

**HB593 ENROLLED**



1 HB593  
2 FKMP1D5-3  
3 By Representative Whitt  
4 RFD: Economic Development and Tourism  
5 First Read: 10-Mar-26



## HB593 Enrolled

1 Enrolled, An Act,

2

3           Relating to alcoholic beverages; to amend Sections  
4 28-4A-1 through 28-4A-6, Code of Alabama 1975, and redesignate  
5 these sections as Article 1 of Chapter 4A of Title 28, Code of  
6 Alabama 1975; to add Sections 28-4A-7, 28-4A-8, 28-4A-9 to  
7 Article 1 of Chapter 4A of Title 28, Code of Alabama 1975; to  
8 add Articles 2, 3, and 4 to Chapter 4A of Title 28, Code of  
9 Alabama 1975; to create the Alabama Small Craft Alcoholic  
10 Beverages Act; to create new categories of licenses for small  
11 craft distilleries and small craft wineries and create a new  
12 license for small craft alcoholic beverage manufacturers that  
13 operate a brewpub, small craft winery, or small craft  
14 distillery or any combination of these; to provide for  
15 qualifications and license requirements; to permit a brewpub,  
16 small craft winery, or small craft distillery to allow tours  
17 of their manufacturing facilities; to provide for sales by a  
18 brewpub, small craft winery, or small craft distillery, at  
19 off-premises events open to the public; to provide that a  
20 brewpub, small craft winery, or small craft distillery, or any  
21 other alcoholic beverage manufacturer, may maintain a storage  
22 facility off the licensed manufacturing premises; to require  
23 the Alcoholic Beverage Control Board to administer and enforce  
24 the act; and to amend Section 28-3A-13.1, Code of Alabama  
25 1975, to make conforming changes.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

27           Section 1. Sections 28-4A-1 through 28-4A-6, Code of  
28 Alabama 1975, are designated as Article 1 of Chapter 4A of



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29 Title 28 and are amended to read as follows:

30 Article 1. General Provisions; Small Craft Alcoholic  
31 Beverage manufacturers.

32 "§28-4A-1

33 This chapter shall be known as and may be cited as the  
34 "Alabama ~~Brewpub~~ Small Craft Alcoholic Beverages Act."

35 "§28-4A-2

36 (a) The ~~words and phrases~~ terms used in this chapter  
37 shall have the meanings ascribed to them as defined in Section  
38 28-3-1, ~~and any acts amendatory thereof, supplementary thereto~~  
39 ~~or substituted therefor.~~

40 (b) ~~The~~ For purposes of this chapter, the following  
41 ~~words or phrases, whenever they appear in this chapter, unless~~  
42 ~~the context clearly indicates otherwise, shall have the~~  
43 ~~meaning ascribed to them in this subsection~~ terms have the  
44 following meanings:

45 (1) BREWPUB. Any premises upon which beer is actively  
46 and continuously manufactured or brewed, subject to the barrel  
47 production limitation prescribed in ~~this chapter~~ Article 2, for  
48 consumption on the premises where manufactured, or for sale to  
49 any designated wholesaler licensee for resale to retail  
50 licensees.

51 (2) HYBRID CRAFT ALCOHOLIC BEVERAGE COMPLEX. A campus  
52 or area upon which a brewpub, a small craft distillery, and a  
53 small craft winery, or any combination of these, operate under  
54 one license issued by the board pursuant to this article.

55 ~~(2)~~ (3) PREMISES. Any building, or structure, or portion  
56 thereof, designated as a historic building and site as defined



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57 in Section 40-8-1, or located in a registered historic  
58 district or located in any economically distressed area  
59 designated as suitable by the municipal or county governing  
60 body, in which is located the operations of a brewpub, a small  
61 craft distillery, or a small craft winery.

62 (4) SMALL CRAFT DISTILLERY. Any premises upon which  
63 liquor is actively and continuously manufactured or distilled,  
64 subject to the production volume limitation prescribed in  
65 Article 3, for consumption on the premises where manufactured,  
66 or for sale to the board or a liquor wholesaler licensee for  
67 resale to retail licensees.

68 (5) SMALL CRAFT WINERY. Any premises upon which table  
69 wine is actively and continuously manufactured, subject to the  
70 production volume limitation prescribed in Article 4, for  
71 consumption on the premises where manufactured, or for sale to  
72 any designated wine wholesaler licensee for resale to retail  
73 licensees."

74 "§28-4A-3

75 ~~(a) In addition to the licenses authorized to be issued~~  
76 ~~and renewed by the board pursuant to the Alcoholic Beverage~~  
77 ~~Licensing Code codified as Chapter 3A of this title, the~~  
78 ~~board, upon applicant's compliance with this chapter, Chapter~~  
79 ~~3A, and the rules adopted thereunder, and the conditions set~~  
80 ~~forth in subsection (b), may issue to a qualified applicant a~~  
81 ~~brewpub license which shall authorize the licensee to do all~~  
82 ~~of the following:~~

83 ~~(1) Manufacture or brew beer, in a quantity not to~~  
84 ~~exceed 10,000 barrels in any one year, and to sell beer brewed~~



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85 ~~on the licensed premises in unpackaged form at retail for~~  
86 ~~on-premises consumption at the licensed premises only.~~

87 ~~(2) Sell beer brewed on the licensed premises in~~  
88 ~~packaged form at retail for off-premises consumption, provided~~  
89 ~~the beer sold for off-premises consumption may not exceed 864~~  
90 ~~ounces per customer per day and shall be sealed, labeled,~~  
91 ~~packaged, and taxed in accordance with state and federal laws~~  
92 ~~and regulations.~~

93 ~~(3) Sell beer brewed on the premises in original,~~  
94 ~~unopened barrel or keg containers to any licensed wholesaler~~  
95 ~~designated by a brewpub licensee pursuant to Sections 28-8-2~~  
96 ~~and 28-9-3 for resale to retail licensees.~~

97 ~~(4) Donate and deliver up to 31 gallons of the~~  
98 ~~licensee's beer to a licensed charitable special event~~  
99 ~~operated by or on behalf of a nonprofit organization;~~  
100 ~~provided, however, donations shall be taxed in accordance with~~  
101 ~~state and federal laws and regulations, and any beer remaining~~  
102 ~~at the conclusion of the charitable event shall be returned to~~  
103 ~~the brewpub for disposal.~~

