

SB287 ENGROSSED



1 SB287
2 L5N6VWW-2
3 By Senator Hatcher
4 RFD: Tourism
5 First Read: 10-Feb-26



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A BILL
TO BE ENTITLED
AN ACT

Relating to the Alcoholic Beverage Control Board; to amend Section 28-3A-7, Code of Alabama 1975, to further provide for the importation of alcoholic beverages by recognizing that a person licensed by the board to import alcoholic beverages may import alcoholic beverages manufactured anywhere outside of the state; to alter the administrative licensure year for importers; to amend Section 28-3-1, Code of Alabama 1975, to make conforming changes; to amend Section 28-12-45, Code of Alabama 1975, added by Act 2025-385, 2025 Regular Session, to authorize persons permitted as a specialty retailer of electronic nicotine delivery systems to obtain a consumable hemp product retailer license; and to delete duplicative language and make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 28-3A-7, Code of Alabama 1975, is amended to read as follows:

"§28-3A-7

(a) Upon an applicant's compliance with ~~the provisions~~



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29 ~~of this chapter and the regulations made~~rules thereunder, the
30 board shall issue to the applicant an importer license
31 ~~which that shall authorize~~authorizes the licensee to import
32 into this state alcoholic beverages that are manufactured
33 outside ~~the United States of America into~~of this state ~~or for~~
34 sale or distribution ~~within this state of liquor and wine~~
35 alcoholic beverages to the board or ~~the state, and table wine~~
36 and beer to ~~wholesaler licensees of the board~~wholesalers. No
37 person shall import alcoholic beverages manufactured outside
38 ~~the United States~~of this state into this state ~~or for sale or~~
39 ~~distribution within this state or to the state, the board or~~
40 ~~any licensee of the board, unless such~~the person shall be is
41 granted an importer license issued by the board.

42 (b) ~~An importer~~A licensee shall not sell any alcoholic
43 beverages ~~for consumption on the premises where sold to a~~
44 consumer; nor, unless also issued a wholesale license, sell or
45 deliver to any retailer; nor deliver any ~~such~~ alcoholic
46 beverages in other than original containers approved as to
47 capacity by the board, and in accordance with standards of
48 fill prescribed by the U.S. Treasury Department; nor maintain
49 or operate within the state any ~~place or places~~location, other
50 than the ~~place or places~~location covered by ~~his or its~~
51 ~~importer~~the license, where alcoholic beverages are sold or
52 ~~where orders are taken~~distributed.

53 (c) Each importer licensee shall be required to file
54 with the board, prior to making any ~~sales~~sale in ~~Alabama~~the
55 state, a list of its labels to be sold ~~in Alabama~~ and shall
56 ~~file with the board~~ its federal certificate of label approvals



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57 or its certificates of exemption as required by the U.S.
58 Treasury Department. All liquors and wines whose labels have
59 not been registered ~~as herein provided for~~ shall be considered
60 contraband and may be seized by the board or its agents, or
61 any ~~peace officers~~ law enforcement officer of the State of
62 Alabama, without a warrant, ~~and said goods~~ the contraband shall
63 be delivered to the board and disposed of as provided by law.

64 (d) All ~~such importer~~ licensees shall be required to
65 mail to the board prior to the twentieth day of each month a
66 consolidated report of all shipments of beer and table wine
67 made to each wholesaler during the preceding month and of all
68 shipments of alcoholic beverages received during the preceding
69 month. ~~Such reports~~ Reports shall be in ~~such~~ the form and
70 ~~containing such~~ contain the information ~~as prescribed by~~ the
71 board ~~may prescribe~~.

72 (e) The books and records of ~~such a~~ licensee shall, at
73 all times, be open to inspection by members of the board, or
74 by ~~persons duly~~ individuals authorized and designated by the
75 board. Members of the board and ~~its duly~~ authorized agents
76 shall have the right, ~~without hindrance,~~ to enter any ~~place~~
77 which location that is subject to inspection licensed
78 hereunder pursuant to this section, or any ~~place~~ location where
79 ~~such the~~ records are kept, for the purpose of ~~making such~~
80 inspections and making transcripts thereof inspection.

