*The below model ordinance provisions concerning brewers and distillers is not and should not be treated as legal advice. These model ordinance provisions have been developed in response to Senate Bill 85 from the 2017-2018 legislative session. You should consult with your legal counsel before drafting or adopting any ordinance and before taking any action based on this model.*

1. ***Current state law authorizes retailers or retail consumption dealers to either write down the name, address, and license number of a person presenting false identification or to seize and retain such license.1 This model language will allow brewers and distillers to do the same.***

**Sec. . Seizure of Identification.**

Any brewer or distiller, or any person acting on behalf of such brewer or distiller, who upon requesting proper identification from a person attempting to purchase alcoholic beverages from such brewer or distiller pursuant to state law is tendered a driver's license which indicates that such driver's license is falsified, is not the driver's license of the person presenting it, or that such person is under the age of 21 years, the person to whom said license is tendered shall be authorized to either write down the name, address, and license number or to seize and retain such driver's license and in either event shall immediately thereafter summon a law enforcement officer who shall be authorized to seize the license either at the scene or at such time as the license can be located. The procedures and rules connected with the retention of such license by the officer shall be the same as those provided for the acceptance of a driver's license as bail on arrest for traffic offenses pursuant to O.C.G.A. § 17-6-11.

1. ***Many municipalities also may require persons who pour alcohol for consumption on-premises to obtain a pouring permit. This may require an amendment to a currently existing ordinance to ensure brewers and distillers, and their employees fall under the same requirements.***

**Sec. . Pouring Permit Required.**

* 1. An employee pouring permit shall be required for:
		1. Any employee of a consumption on-premises licensee, brewer, or distiller, who dispenses, sells, serves, takes orders, mixes beverages, or serves in any managerial position; and
		2. Any employee of an alcoholic beverage caterer who is engaged in handling, selling, or serving alcoholic beverages; provided, however, employees whose duties are limited solely to those of busboy or cook or dishwasher shall be excluded.

1 O.C.G.A. § 3-3-23(i)

* 1. No licensee shall employ any person required to have a pouring permit until such person has procured such permit.
	2. Any person required to obtain a pouring permit shall apply to the city police department for such permit. Only one pouring permit per individual will be issued for employment at any and all establishments within the city. The permit will be valid for a period of one year and shall be renewed on or before its expiration. Persons applying for the permit or renewal shall make themselves available for photographing, fingerprinting, and such other investigation as may be required by the police department. The fee for a pouring permit shall be set by resolution of the city council and shall remain in effect until modified or amended by subsequent resolution adopted by the city council.
	3. Any person required to obtain or renew a pouring permit shall complete and file with the city police department the provided application, which shall include, but not be limited to, name; residence address; date of birth; prior arrest record, if any, which shall be used for investigative purposes only; the name of the employer; and the address of the licensed establishment employment location for which the permit is sought.
	4. When a person applies for a pouring permit, the chief of police or his designee shall have a complete and extensive search made to determine if there is a police record of such person. If there is a record of conduct prohibited by this chapter, issuance of a permit shall be denied.
	5. A new search may be conducted on any person issued an employee pouring permit if the chief of police receives information which warrants such a new search. If the new search reveals evidence that warrants revocation of the card, the card may be revoked.
	6. Should any of the information provided by the individual on the original application, or any renewal, change during the one-year term of an issued pouring permit, including, by way of example only, employer, licensed establishment employment address, or residence address, the individual shall promptly notify the city police department of the change and provide the new information. The city police department shall then issue, at no charge to the individual, a new pouring permit for the remainder of the one- year term. The chief of police or his designee is authorized to conduct a concurrent criminal history check at no charge to the individual.
	7. A pouring permit shall not be issued if within a period of five years of the application date, the applicant has been convicted of any felony, any misdemeanor involving moral turpitude, any sexual-related crime, or any criminal offense relating to alcoholic beverages, taxes or gambling, except as otherwise provided herein. A pouring permit shall not be issued if within

a period of five years of the application date, the applicant has more than one conviction for any misdemeanor criminal offense relating to alcoholic beverages including, but not limited to, the illegal possession, sale or use of alcoholic beverages, or more than one conviction for any misdemeanor criminal offense relating to the illegal possession, sale or use of any controlled substance. A pouring permit shall not be issued if the applicant has not been released from any parole or probation prior to the filing of the application. This subsection shall apply with respect to the laws of this state, other states, the United States, and other countries. A plea of nolo contendere or the forfeiture of a bond shall be considered a conviction for purposes of this subsection. Sentencing as first offender status shall not be considered as a conviction if the sentence was successfully completed without any violation of probation and with no adjudication of guilt ever being entered.

* 1. A pouring permit shall not be issued if it is determined that the person falsified, concealed, or covered up any information requested by the police department in the application process.
	2. A pouring permit issued through administrative error may be revoked by the chief of police.
	3. The chief of police may revoke an employee's pouring permit and demand its return where the employee violates any of the provisions of this chapter.
	4. Any conviction for violation of the provisions of this chapter or of the state's Alcoholic Beverage Code shall result in the automatic suspension of the pouring permit.
	5. It shall be unlawful for an employee whose pouring permit has been revoked and upon whom demand for return of the card has been made to refuse to return the card or to alter, conceal, deface, or destroy the card.
	6. When any employee's pouring permit is denied or revoked, the chief of police shall issue to the applicant or permit holder a letter stating that the person does not meet the requirements of this chapter and the reason for the denial or revocation. Upon written request made by the employee within 30 days of the date of denial or revocation, the chief of police will refer the matter and any evidence the person cares to submit in his behalf to the city manager for consideration. If the person requests consideration by the city manager, the entire record will be sent. The city manager shall consider all matters presented and within 30 days of his receipt of the record, make a decision as to whether the person qualifies for a pouring permit under this chapter. In the event the city manager denies or revokes the permit, he shall provide written notice of the denial or revocation to the applicant or employee, which shall set forth the reason for the denial or revocation. The

applicant shall have a right of review of the denial or revocation by filing a petition for writ of certiorari to the Superior Court of Fulton County, Georgia, within 30 days of the denial or revocation.

* 1. The applicant for an alcohol license under the city’s alcohol code shall present to the city manager current certification of attendance at an approved alcohol awareness training program. Such certification or approved alternative program shall be verified and signed off by the chief of police.
	2. If the applicant lacks such training and certification, the applicant shall have 30 days from the date of the granting of the license to complete the training and submit certification to the city manager. Upon due cause being shown, the city manager may grant an extension of time, not to exceed 60 days, to complete said training. Failure to timely obtain such certification shall be grounds for revocation of the pouring permit.
	3. Every applicant to whom a pouring permit is issued and all managerial staff of a licensee shall also complete an approved alcohol awareness training program within 60 days of being issued a pouring permit, being employed as a part of any managerial staff, or being issued a license in the case of the named individual licensee.