104 ~~(5) Purchase beer, including draft or keg beer, in~~  
105 ~~original, unopened containers from licensed wholesalers and to~~  
106 ~~sell such beer at retail for on-premises consumption only, in~~  
107 ~~a room or rooms or place on the licensed premises at all times~~  
108 ~~accessible to the use and accommodation of the general public.~~

109 ~~(b) A brewpub is subject to all of the following~~  
110 ~~conditions:~~

111 ~~(1) The proposed location of the premises shall not, at~~  
112 ~~the time of the original application, be prohibited by a valid~~



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113 ~~zoning ordinance or other ordinance in the valid exercise of~~  
114 ~~police power by the governing body of the municipality or~~  
115 ~~county in which the brewpub is located.~~

116 ~~(2) Beer brewed by the brewpub licensee shall be~~  
117 ~~packaged or contained in barrels from which the beer is to be~~  
118 ~~dispensed only on the premises where brewed for consumption on~~  
119 ~~the premises or sold in original, unopened barrel or keg~~  
120 ~~containers to any designated wholesaler licensee for resale to~~  
121 ~~retailer licensees.~~

122 ~~(3) The brewpub must contain and operate a restaurant~~  
123 ~~or otherwise provide food for consumption on the premises.~~

124 ~~(4) The brewpub may not sell any alcoholic beverages if~~  
125 ~~it is not actively and continuously engaged in the manufacture~~  
126 ~~or brewing of alcoholic beverages on the brewpub's licensed~~  
127 ~~premises.~~

128 ~~(c) The annual license fee levied and prescribed for a~~  
129 ~~license as a brewpub issued or renewed by the board is one~~  
130 ~~thousand dollars (\$1,000).~~

131 ~~(d) A manufacturer that sells, on an annual basis, an~~  
132 ~~amount equal to no more than 60,000 barrels of beer, may have~~  
133 ~~a financial interest in a brewpub, including a brewpub that~~  
134 ~~also has a restaurant retail license, provided the~~  
135 ~~manufacturer may not transfer alcoholic beverages directly~~  
136 ~~from the manufacturer to the brewpub, but may purchase~~  
137 ~~alcoholic beverages from an authorized wholesaler or as~~  
138 ~~otherwise provided by law, and may not have a financial~~  
139 ~~interest in any retailer other than a brewpub.~~

140 ~~(e) Section 28-3-4 and subsection (b) of Section~~



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141 ~~28-3A-6 shall not be applicable with regard to beer brewed by~~  
142 ~~either of the following and sold and dispensed on the brewpub~~  
143 ~~premises:~~

144 ~~(1) The brewpub.~~

145 ~~(2) A manufacturer described in, and in compliance~~  
146 ~~with, subsection (d).~~

147 (a) In addition to the licenses provided for in  
148 Articles 2 through 4, the board may issue a hybrid craft  
149 alcoholic beverage complex license to any person licensed as a  
150 brewpub, small craft distillery, or small craft winery, or who  
151 meets the qualification for licensure as a brewpub, a small  
152 craft distillery, or a small craft winery, and who meets the  
153 qualifications in subsection (b). A hybrid craft alcoholic  
154 beverage complex license shall authorize the licensee to  
155 operate a brewpub, a small craft winery, or a small craft  
156 distillery, or any combination of these.

157 (b) To qualify as a hybrid craft alcoholic beverage  
158 complex:

159 (1) The applicant must meet the license qualifications  
160 under Article 2, 3, or 4, as applicable, corresponding to the  
161 type or types of alcoholic beverages the applicant intends to  
162 manufacture; and

163 (2) Each type of alcoholic beverage must be  
164 manufactured on a separate premises, as determined, by rule,  
165 by the board, but all the properties upon which the premises  
166 are located must be contiguous and walkable.

167 (c) If the applicant already holds a valid, current  
168 license under Article 2, 3, or 4 when making application for a



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169 license under this section, the board may convert the existing  
170 license into a hybrid craft alcoholic beverage complex  
171 license.

172 (d) (1) The annual license fee levied and prescribed for  
173 a license as a hybrid craft alcoholic beverage complex issued  
174 or renewed by the board is two thousand dollars (\$2,000).

175 (2) Notwithstanding subdivision (1), if the board  
176 converts an existing license into a hybrid craft alcoholic  
177 beverage complex license, the initial license fee shall be one  
178 thousand dollars (\$1,000) and each annual renewal fee shall be  
179 as provided in subdivision (1)."

180 "§28-4A-4

181 ~~(a) In addition to the licenses provided for by this~~  
182 ~~chapter and any county or municipal license, there is levied~~  
183 ~~on the brewpub for on-premises sales of beer brewed by the~~  
184 ~~brewpub licensee the privilege or excise taxes imposed by~~  
185 ~~Sections 28-3-184 and 28-3-190. Every brewpub licensee shall~~  
186 ~~file the tax returns, pay the taxes, and perform all~~  
187 ~~obligations imposed on wholesalers at the times and places set~~  
188 ~~forth therein. It shall be unlawful for any brewpub licensee~~  
189 ~~who is required to pay the taxes so imposed in the first~~  
190 ~~instance to fail or refuse to add to the sales price and~~  
191 ~~collect from the purchaser the required amount of tax, it~~  
192 ~~being the intent and purpose of this provision that each of~~  
193 ~~the taxes levied is in fact a tax on the consumer, with the~~  
194 ~~brewpub licensee who pays the tax in the first instance acting~~  
195 ~~merely as an agent of the state for the collection and payment~~  
196 ~~of the tax levied by Section 28-3-184 and as an agent of the~~



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197 ~~county or municipality for the collection and payment of the~~  
198 ~~tax levied by Section 28-3-190. Taxes on beer shall be levied~~  
199 ~~at the time the beer is allocated for the purpose of retail~~  
200 ~~sale and not at the time the beer is dispensed for~~  
201 ~~consumption.~~

202 ~~(b) The brewpub shall be required to keep and maintain~~  
203 ~~all of the records otherwise required to be kept and~~  
204 ~~maintained by manufacturer, wholesaler, and retailer~~  
205 ~~licensees.~~