81 (f) Licenses issued under this section shall, unless
82 revoked or suspended in the manner provided in this chapter,
83 be valid for the license year commencing ~~January~~ October 1 ~~of~~
84 ~~each year.~~ "



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85 Section 2. Section 28-3-1, Code of Alabama 1975, is
86 amended to read as follows:

87 "§28-3-1

88 As used in this title, the following words shall have
89 the following meanings unless the context clearly indicates
90 otherwise:

91 (1) ALCOHOLIC BEVERAGES. Any alcoholic, spirituous,
92 vinous, fermented, or other alcoholic beverage, or combination
93 of liquors and mixed liquor, a part of which is spirituous,
94 vinous, fermented, or otherwise alcoholic, and all drinks or
95 drinkable liquids, preparations, or mixtures intended for
96 beverage purposes, which contain one-half of one percent or
97 more of alcohol by volume, and shall include liquor, beer, and
98 wine.

99 (2) ASSOCIATION. A partnership, limited partnership, or
100 any form of unincorporated enterprise owned by two or more
101 persons.

102 (3) BEER, or MALT OR BREWED BEVERAGES. Any beer, lager
103 beer, ale, porter, malt or brewed beverage, or similar
104 fermented beverage containing one-half of one percent or more
105 of alcohol by volume and not in excess of ~~thirteen and~~
106 ~~nine-tenths~~ 13.9 percent alcohol by volume, brewed or produced
107 from malt, wholly or in part, or from rice, grain of any kind,
108 bran, glucose, sugar, or molasses. A beer or malt or brewed
109 beverage may incorporate honey, fruit, fruit juice, fruit
110 concentrate, herbs, spices, or other flavorings during the
111 fermentation process. The term does not include any product
112 defined as liquor, table wine, or wine.



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113 (4) BOARD. The Alcoholic Beverage Control Board.

114 (5) BRANDY. All beverages that are an alcoholic
115 distillate from the fermented juice, mash, or wine of fruit,
116 or from the residue thereof, produced in such manner that the
117 distillate possesses the taste, aroma, and characteristics
118 generally attributed to the beverage, as bottled at not less
119 than 80 degree proof.

120 (6) CARTON. The package or container or containers in
121 which alcoholic beverages are originally packaged for shipment
122 to market by the manufacturer or its designated
123 representatives or the importer.

124 (7) CIDER. A fermented alcoholic beverage made from
125 apple juice and containing not more than 8.5 percent alcohol
126 by volume.

127 (8) CLUB.

128 a. Class I. A corporation or association organized or
129 formed in good faith by authority of law and which must have
130 at least 150 paid-up members. It must be the owner, lessee, or
131 occupant of an establishment operated solely for the objects
132 of a national, social, patriotic, political, or athletic
133 nature or the like, but not for pecuniary gain, and the
134 property as well as the advantages of which, belong to all the
135 members and which maintains an establishment provided with
136 special space and accommodations where, in consideration of
137 payment, food with or without lodging is habitually served.
138 The club shall hold regular meetings, continue its business
139 through officers regularly elected, admit members by written
140 application, investigation, and ballot, and charge and collect



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141 dues from elected members.

142 b. Class II. A corporation or association organized or
143 formed in good faith by authority of law and which must have
144 at least 100 paid-up members. It must be the owner, lessee, or
145 occupant of an establishment operated solely for the objects
146 of a national, social, patriotic, political, or athletic
147 nature or the like. The club shall hold regular meetings,
148 continue its business through officers regularly elected,
149 admit members by written application, investigation, and
150 ballot, and charge and collect dues from elected members.

