitled "License Application: Citizenship and Residency; Waiver" adopted. F. and eff. 6/30/1965. **Repealed:** New Rule entitled "License Application: Citizenship and Residency" adopted. F. Oct. 23, 1969; eff. 11/1/1969, as specified by the Agency. **Repealed:** New Rule entitled "Sales to Minors: Exceptions" adopted. F. May 5, 1982; eff. 5/25/1982. **Amended:** F. Sept. 27, 1985; eff. 10/17/1985. **Repealed:** New Rule entitled "Bonds" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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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) ~~Licenses for~~ On-premise retail consumption licensees ~~outlets~~ shall display the annual alcohol license at each licensed premises.~~be displayed at each premise for which a license has been issued.~~
 - (a) On-premise retail consumption locations ~~outlets~~ 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.

Statutory Authority

O.C.G.A. Secs. 3-2-2, 3-3-3, 5A-302, 91A-215.

History

Original Rule entitled "Annual Fee; Bond" adopted. F. and eff. 6/30/1965. **Repealed:** New Rule entitled "Retail Dealer and Retail Consumption Dealer Purchases from Licensed Wholesaler. Penalty for Violation" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule entitled "Display of License" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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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;

(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 attached 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 payment of the taxes and seller 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 sale to individuals or act as a Wholesaler shall be responsible for monthly reporting and the remittance of taxes pursuant to Chapter 560-... (will reference the appropriate rules)

(3)(4) For Malt Beverages only, nNo licensed Wholesaler of Malt Beverages 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.

Statutory Authority

O.C.G.A. Secs. 3-2-2, 3-2-6, 48-2-12.

History

Original Rule entitled "Description of Premises" adopted. F. and eff. 6/30/1965. **Repealed:** New Rule entitled "Description of Premises, Storage of Distilled Spirits" adopted. F. Oct. 23, 1969; eff. 11/1/1969, as specified by the Agency. **Repealed:** New Rule entitled "Consumers" adopted. F. May 5, 1982; eff. 5/25/1982. **Amended:** F. Nov. 8, 2006; eff. 11/28/2006. **Repealed:** New Rule entitled "Monthly Report; Remittance of Taxes" adopted. F. Oct. 1, 2010; eff. 10/21/2010. **Amended:** F. Sept. 9, 2011; eff. 9/29/2011.

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

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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;
 - (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.

Statutory Authority

[O.C.G.A. Secs. 3-2-2](#), [3-2-3](#), [3-2-7](#), [5A-302](#), [91A-215](#).

History

Original Rule entitled "Record of Materials Received, Including Affidavit Regarding Georgia Products" adopted. F. and eff. 6/30/1965. **Repealed:** New Rule entitled "Record of Materials Received, Including Affidavit Regarding Georgia Products; Length of Time All Records Must Be Maintained" adopted. F. Oct. 23, 1969; eff. 11/1/1969, as specified by the Agency. **Repealed:** New Rule entitled "Advertising Material; Assessments for Advertising" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule entitled "Initial Applications; Temporary Permits Authorized; Conditions of Issuance" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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[Ga. Comp. R. & Regs. r. 560-2-2-.07](#)

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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 font.
- (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 Commissioner.
- (3) In addition to the public notice requirement set forth under paragraph (1) of this Regulation, 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.

Statutory Authority

[O.C.G.A. Secs. 3-2-2, 3-2-3, 5A-302, 91A-215.](#)

History

Original Rule entitled "Application for Purchases in Bulk from Out of State Producers" adopted. F. and eff. 6/30/1965. **Repealed:** New Rule entitled "Purchases in Bulk From Out of State Producers" adopted. F. May 13, 1975; eff. 6/2/1975. **Repealed:** New Rule entitled "Acceptance of Legal Delivery" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule entitled "Certain Requirements for Licensees Upon Suspension of Alcohol License" adopted. F. Oct 1, 2010; eff. 10/21/2010.

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[Ga. Comp. R. & Regs. r. 560-2-2-.08](#)

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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, and~~ at a time as the Commissioner may designate in writing and with reasonable notice.