206 ~~(c) The brewpub shall appoint a licensed wholesaler~~  
207 ~~designee in order to preserve Section 28-9-1. In addition, for~~  
208 ~~on-premises sales of beer brewed by the brewpub licensee, the~~  
209 ~~brewpub shall be exempt from Sections 28-9-3 through 28-9-11.~~

210 The board may adopt rules to administer and enforce  
211 this chapter."

212 "§28-4A-5

213 ~~A violation of any provision of this chapter shall~~  
214 ~~constitute an unlawful act. A finding by the board that the~~  
215 The board shall revoke the license of a brewpub, licensee is  
216 guilty of violating any provision of a small craft distillery,  
217 a small craft winery, or a hybrid craft alcoholic beverage  
218 complex if the board makes a finding that the licensee  
219 violated this chapter ~~shall effect an automatic revocation of~~  
220 ~~the license."~~

221 "§28-4A-6

222 The Legislature finds that it is in the best interest  
223 of the public welfare of the State of Alabama to preserve and  
224 redevelop the downtown municipal areas and registered historic



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225 districts and certain economically distressed areas of this  
226 state and to further promote the preservation and  
227 redevelopment of historic buildings and sites. The Legislature  
228 finds that an effective way of facilitating the urban  
229 redevelopment program and the preservation of historic  
230 buildings and sites, and registered historic districts and any  
231 economically distressed area designated as suitable by the  
232 municipal or county governing body is by creating a single  
233 exception to the existing alcoholic beverage laws to authorize  
234 and permit the establishment of brewpubs, small craft  
235 wineries, and small craft distilleries located in such  
236 historic buildings, sites, or districts in urban redevelopment  
237 areas or economically distressed areas of those municipalities  
238 ~~located within counties where the brewing of beer for~~  
239 ~~consumption by the public had historically been located~~ or  
240 counties. The policy and intent of the Legislature in the  
241 enactment of this chapter is to promote the public welfare by  
242 further regulating and controlling alcoholic beverage  
243 transactions in Alabama under the control and supervision of  
244 the Alabama Alcoholic Beverage Control Board to accomplish  
245 this legislative purpose ~~set forth herein.~~"

246 Section 2. Sections 28-4A-7, 28-4A-8, and 28-4A-9 are  
247 added to Article 1 of Chapter 4A of Title 28, Code of Alabama  
248 1975, to read as follows:

249 §28-4A-7

250 (a) A license issued under this article, or under  
251 Article 2, 3, or 4, authorizes the licensee to afford patrons  
252 the opportunity to participate in a guided tour of the



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253 distillery, brewery, or winery manufacturer operations as  
254 applicable, if the tour includes an educational component in  
255 which an in-person guide informs patrons about the historic  
256 and scientific characteristics of the alcoholic beverage  
257 manufactured on the licensed premises.

258 (b) A licensee may offer a tasting or sampling of the  
259 alcoholic beverage manufactured on the licensed premises upon  
260 conclusion of the tour in accordance with all of the following  
261 requirements:

262 (1) A tasting session shall be in a designated,  
263 enclosed area that is separate from all other designated areas  
264 on the licensed premises.

265 (2) A patron may tour the manufacturing operation of  
266 more than one type of alcoholic beverage manufactured by the  
267 licensee, but may participate in no more than one tasting  
268 session per day.

269 (3) The price of the tasting or sampling must be  
270 included in the price charged to patrons over 21 years of age  
271 for the guided tour.

272 (4) No retail sale of an alcoholic beverage, whether  
273 for on-premises or off-premises consumption, shall be  
274 authorized pursuant to a tour.

275 (5) Each session shall be limited to no more than two  
276 tastings or samplings, each of which:

277 a. In the case of liquor, shall not exceed one-half  
278 ounce, with or without a nonalcoholic mixer;

279 b. In the case of beer, shall not exceed four ounces;  
280 and



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281 c. In the case of table wine, shall not exceed one and  
282 one-half ounce.

283 §28-4A-8

284 (a) For purposes of this section, a "public event" is  
285 any event sponsored by a private or nonprofit organization  
286 lasting no longer than three consecutive days, to which the  
287 public is invited, whether free or upon payment for admission,  
288 including, but not limited to, a farmers market, music  
289 festival, art festival, or other exhibition to which vendors  
290 may be invited to display and sell their products.

291 (b) (1) Upon application to the board upon a form  
292 prescribed by the board, at least 20 days in advance of the  
293 event and accompanied by a nonrefundable fee not to exceed one  
294 hundred fifty dollars (\$150), the board may issue a tasting  
295 room extension license to an applicant that is licensed under  
296 this chapter.

297 (2) A tasting room extension license issued to a  
298 licensee under this chapter authorizes the recipient to do all  
299 of the following with respect to an alcoholic beverage  
300 manufactured on the recipient's premises at a public event:

301 a. Dispense samples of the alcoholic beverage to event  
302 attendees from an original container, of no more than one-half  
303 ounce in the case of liquor, four ounces in the case of beer,  
304 and one and one-half ounces in the case of table wine.

305 b. Sell the alcoholic beverage at retail, packaged for  
306 consumption off the event site in accordance with state and  
307 federal laws and regulations, including, but not limited to,  
308 federal regulations related to standard of fill:



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309 1. For liquor, in bottles not to exceed a total of 4.5  
310 liters per customer per day;

311 2. For beer, in bottles or cans not to exceed a total  
312 of 864 ounces per customer per day; or

313 3. For table wine, a total not to exceed twelve  
314 750-milliliter bottles per customer per day.

315 (c) A tasting room extension licensee may not sell any  
316 alcoholic beverage to retailers or sell alcoholic beverages  
317 that the licensee does not manufacture.

318 (d) A tasting room extension licensee who is licensed  
319 pursuant to this article may only dispense samples or sell for  
320 consumption pursuant to subsection (b), one type of alcoholic  
321 beverage which it manufactures.

322 (e) The board may issue a tasting room extension  
323 license upon submission by the applicant of the following:

324 (1) Proof of compliance with any municipal or county  
325 license or permit requirement.

326 (2) Proof of registration, including payment of a booth  
327 fee as acknowledged by the event sponsor, to include defining  
328 the area under each applicant's exclusive control.

