

1 HB148
2 168343-7
3 By Representatives Nordgren and Collins
4 RFD: Economic Development and Tourism
5 First Read: 09-FEB-16

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8 SYNOPSIS: Under existing law, tastings of wine and
9 distilled liquors are not allowed in retail stores
10 which sell liquor for off-premises consumption only
11 or in state liquor stores.

12 This bill would allow tastings of wine and
13 distilled liquor to be held in stores licensed to
14 sell liquor, retail, for off-premises consumption
15 only and in state liquor stores.

16 This bill would require the Alabama
17 Alcoholic Beverage Control Board to regulate the
18 procedure for the tasting of wine and distilled
19 liquor.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 To amend Section 28-3A-25, Code of Alabama 1975,
26 relating to the regulation of alcoholic beverages; to permit a
27 tasting of liquor or wine conducted by a licensed manufacturer

1 or its representative to be held on the premises of a store
2 which is licensed to sell liquor for off-premises consumption
3 only and within state liquor stores; to provide that the
4 Alabama Alcoholic Beverage Control Board shall regulate the
5 procedure for the tasting of wine and distilled liquor.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. (a) Notwithstanding any provision of law,
8 a tasting of liquor or wine may be conducted by a licensed
9 manufacturer or its representative inside the premises of a
10 retail licensee that is licensed to sell liquor for
11 off-premises consumption only or inside a state liquor store,
12 in compliance with this act and rules of the Alabama Alcoholic
13 Beverage Control Board.

14 (b) Each state liquor store and each holder of a
15 retail license for the sale of liquor for off-premises
16 consumption only may permit a licensed manufacturer or its
17 representative to conduct at no charge to the consumer, inside
18 the state liquor store or the premises of the licensee,
19 tastings of wine and distilled spirits. These tastings may not
20 exceed one ounce serving of each wine, the number of wines
21 being limited to no more than four products at any one
22 tasting; and one-quarter ounce serving of each distilled
23 spirit, the number of distilled spirits being limited to no
24 more than two products at any one tasting. The tasting shall
25 commence no later than six o'clock p.m. and end within two
26 hours of the initial tasting. There shall be only one tasting
27 of any kind on a given premises within a 24-hour period.

1 (c) Tastings may be held at not more than 10 percent
2 of the state liquor stores during the calendar year ending
3 December 31, 2016. During the 2017 calendar year, tastings may
4 be held at not more than 20 percent of the state liquor
5 stores. Beginning January 1, 2018, tastings may be held at not
6 more than 28 percent of the state liquor stores during any
7 calendar year.

8 Section 2. Section 28-3A-25, Code of Alabama 1975,
9 is amended to read as follows:

10 "§28-3A-25.

11 "(a) It shall be unlawful:

12 "(1) For any manufacturer, importer, or wholesaler,
13 or the servants, agents, or employees of the same, to sell,
14 trade, or barter in alcoholic beverages between the hours of
15 nine o'clock P.M. of any Saturday and two o'clock A.M. of the
16 following Monday.

17 "(2) For any wholesaler or the servants, agents, or
18 employees of the wholesaler to sell alcoholic beverages, to
19 other than wholesale or retail licensees or others within this
20 state lawfully authorized to sell alcoholic beverages, or to
21 sell for export.

22 "(3) For any person, licensee, or the board either
23 directly or by the servants, agents, or employees of the same,
24 or for any servant, agent, or employee of the same, to sell,
25 deliver, furnish, or give away alcoholic beverages to any
26 person under the legal drinking age, as defined in Section
27 28-1-5, or to permit any person under the legal drinking age,

1 as defined in Section 28-1-5, to drink, consume, or possess
2 any alcoholic beverages on any licensee's premises.

3 "(4) For any person to consume alcoholic beverages
4 on the premises of any state liquor store or any off-premises
5 licensee, or to allow alcoholic beverages to be consumed on
6 the premises of any state liquor store or any off-premises
7 licensee, except as specifically allowed by law for the
8 tasting of alcoholic beverages.