151 (9) CONTAINER. The single bottle, can, keg, bag, or
152 other receptacle, not a carton, in which alcoholic beverages
153 are originally packaged for the market by the manufacturer or
154 importer and from which the alcoholic beverage is consumed by
155 or dispensed to the public.

156 (10) CORPORATION. A corporation or joint stock
157 association organized under the laws of this state, the United
158 States, or any other state, territory or foreign country, or
159 dependency.

160 (11) DELIVERY. The transportation of alcoholic
161 beverages directly from a retail licensee of the board to an
162 individual, pursuant to Section 28-1-4 and Section 28-3A-13.1.

163 (12) DELIVERY SERVICE LICENSE. A license issued by the
164 Alabama Alcoholic Beverage Control Board in accordance with
165 Section 28-3A-13.1 that authorizes the licensee, the
166 licensee's employees, or independent contractors under a
167 contractual or business arrangement with the licensee to
168 transport and deliver alcoholic beverages.



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169 (13) DRY COUNTY. Any county which by a majority of
170 those voting voted in the negative in an election ~~heretofore~~
171 held under the applicable statutes at the time of the election
172 or may hereafter vote in the negative in an election or
173 special method referendum ~~hereafter~~ held in accordance with
174 Chapter 2~~7~~, or ~~held in accordance with~~ the provisions of any
175 act ~~hereafter~~ enacted permitting such election.

176 (14) DRY MUNICIPALITY. Any municipality within a wet
177 county which has, by its governing body or by a majority of
178 those voting in a municipal election ~~heretofore~~ held in
179 accordance with the provisions of Section 28-2-22, or in a
180 municipal option election ~~heretofore or hereafter~~ held in
181 accordance with the provisions of ~~Act 84-408, Acts of Alabama~~
182 ~~1984, appearing as Chapter 2A~~~~7~~, or any act ~~hereafter~~ enacted
183 permitting municipal option election, voted to exclude the
184 sale of alcoholic beverages within the corporate limits of the
185 municipality.

186 (15) EMPLOYEE. An individual to whom an employer is
187 required to issue a W-2 tax form under federal law.

188 (16) GENERAL WELFARE PURPOSES. All of the following:

189 a. The administration of public assistance as set out
190 in Sections 38-2-5 and 38-4-1.

191 b. Services, including supplementation and
192 supplementary services under the federal Social Security Act,
193 to or on behalf of persons to whom public assistance may be
194 given under Sections 38-2-5 and 38-4-1.

195 c. Service to and on behalf of dependent, neglected, or
196 delinquent children.



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197 d. Investigative and referral services to and on behalf
198 of needy persons.

199 (17) HEARING COMMISSION. A body appointed by the board
200 to hear and decide all contested license applications and all
201 disciplinary charges against any licensee for violation of
202 this title or the rules of the board.

203 (18) HOTEL. A building or buildings held out to the
204 public for housing accommodations of travelers or transients~~7~~.
205 The term includes a ~~and shall include~~ motel~~7~~ but ~~shall not~~
206 ~~include~~ excludes a rooming house or boarding house.

207 (19) IMPORTER. Any person~~7~~ ~~association, or corporation~~
208 engaged in importing into this state alcoholic beverages~~7~~
209 ~~liquor, wine, or beer,~~ that are manufactured outside of the
210 ~~United States of America into~~ this state ~~or~~ for sale or
211 distribution ~~in this state, or to the board or to a licensee~~
212 ~~of the board.~~

213 (20) INDEPENDENT CONTRACTOR. An individual to whom an
214 employer is required to issue a 1099 tax form under federal
215 law.

216 (21) KEG. A pressurized factory sealed container with a
217 capacity equal to or greater than five U.S. gallons~~7~~ from
218 which beer is withdrawn by means of an external tap.