329 (3) Proof of liquor liability insurance, including a  
330 written statement from the applicant's liquor liability  
331 insurer that the applicant's existing policy covers the  
332 activities of the applicant at the public event.

333 (f) Any licensee under this chapter shall be limited to  
334 no more than 12 tasting room extension licenses per calendar  
335 year.

336 (g) (1) A tasting room extension licensee shall collect



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337 and remit all state and local sales and use taxes and all  
338 excise and other taxes due, pursuant to Article 2, 3, or 4 as  
339 applicable, on the sale of the alcoholic beverage by the  
340 participant licensee to customers at retail.

341 (2) Notwithstanding subdivision (1), a tasting room  
342 extension licensee that also sells an alcoholic beverage at  
343 retail, in a method and manner established by the Department  
344 of Revenue, may include the collection and remittance of all  
345 state and local taxes due on the sale of the alcoholic  
346 beverage sold at the public event in the same method and  
347 manner as other sales of the same alcoholic beverage at  
348 retail.

349 (3) Nothing in this section shall be construed to alter  
350 in any way the distribution of revenue from a tax levied  
351 pursuant to a local law.

352 (h) The board is authorized to adopt rules and  
353 prescribe forms to implement and enforce this section.

354 §28-4A-9

355 (a) For purposes of this section, a "licensed  
356 manufacturer" includes a manufacturer who is licensed pursuant  
357 to this chapter or Section 28-3A-6.

358 (b) Upon approval of the board, a licensed manufacturer  
359 may be allowed one off-premises manufacturer extension  
360 location for the exclusive storage of finished and unfinished  
361 goods pursuant to the requirements of subsection (c).

362 (c) An application for approval of an off-premises  
363 manufacturer extension location shall include:

364 (1) Documentation of approval of the manufacturer



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365 extension by the Alcohol and Tobacco Tax and Trade Bureau;

366 (2) A lease, deed, or other document showing control of  
367 the property by the licensed manufacturer; and

368 (3) A current license issued by the board.

369 (d) The application for an off-premises manufacturing  
370 extension must be approved by the board before it is put into  
371 use by the manufacturer licensee.

372 (e) An off-premises manufacturing extension is subject  
373 to all of the following conditions:

374 (1) The extension may not be located outside of the  
375 state.

376 (2) The extension may not be used for the exportation  
377 of products nor for any form of distribution of products  
378 within the state.

379 (3) The extension may not be located more than 10 miles  
380 from the licensed manufacturer's premises.

381 (4) No sales, sampling, or tastings of any alcoholic  
382 beverage shall be allowed at the extension.

383 (5) The extension premises shall be secured at all  
384 times.

385 (f) Authorized representatives of the board or law  
386 enforcement officers of the state, or the county or  
387 municipality in which the manufacturer extension premises is  
388 located, may enter and search, without a warrant, the  
389 extension premises. The extension premises encompasses any  
390 building owned or occupied by the licensee that adjoins, is  
391 adjacent to, or is otherwise part of the curtilage of the  
392 premises, including a building used as a private dwelling.



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393 (g) The licensed manufacturer shall maintain all  
394 records related to the disposition of the finished or  
395 unfinished goods stored in the off-premises extension, as  
396 applicable.

397 (h) The finished and unfinished goods may be  
398 transported in bond from the licensed manufacturer's original  
399 premises to the extension location for storage. Transportation  
400 shall be made by the licensee or an employee of the same in a  
401 vehicle bearing signage on each side identifying the licensee.  
402 Included in the transportation vehicle shall be a current copy  
403 of the board's approval of the extension and the bill of  
404 lading or other documentation of ownership of the product  
405 being transported.

406 Section 3. A new Article 2, commencing with Section  
407 28-4A-20; Article 3, commencing with Section 28-4A-40; and  
408 Article 4, commencing with Section 28-4A-60, are added to  
409 Chapter 4A of Title 28, Code of Alabama 1975, to read as  
410 follows:

411 Article 2. Brewpubs.

412 §28-4A-20

413 (a) In addition to the licenses authorized to be issued  
414 and renewed by the board pursuant to Chapter 3A, the board,  
415 upon the applicant's compliance with this article, Chapter 3A,  
416 and the rules adopted thereunder, and the conditions set forth  
417 in subsection (b), may issue to a qualified applicant a  
418 brewpub license that shall authorize the licensee to do all of  
419 the following:

420 (1) Manufacture or brew beer, in a quantity not to



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421 exceed 10,000 barrels in any one year, and sell beer brewed on  
422 the licensed premises in unpackaged form at retail for  
423 on-premises consumption at the licensed premises only.

424 (2) Sell beer brewed on the licensed premises in  
425 packaged form at retail for off-premises consumption, provided  
426 the beer sold for off-premises consumption may not exceed 864  
427 ounces per customer per day and shall be sealed, labeled,  
428 packaged, and taxed in accordance with state, local, and  
429 federal laws, rules, and regulations.

430 (3) Sell beer brewed on the premises in original,  
431 unopened barrel or keg containers or in other original,  
432 unopened containers to any licensed beer wholesaler designated  
433 by a brewpub licensee pursuant to Sections 28-8-2 and 28-9-3  
434 for resale to retail licensees.

435 (4) Donate and deliver up to 31 gallons of the  
436 licensee's beer to a licensed charitable special event  
437 operated by or on behalf of a nonprofit organization.  
438 Donations shall be taxed in accordance with state, local, and  
439 federal laws, rules, and regulations, and any beer remaining  
440 at the conclusion of the charitable event shall be returned to  
441 the brewpub for disposal.

442 (5) Purchase beer, including draft or keg beer, in  
443 original, unopened containers from licensed wholesalers and  
444 sell the beer at retail, for on-premises consumption only, in  
445 a room or rooms or place on the licensed premises at all times  
446 accessible to the use and accommodation of the general public.

447 (b) A brewpub is subject to all of the following  
448 conditions:



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449 (1) The proposed location of the premises, at the time  
450 of the original application, shall not be prohibited by a  
451 valid zoning ordinance or other ordinance in the valid  
452 exercise of police power by the governing body of the  
453 municipality or county in which the brewpub is located.