Statutory Authority

[O.C.G.A. Secs. 3-2-2, 3-2-3, 5A-302, 91A-215.](#)

History

Original Rule entitled "Separation of Georgia Products" adopted. F. and eff. 6/30/1965. **Repealed:** New Rule entitled "Notification of Disciplinary Action" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule entitled "Providing Testimony and Documents" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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[Ga. Comp. R. & Regs. r. 560-2-2-.09](#)

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

(1) No application for a license to sell Alcoholic Beverage will be considered so 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.

Statutory Authority

[O.C.G.A. Secs. 3-2-2, 48-2-12.](#)

History

Original Rule entitled "Monthly Reports of Production" adopted. F. and eff. 6/30/1965. **Repealed:** New Rule entitled "Licensing Qualifications" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule of same title adopted. F. Dec. 15, 2006; eff. 1/4/2007. **Amended:** F. Mar. 10, 2008; eff. 3/30/2008. **Repealed:** New Rule entitled "Failure to Comply with Tax Laws" adopted. F. Oct. 1, 2010; 10/21/2010.

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Ga. Comp. R. & Regs. r. 560-2-2-.10

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

(1) Neither a Manufacturer, **producer**, Shipper, Importer, or Broker, nor any of its employees or members of such Manufacturer's, **producer's**, Shipper's, Importer's, or Broker's immediate **f**-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, or 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, **producer**, 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, **producer**, 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, **producer**, Shipper, Importer, or Retailer, provided the children are emancipated and hold no business or 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, **which** 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 result 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., (6)(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 ~~Chapter~~ 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.

~~(c)~~(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 or entity 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.

Statutory Authority

O.C.G.A. Secs. 3-2-2, 48-2-12.

History

Original Rule entitled "Registration of Brands" adopted. F. and eff. 6/30/1965. **Repealed:** New Rule entitled "Solicitation of Drinks" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** F. Sept. 6, 2006; eff. 9/26/2006.

Amended: New Rule entitled "Outside Delivery of Drinks" adopted. F. Sept. 20, 2007; eff. 10/10/2007. **Repealed:** New Rule entitled "Ownership Interest; Change or Transfer of Ownership" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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[560-2-2-.11 Restrictions for Employees of Manufacturers, Importers, Brokers, Joint Registrants or Wholesaler on Non-Department Employees](#)

No employee of any Manufacturer, Importer, Broker, ~~producer~~, 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.

Statutory Authority

[O.C.G.A. Secs. 3-2-2, 5A-302, 91A-215.](#)

History

Original Rule entitled "Shipment Outside Georgia" adopted. F. and eff. 6/30/1965. **Repealed:** New Rule entitled "Shipments Within and Without Georgia" adopted. F. May 13, 1975; eff. 6/2/1975. **Repealed:** New Rule entitled "Games of Chance; Cause for Suspension or Revocation of License" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule entitled "Restrictions on Non-Department Employees" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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560-2-2-.12 Measurement of Distances

(1) Unless otherwise provided by law, all measurements to determine ~~distances required~~distance requirements of by 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 related parties, such as fences or other improvements or obstructions that would increase the measurement of distance. The Department will measure over or through any such obstacles, as the Department deems appropriate, to obtain the proper distance measurement.

~~(2)~~(3) All renewal applications shall use the measurements required in the initial application and license.

Statutory Authority

O.C.G.A. Secs. 3-2-2, 3-3-21, 3-3-49, 5A-302, 91A-215.

History

Original Rule entitled "Compliance With Transportation Rules and Regulations" adopted. F. and eff. 6/30/1965.

Repealed: New Rule entitled "Validity of License" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule entitled "Measurement of Distances" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

Ga. Comp. R. & Regs. r. 560-2-2-.12

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

- (1) Unless otherwise specifically permitted by this Act and these regulations, no Manufacturer, ~~producer,~~ 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 as provided in Subject 560-2-4;
 - (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, or 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 Wholesalers' designated sales territory ~~and~~ upon equal terms.
- (3) It shall be a violation of this Regulation-Rule for any Retailer or Retail Consumption Dealer, their employees, agents, buyers, purchasing agents, or anyone acting directly or indirectly ~~in~~ on their behalf to accept, acquiesce, or otherwise participate in the prohibited acts contained in ~~this the~~ Act or ~~these regulations~~ 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 Wholesalers' quality control standards and provided the Malt Beverages were sold to the Retailer or Retail Consumption Dealer at the Wholesalers' 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 [RegulationRule 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 his agents.
4. Shall not issue a credit, rebate, or refund of excise taxes for such an exchange.

