



GUIDANCE FOR INDUSTRY: DIRECT, ON PREMISE SALES, BY BREWERIES AND DISTILLERIES

The purpose of this document is to inform breweries and distilleries carrying a Food Sales Establishment License of an important legislative change going into effect on September 1, 2017.

- WHO:** Breweries and distilleries operating in the state of Georgia licensed and inspected by the Georgia Department of Agriculture’s Food Safety Division.
- WHAT:** [Senate Bill 85](#), which provides for the limited sale of Malt Beverage and Distilled Spirits directly to consumers for consumption on, and off the premise, of a manufacturer licensed by the Georgia [Department of Revenue](#).
- WHEN:** The provisions of Senate Bill 85 go into effect on September 1, 2017.

WHAT IS THE SIGNIFICANCE OF SENATE BILL 85?

Prior to Senate Bill 85, brewers and distillers were not able to sell alcoholic beverages on their premise. They were able to provide free souvenirs (in the form of a sealed container of distilled spirits), free food, and/or offer free tastings, with an accompanying tour of their distillery or brewery. Any fees charged for the distillery tours were not deemed retail sale of alcoholic beverages.

Senate Bill 85 repeals the provisions regarding distillery and brewery tours, souvenirs, and tastings; and allows for direct sale to consumers on their premises. This also means that breweries and distilleries can operate restaurants and taverns on the same premise as their manufacturing operations.

WHAT ARE THE LIMITS ENFORCED BY GEORGIA DEPARTMENT OF REVENUE?

- Sales must be directly to the consumer for consumption on or off the premise.
- Georgia Department of Revenue has placed caps on the amount of sales and consumption that may occur at these facilities. Sales/consumption limitations are:

	Malt Beverage	Distilled Spirits
Total annual barrel limit for direct sales (<i>includes sales for consumption on and off the premises</i>)	3,000 barrels	500 barrels
Limits for sales for consumption off the premises (<i>per person, per day</i>)	288 oz. (one case)	2,250 ml (e.g., up to three 750 ml bottles)
Definition of “barrel”	31 gal.	53 gal.

- Sales are only allowed on days and at times where lawful within the county or municipality where the manufacturer is located.
- Additionally, brewers and distillers must remit state and local sales, excise taxes, and use taxes on their sales and samples.

FOOD SERVICE AT BREWERIES AND DISTILLERIES

When Senate Bill 85 goes into effect on September 1, 2017, breweries and distilleries can lawfully operate a food service establishment on the same premise as their manufacturing plant. In Georgia, restaurants, taverns, and other food service establishments are under the regulatory authority of the [Georgia Department of Public Health](#) (DPH). **A food service permit must be obtained from their local county health department.** The food service permit only covers the food service operations conducted at the facility. Manufacturing and wholesale operations at breweries and distilleries will remain under the regulatory authority of the Georgia Department of Agriculture’s Manufactured Food Program.