454 (2) Beer brewed by the brewpub licensee shall be  
455 packaged or contained in barrels from which the beer is to be  
456 dispensed only on the premises where brewed for consumption on  
457 the premises, or sold in original, unopened barrel or keg  
458 containers or in packaged form to any designated wholesaler  
459 licensee for resale to retailer licensees.

460 (3) A brewpub must contain and operate a restaurant or  
461 otherwise provide food for consumption on the premises.

462 (4) A brewpub may not sell any alcoholic beverages if  
463 the brewpub is not actively and continuously engaged in the  
464 manufacture or brewing of beer on the brewpub's licensed  
465 premises.

466 (c) The annual license fee levied and prescribed for a  
467 license as a brewpub issued or renewed by the board is one  
468 thousand dollars (\$1,000).

469 (d) A manufacturer that sells, on an annual basis, an  
470 amount equal to no more than 60,000 barrels of beer, may have  
471 a financial interest in a brewpub, including a brewpub that  
472 also has a restaurant retail license, provided the  
473 manufacturer may not transfer alcoholic beverages directly  
474 from the manufacturer to the brewpub, but may purchase  
475 alcoholic beverages from an authorized wholesaler or as  
476 otherwise provided by law, and may not have a financial



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477 interest in any retailer other than a brewpub.

478 (e) Sections 28-3-4 and 28-3A-6(b) shall not be  
479 applicable with regard to beer brewed by either of the  
480 following and sold and dispensed on the brewpub premises:

481 (1) The brewpub.

482 (2) A manufacturer described in, and in compliance  
483 with, subsection (d).

484 (f) Nothing in this section shall be construed to alter  
485 in any way the distribution of revenue from a tax levied  
486 pursuant to a local law.

487 §28-4A-21

488 (a) In addition to the licenses provided for by this  
489 chapter and any county or municipal license, there is levied  
490 on the brewpub licensee for on-premises sales of beer brewed  
491 by the brewpub licensee the privilege or excise taxes imposed  
492 by Sections 28-3-184 and 28-3-190. Every brewpub licensee  
493 shall file the tax returns, pay the taxes, and perform all  
494 obligations imposed on wholesalers at the times and places set  
495 forth therein. It shall be unlawful for any brewpub licensee  
496 who is required to pay the taxes so imposed in the first  
497 instance to fail or refuse to add to the sales price and  
498 collect from the purchaser the required amount of tax, it  
499 being the intent and purpose of this provision that each of  
500 the taxes levied is in fact a tax on the consumer, with the  
501 brewpub licensee who pays the tax in the first instance acting  
502 merely as an agent of the state for the collection and payment  
503 of the tax levied by Section 28-3-184 and as an agent of the  
504 county or municipality for the collection and payment of the



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505 tax levied by Section 28-3-190. Taxes on beer shall be levied  
506 at the time the beer is allocated for the purpose of retail  
507 sale and not at the time the beer is dispensed for  
508 consumption.

509 (b) The brewpub shall keep and maintain all of the  
510 records otherwise required to be kept and maintained by  
511 manufacturer, wholesaler, and retailer licensees.

512 (c) The brewpub shall appoint a licensed wholesaler  
513 designee in order to preserve Section 28-9-1. In addition, for  
514 on-premises sales of beer brewed by the brewpub licensee, the  
515 brewpub shall be exempt from Sections 28-9-3 through 28-9-11.

516 Article 3. Small Craft Distilleries.

517 §28-4A-40

518 (a) In addition to the licenses authorized to be issued  
519 and renewed by the board pursuant to Chapter 3A, the board,  
520 upon the applicant's compliance with this article, Chapter 3A,  
521 and the rules adopted thereunder, and the conditions set forth  
522 in subsection (b), may issue to a qualified applicant a small  
523 craft distillery license which shall authorize the licensee to  
524 do all of the following:

525 (1) Distill liquor, in a quantity not to exceed 50,000  
526 gallons in any one year, and sell liquor distilled on the  
527 licensed premises in unpackaged form at retail for on-premises  
528 consumption at the licensed premises only.

529 (2) Sell liquor distilled on the licensed premises in  
530 original, unopened containers at retail for off-premises  
531 consumption, provided the liquor sold for off-premises  
532 consumption may not exceed 4.5 liters per customer per day and



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533 shall be sealed, labeled, packaged, and taxed in accordance  
534 with state, local, and federal laws, rules, and regulations.

535 (3) Sell liquor distilled on the premises in original,  
536 unopened containers to the board or as authorized by the  
537 board.

538 (4) Donate and deliver up to 4.5 liters of the  
539 licensee's liquor to a licensed charitable special event  
540 operated by or on behalf of a nonprofit organization.  
541 Donations shall be taxed in accordance with state, local, and  
542 federal laws, rules, and regulations. Any liquor remaining at  
543 the conclusion of the charitable event shall be returned to  
544 the small craft distillery for disposal.

545 (5) Purchase liquor in original, unopened containers  
546 from the board or as authorized by the board and sell the  
547 liquor at retail, for on-premises consumption only, in a room  
548 or rooms or place on the licensed premises at all times  
549 accessible to the use and accommodation of the general public  
550 and limited to individuals 21 years of age and older.

551 (b) A small craft distillery is subject to all of the  
552 following conditions:

553 (1) The proposed location of the premises, at the time  
554 of the original application, shall not be prohibited by a  
555 valid zoning ordinance or other ordinance in the valid  
556 exercise of police power by the governing body of the  
557 municipality or county in which the small craft distillery is  
558 located.

559 (2) Liquor distilled by the licensee shall be packaged  
560 and sold in any original or unopened containers as approved by



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561 the board and in accordance with the standards of fill  
562 requirements prescribed by the U.S. Department of the Treasury  
563 or contained in barrels or kegs from which the liquor is to be  
564 dispensed only on the premises where distilled for consumption  
565 on the premises.

566 (3) A small craft distillery may not sell any liquor if  
567 the small craft distillery is not actively and continuously  
568 engaged in the distilling of liquor on the licensed premises.

569 (c) The annual license fee levied and prescribed for a  
570 license as a small craft distillery issued or renewed by the  
571 board is one thousand dollars (\$1,000).