9 "(5) For any licensee to fail to keep for a period
10 of at least three years, complete and truthful records
11 covering the operation of his or her license and particularly
12 showing the date of all purchases of alcoholic beverages, the
13 actual price paid therefor, and the name of the vendor, or to
14 refuse the board or any authorized employee of the board
15 access to the records or the opportunity to make copies of the
16 records when the request is made during business hours.

17 "(6) For any licensee or the servants, agents, or
18 employees of the same to refuse the board, any of its
19 authorized employees, or any duly commissioned law enforcement
20 officer the right to completely inspect the entire licensed
21 premises at any time the premises are open for business.

22 "(7) For any person to knowingly sell any alcoholic
23 beverages to any person engaged in the business of illegally
24 selling alcoholic beverages.

25 "(8) For any person to manufacture, transport, or
26 import alcoholic beverages into this state, except in
27 accordance with the reasonable rules and regulations of the

1 board. This subdivision shall not prohibit the transportation
2 of alcoholic beverages through the state or any dry county so
3 long as the beverages are not for delivery therein, if the
4 transportation is done in accordance with the reasonable rules
5 and regulations of the board.

6 "(9) For any person to fortify, adulterate,
7 contaminate, or in any manner change the character or purity
8 of alcoholic beverages from that as originally marketed by the
9 manufacturer, except that a retail licensee on order from a
10 customer may mix a chaser or other ingredients necessary to
11 prepare a cocktail or mixed drink for on-premises consumption.

12 "(10) For any person licensed to sell alcoholic
13 beverages to offer to give any thing of value as a premium for
14 the return of caps, stoppers, corks, stamps, or labels taken
15 from any bottle, case, barrel, or package containing the
16 alcoholic beverages, or to offer to give any thing of value as
17 a premium or present to induce the purchase of the alcoholic
18 beverages, or for any other purpose whatsoever in connection
19 with the sale of the alcoholic beverages. This subdivision
20 shall not apply to the return of any moneys specifically
21 deposited for the return of the original containers to the
22 owners of the containers.

23 "(11) For any licensee or transporter for hire,
24 servant, agent, or employee of the same, to transport any
25 alcoholic beverages except in the original container, and for
26 any transporter for hire to transport any alcoholic beverages

1 within the state, unless the transporter holds a permit issued
2 by the board.

3 "(12) For any manufacturer, importer, or wholesaler,
4 servant, agent, or employee of the same, to deliver any
5 alcoholic beverages, except in vehicles bearing such
6 information on each side of the vehicle as required by the
7 board.

8 "(13) For any person to sell alcoholic beverages
9 within any dry county or county where the electors have voted
10 against the sales, except in wet municipalities or as
11 authorized by Section 28-3A-18.

12 "(14) For any person, firm, corporation,
13 partnership, or association of persons as the terms are
14 defined in Section 28-3-1, including any civic center
15 authority, racing commission, fair authority, airport
16 authority, public or quasi-public board, agency, or
17 commission, any agent thereof, or otherwise, who or which has
18 not been properly licensed under the appropriate provisions of
19 this chapter to sell, offer for sale, or have in possession
20 for sale, any alcoholic beverages. Any alcoholic beverages so
21 possessed, maintained, or kept shall be contraband and subject
22 to condemnation and confiscation as provided by law.

23 "(15) For any manufacturer, distiller, producer,
24 importer, or distributor of alcoholic beverages to employ and
25 maintain any person, who is not a full-time bona fide
26 employee, as a resident sales agent, broker, or other like
27 representative, for the purpose of promoting a sale, purchase,

1 or acquisition of alcoholic beverages to or by the state or
2 the board, or for any person who is not a full-time bona fide
3 employee to act as an agent, broker, or representative of any
4 manufacturer, distributor, producer, importer, or distiller
5 for that purpose.

6 "(16) For any person to sell, give away, or
7 otherwise dispose of taxable alcoholic beverages within this
8 state on which the required taxes have not been paid as
9 required by law.

