

1 SB167
2 204154-5
3 By Senators Jones, Price, Barfoot, Stutts, Whatley and Marsh
4 RFD: Tourism
5 First Read: 02-FEB-21

1 SB167

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4 ENROLLED, An Act,

5 Relating to wine; to add Section 28-3A-20.4 to the
6 Code of Alabama 1975; to provide for licensure for wine
7 festivals and wine festival participants; to authorize a
8 winery to provide tastings and sell its wine for on-premises
9 or off-premises consumption at a wine festival; and to require
10 the Alcoholic Beverage Control Board to adopt rules and issue
11 licenses.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. The Legislature hereby finds and declares
14 that this act has been enacted pursuant to the authority
15 granted to the state under the Twenty-first Amendment to the
16 United States Constitution and the powers reserved to the
17 state under the Tenth Amendment to the United States
18 Constitution and the inherent powers of the state under the
19 Constitution of Alabama of 1901. It is the intent of the
20 Legislature that this act maintains the current three-tier
21 system of control over the sale, distribution, purchase,
22 transportation, manufacture, consumption, and possession of
23 alcoholic beverages in the state and promotes the health,
24 safety, and welfare of residents of this state.

1 Section 2. Section 28-3A-20.4 is added to the Code
2 of Alabama 1975, to read as follows:

3 §28-3A-20.4.

4 (a) (1) Notwithstanding any other section of this
5 title, including, but not limited to, Sections 28-3A-6,
6 28-3A-25, and 28-7-4, the board, upon application made on a
7 form provided by the board at least 25 days in advance of the
8 event for which a license is sought and accompanied by a fee
9 not to exceed fifty dollars (\$50), shall issue a license for a
10 wine festival to a manufacturer of wine licensed by the board
11 manufacturing at least 500 gallons of table wine in this state
12 annually; a retailer; an organization comprised entirely of
13 grape growers, wineries, or grape growers and wineries; a
14 municipality; a county; or an incorporated arts council, main
15 street program, or downtown development entity upon such terms
16 and conditions as the board may prescribe by rule.

17 (2) The wine festival license shall authorize the
18 licensee to host a festival at which wine festival participant
19 licensees may dispense tastings and sell at retail to
20 individuals physically present at the festival for on-premises
21 or off-premises consumption and for personal use and not for
22 resale, subject to subsection (d).

23 (b) A wine festival licensed under this section may
24 not operate for more than five consecutive days.

1 (c) (1) Upon application made on a form provided by
2 the board at least 15 days in advance of the event for which a
3 license is sought and accompanied by a fee not to exceed
4 fifteen dollars (\$15), the board shall issue a wine festival
5 participant license to any retailer or any manufacturer of
6 table wine licensed by the board that manufactures at least
7 500 gallons of table wine in this state annually.

8 (2) A wine festival participant license shall
9 authorize the licensee to dispense tastings and sell at retail
10 to individuals physically present at the festival for
11 on-premises consumption or off-premises consumption and for
12 personal use and not for resale, subject to subsection (d).

13 (d) (1) Wine sold at a wine festival for off-premises
14 consumption shall only be sold by a wine festival participant
15 licensee and shall be sealed, labeled, and packaged in
16 accordance with local, state, and federal laws and
17 regulations.

18 (2) A wine festival participant licensee may not
19 sell more than one case of wine to any individual per
20 festival.

21 (3) For purposes of this section, one case of wine
22 means the equivalent of 12 750-milliliter bottles of wine.

23 (e) The sale of wine at any wine festival may not be
24 permitted on any Sunday in a county or municipality that has
25 not authorized alcoholic beverages to be sold on Sunday.

1 (f) If a wine festival is to take place entirely on
2 the premises of the winery that was granted the license to
3 host the wine festival or a winery that is a member of the
4 organization granted the license to host the festival, then
5 the board may not require any fee for the wine festival
6 license or any wine festival participant license relating to
7 that festival.

8 (g) Each wine festival participant licensee
9 participating in a wine festival shall collect and remit all
10 state and local sales and use taxes and all excise and other
11 taxes due on the sale of wine by the licensee to customers at
12 retail.

13 (h) The board may not limit or prohibit the serving
14 or featuring of food at a licensed wine festival, provided
15 that the person serving or featuring food complies with all
16 applicable laws and rules.

17 (i) For purposes of this section, "retailer" means a
18 retailer licensed for off-premises consumption of table wine.

19 (j) The board may adopt rules to implement this
20 section, including, but not limited to, rules regarding the
21 liability of a wine festival participant licensee.

22 Section 3. If any provision of this act or its
23 application to any person or circumstance is determined by a
24 court to be invalid or unconstitutional, that provision shall
25 be stricken and the remaining provisions shall be construed in

1 accordance with the intent of the Legislature to further
2 limit, rather than expand, commerce in alcoholic beverages,
3 including by prohibiting any commerce in alcoholic beverages
4 not expressly authorized, and to enhance strict regulatory
5 control over taxation, distribution, and sale of alcoholic
6 beverages through the existing uniform system of regulation of
7 alcoholic beverages.

8 Section 4. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB167

Senate 11-MAR-21

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 20-APR-21

By: Senator Jones