Statutory Authority

[O.C.G.A. §§ 3-2-2, 48-2-12.](#)

History

Original Rule entitled "Intra-State Transportation Via Licensed Common Carriers" adopted. F. and eff. June 30, 1965. **Repealed:** New Rule of same title adopted. F. Sept. 25, 1978; eff. 10/15/1978. **Repealed:** New Rule entitled "Other Beverage Alcohol Prohibited" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule entitled "Refunds; Discounts; Gifts; All Sales Final" adopted. F. Oct. 1, 2010; eff. 10/21/2010. **Amended:** F. May 6, 2016; eff. 5/26/2016.

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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 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 Retailer's or Retail Consumption Dealer's offering the Manufacturer's products for sale.

Statutory Authority

[O.C.G.A. Secs. 3-2-2, ~~5A-302, 91A-215.~~](#)

History

Original Rule entitled "Tax Stamp Rates Affixed Prior to Intra-State Transportation" adopted. F. and eff. 6/30/1965. **Repealed:** New Rule of same title adopted. F. Oct. 23, 1969; eff. 11/1/1969, as specified by the Agency. **Repealed:** New Rule entitled "Subterfuge" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule entitled "Coupons and Rebates" adopted. F. Oct 1, 2010; eff. 10/21/2010.

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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 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:

(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 duty;

(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 duty.

Statutory Authority

[O.C.G.A. Secs. 3-2-2, 3-2-32, ~~5A-302, 91A-215.~~](#)

History

Original Rule entitled "Limitation Upon Other Business Interest" adopted. F. Oct. 23, 1969; eff. 11/1/1969, as specified by the Agency. **Repealed:** New Rule entitled "Display of License" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule entitled "Inspection of Licensed Premises and Records" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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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.

Statutory Authority

[O.C.G.A. Secs. 3-2-2, 48-2-12, ~~48-12-2~~](#).

History

Original Rule entitled "Records to Be Maintained" adopted. F. May 13, 1975; eff. 6/2/1975. **Repealed:** F. Nov. 2, 1977; eff. 11/22/1977. **Amended:** New Rule entitled "Refunds; Discounts; Gifts; All Sales Final; Termination of Business and Refunds on Close-Out Inventory" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule of same title adopted. F. Feb. 3, 1987; eff. 2/23/1987. **Amended:** F. July 23, 1992; eff. 8/12/1992. **Amended:** F. Dec. 13, 2002; eff. 1/2/2003. **Repealed:** New Rule of same title adopted. F. Dec. 31, 2003; eff. 1/20/2004. **Repealed:** New Rule of same title adopted. F. Feb. 26, 2007; eff. 3/18/2007. **Repealed:** New Rule entitled "Emergency Movement of Alcoholic Beverages" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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

- (1) ~~Upon the request of a TheA~~ Retailer or Retail Consumption Dealer, ~~Wholesalers, at their option,~~ may submit a request for Wholesalers to conduct a single initial setting of Alcoholic Beverages at the Retailer's or Retail Dealer's location.
- (2) ~~Upon the request of TheA~~ Retailer or Retail Consumption Dealer, ~~Wholesalers, 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.
- (3) Each Retailer or Retail Consumption Dealer shall notify the Department through the Georgia Tax Center and notify all applicable Wholesalers ~~on Form ATT-188~~ 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 ~~and is~~ subject to equal terms ~~being available to all Wholesalers;~~
 - (b) All Retailers or Retail Consumption Dealers and participating Wholesalers must maintain a copy of the notification at their licensed premise 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.

Statutory Authority

O.C.G.A. Secs. 3-2-2, 3-2-6, 5A-302, 91A-215.