10 "(17) For any wholesaler or retailer, or the
11 servant, agent, or employee of the same, to sell, distribute,
12 deliver, or to receive or store for sale or distribution
13 within this state any alcoholic beverages unless there first
14 has been issued by the board a manufacturer's license to the
15 manufacturer of the alcoholic beverages or its designated
16 representative or an importer license to the importer of the
17 alcoholic beverages.

18 "(18) For any person under the legal drinking age,
19 as defined in Section 28-1-5, to attempt to purchase, to
20 purchase, consume, possess, or to transport any alcoholic
21 beverages within the state; provided, however, it shall not be
22 unlawful for a person under the legal drinking age, as defined
23 in Section 28-1-5, to be an employee of a wholesale licensee
24 or an off-premises retail licensee of the board to handle,
25 transport, or sell any beer or table wine if the person under
26 the legal drinking age is acting within the line and scope of
27 his or her employment while so acting. There must be an adult

1 licensee, servant, agent, or employee of the same present at
2 all times a licensed establishment is open for business.

3 "(19) For any person, except where authorized by a
4 local act or general act of local application, to buy, give
5 away, sell, or serve for consumption on or off the premises,
6 or to drink or consume any alcoholic beverages in any cafe,
7 lunchroom, restaurant, hotel dining room, or other public
8 place on Sunday after the hour of two o'clock A.M.

9 "(20) Except where authorized by a local act or
10 general act of local application, for the proprietor, keeper,
11 or operator of any cafe, lunchroom, restaurant, hotel dining
12 room, or other public place to knowingly permit any person to
13 give away, sell, or serve for consumption on or off the
14 premises, or to drink or consume any alcoholic beverages on
15 the premises of the cafe, lunchroom, restaurant, hotel dining
16 room, or other public place on Sunday after the hour of two
17 o'clock A.M.

18 "(21) For a person under the age of 21 years to
19 knowingly use or attempt to use a false, forged, deceptive, or
20 otherwise nongenuine driver's license to obtain or attempt to
21 obtain alcoholic beverages within this state.

22 "(b) (1) Any violation of subdivisions (1) through
23 (17) of subsection (a) shall be a misdemeanor punishable by a
24 fine of not less than one hundred dollars (\$100) nor more than
25 one thousand dollars (\$1,000), to which, at the discretion of
26 the court or judge trying the case, may be added imprisonment
27 in the county jail or at hard labor for the county for not

1 more than six months for the first conviction; and, on the
2 second conviction of a violation of the subdivisions, the
3 offense shall, in addition to the aforementioned fine, be
4 punishable by imprisonment or at hard labor for the county for
5 not less than three months nor more than six months to be
6 imposed by the court or judge trying the case; and, on the
7 third conviction and every subsequent conviction of a
8 violation of the subdivisions, the offense shall, in addition
9 to a fine within the limits abovenamed, be punishable by
10 imprisonment or at hard labor for the county for not less than
11 six months nor more than 12 months.

12 "(2) Any violation of any provision of subdivisions
13 (18), (19), (20), and (21) of subsection (a) shall be a
14 misdemeanor punishable by a fine of not less than fifty
15 dollars (\$50) nor more than five hundred dollars (\$500), to
16 which, at the discretion of the court or judge trying the
17 case, may be added imprisonment in the county jail or at hard
18 labor for the county for not more than three months.

19 "(c) In addition to the penalties otherwise provided
20 for a violation of subdivisions (18) and (21) of subsection
21 (a), upon conviction, including convictions in juvenile court
22 or under the Youthful Offender Act, the offender's license to
23 operate a motor vehicle in this state shall be surrendered by
24 the offender to the judge adjudicating the case for a period
25 of not less than three months nor more than six months. The
26 judge shall forward a copy of the order suspending the license
27 to the Department of Public Safety for enforcement purposes."

1 Section 3. This act shall become effective on the
2 first day of the sixth month following its passage and
3 approval by the Governor, or its otherwise becoming law.