572 (d) Sections 28-3-4 and 28-3A-6(b) shall not be  
573 applicable with regard to liquor distilled by the small craft  
574 distillery and sold and dispensed on the licensed premises.

575 (e) Nothing in this section shall be construed to alter  
576 in any way the distribution of revenue from a tax levied  
577 pursuant to a local law.

578 §28-4A-41

579 (a) (1) In addition to the licenses provided for by this  
580 chapter and any county or municipal license, there is levied  
581 and assessed upon all liquor distilled on the premises of a  
582 licensee which is dispensed or sold at retail for on-premises  
583 or off-premises consumption the mark up in accordance with  
584 Section 28-3-53.2(c) and added to the list or FOB price; and  
585 the privilege or excise tax imposed on liquor by Sections  
586 28-3-200 through 28-3-205. Taxes and mark up described in this  
587 subsection shall be remitted by the licensee to the board. The  
588 taxes collected shall be distributed in the same manner as the



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589 taxes collected in a state liquor store.

590 (2) The tax levied in this subsection shall be  
591 collected by a return which shall be filed by the licensee  
592 with the board postmarked not later than the last day of the  
593 month following the month of production or sale of liquor,  
594 which shall be accompanied by the remittance of the tax due.  
595 The report shall include, but not be limited to, a  
596 consolidated report of all liquor distilled, sold, or  
597 otherwise consumed on the licensed premises. The report shall  
598 be in the form and containing information as the board may  
599 prescribe.

600 (3) If a licensee fails to file any return required to  
601 be filed with the board on or before the date prescribed in  
602 subdivision (2), including any written extension of time  
603 granted by the board in advance, there shall be assessed as a  
604 penalty the greater of 10 percent of any additional tax  
605 required to be paid with the return or fifty dollars (\$50).

606 (4) If a licensee fails to pay to the board the amount  
607 of the tax due on a return required to be filed on or before  
608 the date prescribed for payment of the tax, including any  
609 written extension of time granted by the board in advance,  
610 there shall be added as a penalty 10 percent of the unpaid  
611 amount due on the return.

612 (5) Interest shall be added to any tax due to the board  
613 which is not paid by the due date, from the due date of the  
614 tax, computed based on the underpayment rate established by  
615 the Secretary of the Treasury under the authority of 26 U.S.C.  
616 § 6621.



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617 (b) A small craft distillery shall be required to keep  
618 and maintain all of the records otherwise required to be kept  
619 and maintained by manufacturer, wholesaler, and retailer  
620 licensees.

621 Article 4. Small Craft Wineries.

622 §28-4A-60

623 (a) In addition to the licenses authorized to be issued  
624 and renewed by the board pursuant to Chapter 3A, the board,  
625 upon the applicant's compliance with this article, Chapter 3A,  
626 and the rules adopted thereunder, and the conditions set forth  
627 in subsection (b), may issue to a qualified applicant a small  
628 craft winery license which shall authorize the licensee to do  
629 all of the following:

630 (1) Manufacture or produce table wine, in a quantity  
631 not to exceed 50,000 gallons in any one year, and sell wine  
632 manufactured on the licensed premises at retail for  
633 on-premises consumption at the licensed premises only.

634 (2) Sell table wine manufactured on the licensed  
635 premises in original, unopened containers at retail for  
636 off-premises consumption, provided the wine sold for  
637 off-premises consumption may not exceed twelve 750-milliliter  
638 bottles per customer per day and shall be sealed, labeled,  
639 packaged, and taxed in accordance with state, local, and  
640 federal laws, rules, and regulations.

641 (3) Sell table wine manufactured on the premises in  
642 original, unopened containers to any licensed wine wholesaler  
643 designated by a small craft winery licensee pursuant to  
644 Section 28-8A-4 for resale to retail licensees.



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645 (4) Donate and deliver up to two cases of the  
646 licensee's table wine to a licensed charitable special event  
647 operated by or on behalf of a nonprofit organization.  
648 Donations shall be taxed in accordance with state, local, and  
649 federal laws, rules, and regulations. Any wine remaining at  
650 the conclusion of the charitable event shall be returned to  
651 the small craft winery for disposal.

652 (5) Purchase table wine in original, unopened  
653 containers from licensed wine wholesalers and sell the wine at  
654 retail for on-premises consumption only, in a room or rooms or  
655 place on the licensed premises at all times accessible to the  
656 use and accommodation of the general public.

657 (b) A small craft winery is subject to all of the  
658 following conditions:

659 (1) The proposed location of the premises, at the time  
660 of the original application, shall not be prohibited by a  
661 valid zoning ordinance or other ordinance in the valid  
662 exercise of police power by the governing body of the  
663 municipality or county in which the small craft distillery is  
664 located.

665 (2) Wine manufactured by the licensee shall be packaged  
666 and sold in any original containers as approved by the board  
667 and in accordance with the standards of fill requirements  
668 prescribed by the U.S. Department of the Treasury or contained  
669 in bottles to be dispensed only on the premises where  
670 fermented for consumption on the premises.

671 (3) A small craft winery may not sell any table wine if  
672 the small craft winery is not actively and continuously



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673 engaged in the production of table wine on the licensed  
674 premises.

675 (c) The annual license fee levied and prescribed for a  
676 license as a small craft winery issued or renewed by the board  
677 is one thousand dollars (\$1,000).

678 (d) Sections 28-3-4 and 28-3A-6(b) shall not be  
679 applicable with regard to wine manufactured by the small craft  
680 winery and sold and dispensed on the licensed premises.

681 (e) Nothing in this section shall be construed to alter  
682 in any way the distribution of revenue from a tax levied  
683 pursuant to a local law.

684 §28-4A-61

685 (a) In addition to the licenses provided for by this  
686 chapter and any county or municipal license, there is levied  
687 on a small craft winery for on-premises and off-premises sales  
688 of table wine manufactured by the licensee privilege and  
689 excise tax pursuant to Section 28-7-16 due on the sale of  
690 table wine to consumers. Every small craft winery licensee  
691 shall file the tax returns, pay the taxes, and perform all  
692 obligations imposed on wholesalers at the times and places set  
693 forth therein. It shall be unlawful for any small craft winery  
694 licensee who is required to pay the taxes so imposed in the  
695 first instance to fail or refuse to add to the sales price and  
696 collect from the purchaser the required amount of tax, it  
697 being the intent and purpose of this provision that each of  
698 the taxes levied is in fact a tax on the consumer, with the  
699 small craft winery licensee who pays the tax in the first  
700 instance acting merely as an agent of the state for the



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701 collection and payment of the tax.