History

Original Rule entitled "Consideration of Goods Bought or Sold to Be in Cash; Exceptions" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule entitled "Trade Practices - Inventory Set and Resets; Notification" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

[Ga. Comp. R. & Regs. r. 560-2-2-.18](#)

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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 ~~within the meaning of this Regulation~~, 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 premise of a Retailer or Retail Consumption Dealer are affixed or attached in any way to the exterior premise, and 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.

Statutory Authority

[O.C.G.A. Secs. 3-2-2, 3-2-6, 48-2-12.](#)

History

Original Rule entitled "Airline and Railway Passenger Carriers, Authorization to Sell and Distribute" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** F. Sept. 6, 2006; eff. 9/26/2006. **Amended:** New Rule entitled "Trade Practices - Point -of-Sale Advertising" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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

- (1) All promotional items and marketing events are to be available on equal terms to all similarly situated accounts of the sponsoring party.
- (2) Banners for internal or external use at promotional events as defined by regulation may be provided at no cost to the non-Licensee and may be displayed at the event.
 - (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.
- (3) A Wholesaler, Broker, Importer, or Manufacturer may provide promotional items, excluding tobacco products, Alcoholic Beverage products, ~~or 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.
- (4) 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.
- (5) A Wholesaler, Broker, Importer, or Manufacturer may conduct "marketing events" in Georgia, as a 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 a Wholesalers, Brokers, Importers, or Manufacturers may not exceed \$300 per Brand in a single retail establishment in a rolling twelve-month period;

(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 Wholesalers, Brokers, Importers, 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.

Statutory Authority

[O.C.G.A. Sec. 3-2-2](#), [3-2-6](#), ~~[5A-302](#)~~, ~~[91A-215](#)~~.

History

Original Rule entitled "Emergency Movement of Beverage Alcohol" adopted. F. May 5, 1982; eff. 5/25/1982.

Repealed: New Rule entitled "Trade Practices - Promotional Items and Marketing Events" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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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 provided the promotional event is held at or within a publicly owned stadium, park, coliseum, or auditorium that is~~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 refer to 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.

(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 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.

Statutory Authority

O.C.G.A. Secs. 3-2-2, 5A-302, 91A-215.

History

Original Rule entitled "Shipper's Failure to File Report" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule entitled "Promotional Events" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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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, ~~or~~ 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.

Statutory Authority

[O.C.G.A. Secs. 3-2-2, 5A-302, 91A-215.](#)

History

Original Rule entitled "Unlawful Shipments; Seizure; Assessment" adopted. F. May 5, 1982; eff. 5/25/1982.

Repealed: New Rule entitled "Prohibited Advertising" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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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;

(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 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;

(b) A signed statement from the Wholesaler, Broker, Importer, Shipper or Manufacturer in substantially the following format:

Date: _____

Time: Begin: _____ End: _____

Location Name: _____

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: _____

Company Name: _____

Ga. License No. _____

(3) All trade shows ~~shall~~ **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. Failure to receive written notification from the Commissioner within fifteen (15) days from the date of receipt of the applicant's request by the Commissioner shall constitute a denial of the request.

Statutory Authority

[O.C.G.A. Secs. 3-2-2, 3-2-6, 48-2-12.](#)

History

Original Rule entitled "Failure to Report; Failure to Remit Taxes; Penalty; Interest" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** F. Sept. 6, 2006; eff. 9/26/2006. **Amended:** New Rule entitled "Trade Show" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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[Ga. Comp. R. & Regs. r. 560-2-2-.23](#)

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560-2-2-.23 Sales Invoice Requirements for Manufacturers, Shippers and Wholesalers to Make Accurate

- (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;
 - (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.

Statutory Authority

[O.C.G.A. Secs. 3-2-2, 5A-302, 91A-215.](#)

History

Original Rule entitled "Common Carriers: Bills of Lading" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule entitled "Manufacturer, Shipper and Wholesaler to Make Accurate Invoice" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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560-2-2-.24 Sales by Vending Machines

No Licensee shall sell, offer for sale, or allow to be sold any Alcoholic Beverages through any vending machine or through any unattended machine.

Statutory Authority

[O.C.G.A. Secs. 3-2-2, 48-2-12.](#)

History

Original Rule entitled "Wholesale Brand Combinations" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** F. Nov. 8, 2006; eff. 11/28/2006. **Amended:** New Rule entitled "Sales by Vending Machines" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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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.

