

1 HB325  
2 135122-1  
3 By Representatives Collins, Moore (B), Sessions, Ison and  
4 Nordgren  
5 RFD: Economic Development and Tourism  
6 First Read: 14-FEB-12

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8 SYNOPSIS: This bill would authorize a person to remove  
9 a bottle of wine from the premises of an Alcoholic  
10 Beverage Control Board licensee if the bottle of  
11 wine was opened on the premises and the bottle of  
12 wine has been recorked or resealed in a bag  
13 designed for that purpose.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT

18  
19 To add Section 28-3A-20.1 to the Code of Alabama  
20 1975, to authorize a bottle of wine that has been purchased  
21 and opened on the premises of an Alcoholic Beverage Control  
22 Board licensee to be removed from the premises by the  
23 purchaser provided the bottle of wine is resealed.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 28-3A-20.1 is added to the Code  
26 of Alabama 1975, to read as follows:

27 §28-3A-20.1.

1                   Notwithstanding any provision of this chapter to the  
2                   contrary, a person holding a license to sell alcoholic  
3                   beverages for consumption on the licensed premises may permit  
4                   a customer to remove one unsealed bottle of wine for  
5                   consumption off the premises if the customer has purchased and  
6                   consumed a portion of the bottle of wine on the licensed  
7                   premises. The licensee or the licensee's agent shall either:  
8                   (1) recork the bottle of wine with the original or similar  
9                   type cork that is reinserted in the bottle and the cork can  
10                  only be removed by a corkscrew or similar device; or (2)  
11                  securely reseal the bottle in a bag designed so that it is  
12                  visibly apparent that the resealed bottle of wine has not been  
13                  tampered with and shall provide a dated receipt for the  
14                  resealed bottle of wine to the customer. A wine bottle  
15                  recorked or resealed pursuant to the requirements of this  
16                  section is otherwise subject to the requirements of Section  
17                  32-5A-330, but a bottle of wine complying with this section  
18                  shall not be considered open.

19                  Section 2. All laws or parts of laws which conflict  
20                  with this act are repealed.

21                  Section 3. This act shall become effective  
22                  immediately following its passage and approval by the  
23                  Governor, or its otherwise becoming law.