702 (b) A small craft winery shall be required to keep and  
703 maintain all of the records otherwise required to be kept and  
704 maintained by manufacturer, wholesaler, and retailer  
705 licensees.

706 (c) A small craft winery shall appoint a licensed  
707 wholesaler designee pursuant to Section 28-8A-4 for any table  
708 wine designated for resale to retail licensees.

709 Section 4. Section 28-3A-13.1, Code of Alabama 1975, is  
710 amended to make conforming changes to read as follows:

711 "§28-3A-13.1

712 (a) Any entity licensed by the board for off-premises  
713 consumption, restaurant licensee of the board, or valid and  
714 responsible organization of good reputation that is registered  
715 to do business in the state may apply for and be issued a  
716 delivery service license. In order to receive a license, an  
717 applicant shall do all of the following:

718 (1) File an application with the board.

719 (2) Pay a ~~non-refundable~~ nonrefundable filing fee of  
720 one hundred dollars (\$100), and a license fee of two hundred  
721 fifty dollars (\$250).

722 (3) Provide to the board a sample contract that the  
723 applicant intends to enter into with a retailer for the  
724 delivery of beer, wine, and spirits, unless the applicant is  
725 the retailer.

726 (4)a. Provide to the board both of the following:

727 1. An attestation that the applicant is 21 years of age  
728 or older.



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729           2. A true, correct, and complete criminal court record  
730 of all arrests and subsequent dispositions for the past three  
731 years. If the applicant has been convicted of a felony or a  
732 misdemeanor for a violation of Section 28-3A-25(a)(3), then  
733 the board shall reject the application and shall not issue a  
734 license.

735           b. This subdivision shall not apply to publicly traded  
736 companies.

737           (5)a. For an applicant with four or more delivery  
738 drivers, whether those drivers are employees or independent  
739 contractors, provide proof of a general liability insurance  
740 policy in an amount no less than five million dollars  
741 (\$5,000,000) per occurrence.

742           b. For an applicant with three or fewer delivery  
743 drivers, whether those delivery drivers are employees or  
744 independent contractors, provide proof of a general liability  
745 insurance policy in an amount no less than two million dollars  
746 (\$2,000,000) per occurrence.

747           (6) Provide to the board an outline for an internal or  
748 external training and certification program for delivery  
749 personnel which addresses topics such as identifying underage  
750 individuals, intoxicated individuals, and fake or altered  
751 identification.

752           (b) A delivery service licensee may deliver, or  
753 contract with any retailer in the state for the delivery of,  
754 beer, wine, or spirits from a retail premises to an individual  
755 in the state who is at least 21 years of age, for personal use  
756 by that individual only, and not for resale, subject to all of



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757 the following:

758 (1) The individual placing the order must receive the  
759 ordered alcoholic beverages on the same calendar day that the  
760 alcoholic beverages are removed from the licensed retail  
761 premises.

762 (2) Any delivery shall be made in vehicles that are  
763 owned or leased by the delivery service licensee or an  
764 employee or independent contractor of the licensee.

765 (3) Any beer, wine, or spirits shall be delivered in a  
766 sealed unopened container.

767 (4) If the delivery service licensee is a restaurant,  
768 then any beer, wine, or spirits delivered by the licensee must  
769 be accompanied by a meal.

770 (5) If the delivery service licensee is a manufacturer  
771 or brewpub with off-premises retail privileges under Sections  
772 28-3A-6, 28-4A-3, 28-4A-20, 28-4A-40, 28-4A-60, or 28-7-18,  
773 the manufacturer or brewpub may deliver, directly from the  
774 manufacturer or brewpub to any individual in any single  
775 24-hour period, an amount not to exceed the amount that the  
776 manufacturer or brewpub is authorized to sell to each customer  
777 each day under Sections 28-3A-6 or 28-4A-3.

778 (6)a.1. Beer, with the exception of draft beer, may be  
779 delivered in any size container, provided that the total  
780 amount delivered does not exceed the equivalent of 120  
781 12-ounce containers of beer per customer in any single 24-hour  
782 period.

783 2. Draft beer may be sold in accordance with board  
784 rules in a total amount not to exceed 288 ounces per customer



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785 in any single 24-hour period, and may be delivered only where  
786 delivery has been authorized by resolution or ordinance of the  
787 local governing jurisdiction.

788 b. Wine may be sold in any size container, provided  
789 ~~that~~ the total amount delivered does not exceed 9,000  
790 milliliters or the equivalent of ~~12~~twelve 750-milliliter  
791 bottles of wine per customer in any single 24-hour period.

792 c. Spirits may be sold in any size bottle by an  
793 off-premises licensee~~r~~r, provided~~r~~r the total amount delivered  
794 does not exceed 9,000 milliliters per customer in any single  
795 24-hour period.

796 d. Spirits may be sold in any size bottle by a  
797 restaurant licensee~~r~~r, provided~~r~~r the total amount delivered  
798 does not exceed 375 milliliters per customer in any single  
799 24-hour period.

800 (7) Any employee or independent contractor delivering  
801 beer, wine, or spirits shall comply with all of the following:

802 a. Is at least 21 years of age.

803 b. Has a valid ~~driver's~~driver license.

804 c. Has, within the last 24 months, undergone a criminal  
805 history background check that includes driving records, and  
806 the results of which comply with all of the following:

807 1. The individual has not been convicted within the  
808 past seven years of driving under the influence.

809 2. The individual has not been convicted, at any time,  
810 of a crime involving a sexual offense, fraud, property damage,  
811 theft, an act of violence, or an act of terror.

812 3. The individual does not have a match on the National



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813 Sex Offender Registry.

814 d. Does not receive compensation based on whether an  
815 attempted delivery of beer, wine, or spirits results in a  
816 completed transaction.