Statutory Authority

[O.C.G.A. Secs. 3-2-2, 3-3-23, 48-2-12.](#)

History

Original Rule entitled "Restriction to Retail Dealers and Retail Consumption Dealers" adopted. F. May 5, 1982; eff. 5/25/1982. **Amended:** F. Dec. 13, 2002; eff. 1/2/2003. **Repealed:** New Rule entitled "Sales to Minors; Exceptions" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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560-2-2-.26 Subterfuge

Any act which may be construed as a subterfuge in an effort to circumvent any of these regulations shall be deemed a violation of the regulation attempted to be circumvented.

Statutory Authority

[O.C.G.A. Secs. 3-2-2](#), [3-2-3](#), [48-2-12](#).

History

Original Rule entitled "Valid County or Municipal License Requisite to Valid State License" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** F. Dec. 15, 2006; eff. 1/4/2007. **Amended:** New Rule entitled "Subterfuge" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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

(1) Any person holding any license, permit, or registration issued pursuant to this [Act Chapter](#) or any employee or agent of the person who violates any provision of this [Act Chapter or these regulations](#), 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.

(a) For purposes of administering and enforcing this [Act Chapter and these regulations](#), 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 [Act and these regulations 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 other reasonable hypothesis such that such Licensee did not know [of](#), assist, or aid in such occurrence, or in the exercise of full diligence could not have discovered or prevented such activity.

Statutory Authority

[O.C.G.A. Secs. 3-2-2, 5A-302, 91A-215.](#)

History

Original Rule entitled "Employment Restrictions" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule entitled "Violations; Unlawful Activities" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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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.

Statutory Authority

[O.C.G.A. Secs. 3-2-2](#), [3-3-3](#), 5A-302, 91A-215.

History

Original Rule entitled "Violations; Unlawful Activities" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule entitled "Other Alcoholic Beverages Prohibited" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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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.

Statutory Authority

[O.C.G.A. Secs. 3-2-2](#), [3-3-6](#), [3-3-7](#), [3-3-20](#), [48-2-12](#).

History

Original Rule entitled "Failure to Comply with Tax Laws" adopted. F. May 5, 1982; eff. 5/25/1982. **Amended:** F. Nov. 8, 2006; eff. 11/28/2006. **Repealed:** New Rule entitled "Furnishing Alcoholic Beverages When Sale Not Permitted; Prohibited" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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560-2-2-30 Non-Registered Brands

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 the Brand has first been registered with and approved by the Commissioner or ~~his~~[the Commissioner's](#) agent as provided in ~~Regulation 560-2-5-.08~~[Rule 560-2-5-.08](#)

Statutory Authority

[O.C.G.A. Secs. 3-2-2](#), [3-4-152](#), 5A-302, 91A-215.

History

Original Rule entitled ["Damaged, Lost or Stolen Goods; Notification"](#) adopted. F. May 5, 1982; eff. 5/25/1982. **Amended:** F. Nov. 8, 2006; eff. 11/28/2006. **Repealed:** New Rule entitled ["Non-Registered Brands"](#) adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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560-2-2-.31 ~~Invalid Checks~~Dishonored Payments

(1) Retailers or Retail Consumption Dealers ~~offering checks in remitting~~ payment for purchases of merchandise from a Wholesaler, ~~whether the Retailer or Retail Consumption Dealer is the maker or endorser of such checks shall, and~~ upon notification that any ~~check payment~~ has been dishonored, ~~shall~~ make immediate payment for ~~such purchases that check. 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 check~~ 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.

Statutory Authority

[O.C.G.A. Secs. 3-2-2, 5A-302, 91A-215.](#)

History

Original Rule entitled "Selling in Violation of Order of Commissioner" adopted. F. May 5, 1982; eff. 5/25/1982.

Repealed: New Rule entitled "Invalid Checks" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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

- (1) Any Licensee who has any disciplinary action taken against ~~him~~ the Licensee or ~~his~~ 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.
- (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 the Commissioner to show cause as to why his 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 an 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.

