

2022 Georgia Code
Title 3 - Alcoholic Beverages
Chapter 3 - Regulation of Alcoholic Beverages
Generally
Article 2 - Prohibited Acts
§ 3-3-21. Sales of Alcoholic Beverages Near
Churches, School Buildings, or Other Sites

Universal Citation: GA Code § 3-3-21 (2022)

- a. 1. No person knowingly and intentionally may sell or offer to sell:
- A. Any distilled spirits in or within 100 yards of any church building or within 200 yards of any school building, educational building, school grounds, or college campus;
 - B. Any wine or malt beverages within 100 yards of any school building, school grounds, or college campus. This subparagraph shall not apply at any location for which a license has been issued prior to July 1, 1981, nor to the renewal of such license. Nor shall this subparagraph apply at any location for which a new license is applied for if the sale of wine and beer was lawful at such location at any time during the 12 months immediately preceding such application. Nothing in this subparagraph shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within 100 yards of any school building, or college campus, where so permitted by resolution or ordinance of the county or municipality. As used in this subparagraph, the term “grocery store” means a retail establishment which has a total retail floor space of at least 10,000 square feet of which at least 85 percent is reserved for the sale of food and other nonalcoholic items, conducts all of its sales inside the building containing its retail floor space, and meets such other criteria as may be required by the local governing authority of the county or municipality;
or
 - C. Any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein. This paragraph shall not apply to any business having a license in effect on July 1, 1981.

2. As used in this subsection, the term "school building" or "educational building" shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private schools as defined in subsection (b) of Code Section 20-2-690.

b. Nothing contained in this Code section shall prohibit the licensing of the sale or distribution of alcoholic beverages by:

1. Hotels of 50 rooms or more which have been in continuous operation for a period of at least five years preceding July 1, 1981;
2. Bona fide private clubs, owning their own homes, subject to licensing under Chapter 7 of this title;
3. Licensees for the retail sale of alcoholic beverages for consumption on the premises only who shall be subject to regulation as to distances from churches, schools, and college campuses by counties and municipalities;
4. Licensees for retail sale packages of alcoholic beverages for consumption off the premises who shall be subject to regulation as to distances from college campuses by counties and municipalities; provided, however, that such distances may be less restrictive than those provided in this Code section but shall not be more restrictive; and provided, further, that if such licensees are not regulated as to distances from college campuses by a county or municipality, then the distances set forth in this Code section shall govern such licensees; and
5. Licensees for retail sale packages of wine and malt beverages for consumption off the premises who shall be subject to regulation as to distances from school grounds by counties and municipalities; provided, however, that if such licensees are not regulated as to distances from school grounds, then the distances set forth in this Code section shall govern such licensees.

For purposes of this subsection, the term "college campus" shall include, but shall not be limited to, all buildings and grounds of any public or private technical school, vocational school, college, university, or other institution of postsecondary education.

c. For purposes of this Code section, distances shall be measured by the most direct route of travel on the ground.

d. Reserved.

- e.
1. As used in this subsection, the term "housing authority property" means any property containing 300 housing units or fewer owned or operated by a housing authority created by Article 1 of Chapter 3 of Title 8, the "Housing Authorities Law."
 2. No person knowingly and intentionally may sell any alcoholic beverages for consumption on the premises within 100 yards of any housing authority property. This subsection shall not apply at any location for which a license has been issued prior to July 1, 2000, nor to the renewal of such license. Nor shall this subsection apply at any location for which a new license is applied for if the sale of alcoholic beverages for consumption on the premises was lawful at such location at any time during the 12 months immediately preceding such application.

History. Laws 1808, Cobb's 1851 Digest, p. 851; Code 1863, § 4448; Code 1868, § 4490; Code 1873, § 4575; Code 1882, § 4575; Ga. L. 1890-91, p. 132, § 1; Penal Code 1895, § 434; Penal Code 1910, § 435; Code 1933, § 58-601; Ga. L. 1935, p. 73, § 15B; Ga. L. 1937, p. 148, § 2; Ga. L. 1937-38, Ex. Sess., p. 103, § 9; Ga. L. 1945, p. 447, §§ 1, 2; Ga. L. 1973, p. 610, § 1; Code 1933, § 5A-508, enacted by Ga. L. 1980, p. 1573, § 1; Ga. L. 1981, p.

1265, § 1; Ga. L. 1981, p. 1269, § 20; Ga. L. 1998, p. 1300, § 2; Ga. L. 1999, p. 81, § 3; Ga. L. 2000, p. 1653, § 1; Ga. L. 2013, p. 897, § 2/HB 517; Ga. L. 2015, p. 81, § 1/HB 85; Ga. L. 2017, p. 759, § 1/HB 510; Ga. L. 2020, p. 615, § 4/HB 879; Ga. L. 2021, p. 391, § 1/HB 392.

The 2017 amendment, effective July 1, 2017, substituted “Reserved.” for the former provisions of subsection (d), which read: “(d)(1) In counties having a population of not less than 175,000 nor more than 195,000, according to the United States decennial census of 1970 or any future such census, the distances provided in subparagraph (a)(1)(A) of this Code section for separation of businesses licensed under this title from churches and schools shall be measured as follows:

“(A) From the property line of the tract on which is located the business regulated under this title;

“(B) To the property line of the tract on which is located the church, school ground, or college campus; and

“(C) Along a straight line which describes the shortest distance between the two property lines.

“(2) No license in effect on April 13, 1979, shall be revoked before its date of expiration by reason of the method of measurement set out in this subsection if the license was granted in reliance on another method of measurement. No application for a license or for a renewal shall be denied by reason of the method of measurement set out in this subsection if the application is for premises for which a license was granted prior to April 13, 1979, in reliance on another method of measurement.”

The 2020 amendment, effective August 3, 2020, deleted “and” at the end of paragraph (b)(2); in paragraph (b)(3), substituted “college campuses” for “colleges” and substituted “; and” for the period at the end; added paragraph (b)(4); and added the ending undesignated paragraph in subsection (b).

The 2021 amendment, effective May 4, 2021, deleted “school grounds,” following “any school building,” in the fourth sentence in subparagraph (a)(1)(B); and, in subsection (b), deleted “and” at the end of paragraph (b)(3), substituted “; and” for a period at the end of paragraph (b)(4), and added paragraph (b)(5).

Editor’s notes.

Ga. L. 2013, p. 897, § 1/HB 517, not codified by the General Assembly, provides that: “The General Assembly finds that there are neighborhoods and downtown areas in this state near college campuses that are underserved by grocery stores, making it difficult for residents who live in such neighborhoods and downtown areas to access daily essentials and adequate food supplies and nutrition, especially those residents who do not own automobiles. The General Assembly further finds that owners of grocery stores may be reluctant to locate such stores in areas in which it is not possible to sell packages of wine and malt beverages when such sales are permitted elsewhere in the county or municipality. The General Assembly further finds that allowing a local governing authority of a county or municipality to have local control of the distance requirements for the package sales of wine and malt beverages near college campuses will permit such local governments to determine how to best serve the public health, safety, and welfare of its citizens.”

Law reviews.

For article, “Lawyers Who Represent Local Governments,” see 23 Ga. St. B. J. 58 (1987).

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