

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

SYNOPSIS: Under existing law, a winery may not sell its own beverages for on-premises or off-premises consumption at a special event, but rather, must go through a distributor in order for its beverages to be sold at the special event.

This bill would authorize a winery or an organization comprised entirely of grape growers or wineries or both to obtain a license from the Alcoholic Beverage Control Board to hold a wine festival where wineries may provide tastings and sell their wine for on-premises or off-premises consumption.

This bill would require the board to adopt rules and issue licenses for wine festivals.

A BILL
TO BE ENTITLED
AN ACT

1 Relating to wine; to add Section 28-3A-20.3 to the
2 Code of Alabama 1975; to provide for licensure for wine
3 festivals; to authorize a winery to provide tastings and sell
4 its wine for on-premises or off-premises consumption at a wine
5 festival; and to require the Alcoholic Beverage Control Board
6 to adopt rules and issue licenses.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 28-3A-20.3 is added to the Code
9 of Alabama 1975, to read as follows:

10 §28-3A-20.3.

11 (a) (1) Notwithstanding any other section of this
12 title, including, but not limited to, Sections 28-3A-6,
13 28-3A-25, and 28-7-4, the board, upon application made on a
14 form provided by the board at least 25 days in advance of the
15 event for which a license is sought and accompanied by a fee
16 not to exceed one hundred fifty dollars (\$150), shall issue a
17 license for a wine festival to a licensed winery; an
18 organization comprised entirely of grape growers, wineries, or
19 grape growers and wineries; a municipality; a county; or an
20 incorporated arts council, main street program, or downtown
21 development entity upon such terms and conditions as the board
22 may prescribe by rule.

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

25 (b) The license shall authorize any wine
26 manufacturer to dispense tastings and sell at retail the

1 manufacturer's table wine to patrons, guests, or members of
2 the organization for on-premises or off-premises consumption.

3 (c) (1) Wine sold at a wine festival for off-premises
4 consumption shall be sealed, labeled, and packaged in
5 accordance with local, state, and federal laws and
6 regulations, and wine sold for off-premises consumption by
7 each winery may not exceed one case of wine per customer per
8 festival.

9 (2) For purposes of this section, one case of wine
10 means the equivalent of 12 750-milliliter bottles of wine.

11 (d) The sale of wine at any wine festival shall not
12 be permitted on any Sunday in a county or municipality that
13 has not authorized alcoholic beverages to be sold on Sunday.

14 (e) If a wine festival is to take place entirely on
15 the premises of the winery which was granted the license or a
16 winery that is a member of the organization granted the
17 license, then the board shall not require any fee for the wine
18 festival license.

19 (f) A license holder and each manufacturer
20 participating in a wine festival shall collect and remit all
21 state and local sales and use taxes and all excise and other
22 taxes due on the sale of wine to customers at a wine festival.

23 (g) The board shall not limit or prohibit the
24 serving or featuring of food at a licensed wine festival,
25 provided that the person serving or featuring food complies
26 with all applicable laws and rules.

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