817 e. Is trained and certified consistent with the  
818 training program submitted to the board as required by  
819 subdivision (a)(6), with documentation on file with the  
820 delivery service licensee. Upon request, the licensee shall  
821 provide this documentation to the board.

822 (8) A delivery service licensee may facilitate orders  
823 for the sale and delivery of beer, wine, or spirits by  
824 telephone, Internet, or by other electronic means~~+~~+ provided~~+~~  
825 all of the following occur:

826 a. The delivery service licensee shall obtain from the  
827 customer a confirmation that he or she is at least 21 years of  
828 age at the time the order is placed.

829 b. The delivery service licensee shall ensure all  
830 payments have been processed for delivery prior to removing  
831 the alcoholic beverages from the licensed premises.

832 c. If the delivery service licensee is a retail  
833 licensee, any order for sale and delivery of beer, wine, or  
834 spirits received at the licensee's primary place of business  
835 or through a ~~third party~~third-party licensee or facilitator  
836 shall be construed as a sale made at the licensee's primary  
837 place of business.

838 (9) Any delivery in a sealed package shall be stamped,  
839 printed, or labeled in a manner approved by the board, and  
840 that stamp, print, or label shall be prominently displayed on



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841 the outside of the sealed package to indicate in readily  
842 apparent font or type that the package contains alcohol and  
843 that the signature of an individual at least 21 years of age  
844 is required for delivery.

845 (10) A delivery service licensee shall require each  
846 recipient, at the time of delivery, to provide valid photo  
847 identification that conforms to board rules and that verifies  
848 that he or she is at least 21 years of age, and shall require  
849 the recipient to sign for the delivery.

850 (11) A delivery service licensee shall possess  
851 identification scanning software technology, or a  
852 state-of-the-art alternative approved by the board, available  
853 at the point of delivery that verifies the recipient is at  
854 least 21 years of age and retains the recipient's name, date  
855 of birth, and signature.

856 (12) A delivery service licensee shall provide each  
857 employee or independent contractor making a delivery with  
858 either a printed copy of the delivery service license or an  
859 electronic copy indicating the delivery service ~~license's~~  
860 licensee's name and number, which shall be available for  
861 inspection upon request from the board or any law enforcement  
862 officer.

863 (13) A delivery service licensee shall return any beer,  
864 wine, or spirits to the retailer if the recipient is under ~~the~~  
865 ~~age of~~ 21 years of age; appears intoxicated; fails to provide  
866 proof of identification; fails or refuses to sign for  
867 delivery; fails to complete the identification scanning  
868 software process or state-of-the-art alternative; declines to



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869 accept the delivery of beer, wine, or spirits; or any  
870 circumstances in the delivery environment which indicate  
871 illegal conduct, overconsumption, or an otherwise unsafe  
872 environment for the consumption of alcohol. In no event shall  
873 a delivery service licensee leave an alcoholic beverage  
874 delivery unattended.

875 (14) A delivery service licensee may ~~deliver~~drive  
876 through a dry county or municipality to deliver, but may not  
877 deliver or cause a delivery to be made to an individual  
878 residing in a dry county or dry municipality. Every employee  
879 or independent contractor conducting a delivery shall maintain  
880 within the delivery vehicle evidence, electronic or otherwise,  
881 that the intended recipient of any alcoholic beverages is not  
882 located in a dry county or dry municipality.

883 (15) A delivery service licensee may deliver alcoholic  
884 beverages only during hours when alcoholic beverages may be  
885 sold under general or local law.

886 (16) A delivery service licensee may not deliver any  
887 alcoholic beverage to any residence hall on the grounds of any  
888 institution of higher learning, including any college,  
889 university, community college, technical college, or junior  
890 college.

891 (17) A delivery service licensee may not deliver  
892 alcoholic beverages to a location more than 75 miles from the  
893 licensed premise of the retail licensee where the delivery  
894 originated.

895 (18) A delivery service licensee may not deliver any  
896 alcoholic beverage to any licensee of the board.



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897 (19) A delivery service licensee shall report, at the  
898 direction of the board, the total amount of beer, wine, or  
899 spirits directly delivered to residents in the state during  
900 the preceding calendar year.

901 (20) A delivery service licensee shall permit the board  
902 or the Department of Revenue to perform an audit of the  
903 licensee's records upon request.

904 (c) A delivery service licensee shall be deemed to have  
905 consented to the jurisdiction of the board, any law  
906 enforcement agency, and the Alabama courts concerning  
907 enforcement of this section and any related laws or rules.

908 (d) A delivery service licensee shall be considered to  
909 be a servant or agent of the retail licensee with whom the  
910 delivery service licensee has contracts, and any violation by  
911 the delivery service licensee, its employees, or its  
912 independent contractors may also be deemed to be a violation  
913 by the retail licensee.

914 (e) A technology services company shall not be required  
915 to obtain a delivery service license if the company does not  
916 employ or contract with the individual making the deliveries,  
917 but merely provides software or a digital network application  
918 that connects consumers and licensed retailers for the  
919 delivery of alcoholic beverages from a licensed retailer.

920 (f) A delivery service licensee may renew its license  
921 with the board by paying an annual renewal fee of two hundred  
922 fifty dollars (\$250) and by otherwise complying with the  
923 renewal process set forth in Section 28-3A-5.

924 (g) The board may enforce the requirements of this



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925 section to suspend or revoke a delivery service license by the  
926 same administrative proceedings that apply to alcoholic  
927 beverage licenses, and the board may accept payment of a fine  
928 in lieu of suspension or revocation. The payments shall be as  
929 determined by rule of the board.

930 (h) Except as provided in this section, local  
931 ordinances establishing different rules on delivery, delivery  
932 service licensees, or requiring additional permits or fees,  
933 are prohibited.

934 (i) The board may adopt rules pursuant to the Alabama  
935 Administrative Procedure Act to implement this section.

936 (j) Any violation of this section is a Class B  
937 misdemeanor upon a first conviction. A second or subsequent  
938 conviction is a Class A misdemeanor."

939 Section 5. This act shall become effective on October  
940 1, 2026.



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 31-Mar-26, as amended.

John Treadwell  
Clerk

	<hr/>	
Senate	<b>07-Apr-26</b>	Amended and Passed
House	<b>07-Apr-26</b>	Concurred in Senate Amendment