Statutory Authority

[O.C.G.A. Secs. 3-2-2, 3-3-2.1, ~~3-3-21, 3-3-49~~, 48-2-12.](#)

History

Original Rule entitled "Measurement of Distances" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule of same title adopted. F. Feb. 26, 2007; eff. 3/18/2007. **Repealed:** New Rule entitled "Notification of Disciplinary Action" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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[Ga. Comp. R. & Regs. r. 560-2-2-.33](#)

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

(1) Upon termination of a [special event or a](#) Retailer's or Retail Consumption Dealer's business, such Retailer or Retail Consumption Dealer may return to the appropriate Wholesaler such goods as he 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 pursuant to these Regulations at the time such goods were sold.

- (a) No Wholesaler shall charge [a fee more than ten percent \(10%\) of the value of the merchandise returned](#) for picking up or taking back any merchandise; ~~greater than ten percent (10%) of the value;~~
- (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 insure 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 ~~his the its~~ remaining inventory which the Wholesaler does not accept, to another Retailer or Retail Consumption Dealer within the same taxing jurisdiction.

Statutory Authority

[O.C.G.A. Secs. 3-2-2, 3-2-3, 3-2-4, 5A-302, 91A-215.](#)

History

Original Rule entitled "Initial Applications; Temporary Permits Authorized; Conditions of Issuance" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule entitled "Termination of Business and Refunds on Close -Out Inventory" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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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 ~~Tax~~ 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.
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;

(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](#).

Statutory Authority

[O.C.G.A. Secs. 3-2-2, 3-2-3, 3-2-4](#), 5A-302, 91A-215.

History

Original Rule entitled "Sales by Vending Machines" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** New Rule entitled "Product Recall" adopted. F. Oct. 1, 2010; eff. 10/21/2010.

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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
 - e-d. ~~d.~~ Other such activities as deemed appropriate by the commissioner.
- (3) All applicable bonds and fees must be paid.
- (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.

Statutory Authority

[O.C.G.A. §§ 3-2-2, 3-2-5, 3-3-1, 3-9-4, 3-14-1.](#)

History

Original Rule entitled "Monthly Report of Shipments" adopted. F. May 5, 1982; eff. 5/25/1982. **Repealed:** F. Oct. 1, 2010; eff. 10/21/2010. **Adopted:** New Rule entitled "Special Events Permits." F. Aug. 8, 2012; eff. 8/28/2012. **Amended:** New title "Special Use Permits." F. May 6, 2016; eff. 5/26/2016.

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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~~ ~~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 arms-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 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 [Regulation 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; and
- 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 [Regulation 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 [Regulation Rule 560-2-11-.02](#); and
- 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.

Statutory Authority

[O.C.G.A. §§ 3-2-2, 3-2-6, 3-5-38, 3-14-1, 48-2-12.](#)

History

Original Rule entitled "Special Events on the Premises of a Licensed Manufacturer or Wholesaler" adopted. F. Aug. 8, 2016; eff. 8/28/2016. **Repealed:** New Rule of the same title adopted. F. Aug. 1, 2017; eff. 8/21/2017.

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560-2-17-.05 Application for Alcohol License

- (1) ~~Using the Georgia Tax Center, accessible through the Department's website [at etax.dor.ga.gov](http://etax.dor.ga.gov), or in any other manner prescribed by the Commissioner, an individual must apply for an alcohol license for the each calendar year and annually renew the license.~~
- (2) ~~No alcohol license application will be granted where it would lead to a violation of local ordinances, or is in contradiction with any Department regulations or other laws of the State of Georgia.~~
- (3) ~~All reports and excise tax returns required of any licensee shall be submitted electronically using the Georgia Tax Center.~~

Statutory Authority

~~[O.C.G.A. Secs. 48-2-12, 48-17-12, 48-17-2.](#)~~

History

Original Rule entitled "Application Requirements" adopted F. Oct. 21, 1996; eff. 11/10/1996. **Amended:** F. Nov. 14, 2005; eff. 12/4/2005. **Repealed:** F. Oct. 1, 2010; eff. 10/21/2010. **Adopted:** New rule entitled "Application for Alcohol License." F. Oct. 24, 2012; eff. 11/13/2012.

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