



Bart L. Graham  
Commissioner

State of Georgia  
**Department of Revenue**

Frank O'Connell  
Director

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**NOTICE - Notice ATD 2008- 7**

**RE: Proposed New Rules to the Department of Revenue, Alcohol and Tobacco Division, Chapter 560-2-2:**

**TO ALL INTERESTED PERSONS AND PARTIES:**

In compliance with O.C.G.A. § 50-13-4, the Georgia Department of Revenue gives notice that it proposes to amend Chapter 560-2-2 of the Rules and Regulations of the State of Georgia by adopting:

Rule 560-2-2-.65, entitled "Package Sales by Retail Consumption Dealers; Prohibitions."

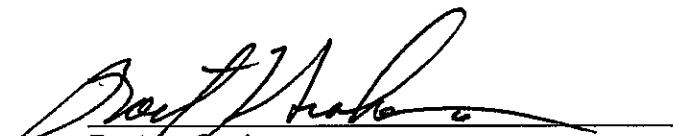
Rule 560-2-2-.66, entitled "Wine Special Order Shipper."

Attached with this notice are exact copies and synopses of the proposed Rule. The proposed Rules are being adopted under the authority of O.C.G.A. § 3-2-2, 3-6-4, and 3-6-31.

The Department of Revenue shall consider the adoption of the above-referenced proposed Rule at 10:00 a.m., on Thursday November 20<sup>th</sup>, 2008 in Suite 15200 of the Department's headquarters at 1800 Century Blvd. NE, Atlanta, GA 30345-3205.

The Department must receive all comments regarding the above-referenced proposed Rule from interested persons no later than 10:00 a.m. on Thursday, November 20, 2008. Written comments must be sent to: Commissioner, Georgia Department of Revenue, 1800 Century Blvd. NE, Suite 15300, Atlanta, GA 30345-3205. Electronic comments must be sent to [regcomments@dor.ga.gov](mailto:regcomments@dor.ga.gov). Facsimile comments must be sent to (404) 417-6651. **Please reference "Notice Number ATD 2008-7" on all comments.**

Dated: October 14 2008

  
Bart L. Graham  
Commissioner, Department of Revenue

## SYNOPSIS

### RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

#### CHAPTER 560-2-2 GENERAL PROVISIONS

#### **560-2-2-.65 Package Sales by Retail Consumption Dealers; Prohibitions.**

- This is an amended Rule.
- This Rule has been amended to state that a consumption on premises licensee may allow a patron to remove a partially consumed bottle of wine so long as the wine was purchased with a meal and has been sealed with tamper proof tape.
- This Rule also states that such wine shall also be placed in a bag with a dated receipt affixed.

RULES  
OF  
DEPARTMENT OF REVENUE  
ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2  
GENERAL PROVISIONS

**560-2-2-.65 Package Sales by Retail Consumption  
Dealers; Prohibitions.**

- (1) Retail consumption dealers shall not sell distilled spirits by the package for carryout purposes.
- (2) A restaurant that is a retail consumption dealer licensee may allow a patron to remove a partially consumed bottle of wine which was:
- (a) Purchased, and partially consumed in conjunction with a meal purchased from the licensee,
  - (b) Securely resealed with tamper resistant tape by the licensee, and
  - (c) Placed in a bag or container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and with a dated receipt affixed indicating the purchase.

Authority: O.C.G.A. §§ 3-2-2, and 3-6-4.

## SYNOPSIS

### RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

#### CHAPTER 560-2-2 GENERAL PROVISIONS

##### **560-2-2-.66 Wine Special Order Shipper**

- This is a new Rule.
- This Rule sets forth the requirements necessary to obtain a Wine Special Order Shippers License.
- This Rule states that a Wine Special Order Shipper Licensee shall only ship wine into Georgia that is desert or table wine, manufactured by the licensee, registered with the Department prior to shipping, and assigned to a wholesaler.
- This Rule states that such licensee shall ensure that; the recipient is of legal age, the package is marked in compliance with the Code, and it has filed all forms required by law and the Commissioner.
- This Rule states that the licensee shall keep all receipts of transactions involving shipments of wine into Georgia for three (3) years.

RULES  
OF  
DEPARTMENT OF REVENUE  
ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-2  
GENERAL PROVISIONS

**560-2-2-.66 Wine Special Order Shipper.**

(1) An applicant for a Wine Special Order Shipping License shall have an approved federal permit prior to submitting its application to the Department.

(2) The Wine Special Order Shipping License will allow a wine manufacturer to ship wines into the state that are:

- (a) "Dessert and table" wines as defined by the Act.
  - (b) Manufactured by the applicant.
  - (c) Registered with the Department prior to shipping.
  - (d) Unassigned or any assigned brands to a wine Wholesaler.
- (3) A licensee acting under this Regulation shall ensure that:
- (a) The shipping package is marked according to the Act.

- (b) That the age of the party ordering the wine is verified by appropriate documentation as specified in the Act.
- (c) It registers with the state for a sale tax number, and collects and remits all required state and local tax in accordance with the Code.
- (d) It files all appropriate forms as prescribed by the Commissioner and state law.
- (e) It maintains a copy of all invoices for wine shipped to Georgia consumer for three (3) years from the date of invoice.

Authority: O.C.G.A. §§ 3-2-2, and 3-6-31