219 (22) LIQUOR. Any alcoholic, spirituous, vinous,
220 fermented, or other alcoholic beverage, or combination of
221 liquors and mixed liquor, a part of which is spirituous,
222 fermented, vinous, or otherwise alcoholic, and all drinks or
223 drinkable liquids, preparations, or mixtures intended for
224 beverage purposes, which contain one-half of one percent or



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225 more of alcohol by volume, except beer and table wine.

226 (23) LIQUOR STORE. A liquor store operated by the
227 board, where alcoholic beverages other than beer are
228 authorized to be sold in unopened containers.

229 (24) MANUFACTURER. Any person, association, or
230 corporation engaged in the producing, bottling, manufacturing,
231 distilling, fermenting, brewing, rectifying, or compounding of
232 alcoholic beverages, liquor, beer, or wine in this state or
233 for sale or distribution in this state or to the board or to a
234 licensee of the board.

235 (25) MEAD. An alcoholic beverage produced by fermenting
236 a solution of honey and water with grain mash and containing
237 not more than 18 percent alcohol by volume.

238 (26) MEAL. A diversified selection of food some of
239 which is not susceptible of being consumed in the absence of
240 at least some articles of tableware and which cannot be
241 conveniently consumed while one is standing or walking about.

242 (27) MINOR. Any ~~person~~individual under 21 years of age,
243 ~~provided, however, in.~~ In the event Section 28-1-5, ~~shall be~~is
244 ~~repealed or otherwise shall be~~ no longer in effect, ~~thereafter~~
245 the provisions of Section 26-1-1, shall govern.

246 (28) MUNICIPALITY. Any incorporated city or town of
247 this state to include its police jurisdiction.

248 (29) PERSON. Every natural person, association, or
249 corporation. Whenever used in a clause prescribing or imposing
250 a fine or imprisonment, or both, ~~such~~the term as applied to an
251 association shall mean the partners or members thereof and as
252 applied to a corporation shall mean the officers thereof,



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253 except as to incorporated clubs the term ~~person shall mean~~
254 such means an individual or individuals who, under the bylaws
255 of such clubs, shall have jurisdiction over the possession and
256 sale of liquor therein.

257 (30) POPULATION. The population according to the last
258 preceding or any subsequent decennial census of the United
259 States, except where a municipality is incorporated subsequent
260 to the last census, in which event, its population until the
261 next decennial census shall be the population of the
262 municipality as determined by the judge of probate of the
263 county as the official population on the date of its
264 incorporation.

265 (31) RESTAURANT. A reputable place licensed as a
266 restaurant, operated by a responsible person of good
267 reputation, and habitually and principally used for the
268 purpose of preparing and serving meals for the public to
269 consume on the premises.

270 (32) RETAILER. Any person licensed by the board to
271 engage in the retail sale of any alcoholic beverages to the
272 consumer.

273 (33) SALE or SELL. Any transfer of liquor, wine, or
274 beer for a consideration, and any gift in connection with, or
275 as a part of, a transfer of property other than liquor, wine,
276 or beer for a consideration.

277 (34) SELLING PRICE. The total marked-up price of
278 spirituous or vinous liquors sold by the board, exclusive of
279 taxes levied thereon.

280 (35) TABLE WINE. Except as otherwise provided in this



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281 subdivision, any wine containing not more than 24 percent
282 alcohol by volume. Table wine does not include any wine
283 containing more than ~~sixteen and one-half~~ 16.5 percent alcohol
284 by volume that is made with herbs or flavors, except vermouth,
285 or is an imitation or other than standard wine. Table wine is
286 not liquor, spirituous, or vinous.

287 (36) UNOPENED CONTAINER. A container containing
288 alcoholic beverages, which has not been opened or unsealed
289 subsequent to filling and sealing by the manufacturer or
290 importer.

291 (37) WET COUNTY. Any county which by a majority of
292 those voting voted in the affirmative in an election
293 ~~heretofore~~ held in accordance with the statutes applicable at
294 the time of the election or may hereafter vote in the
295 affirmative in an election or special method referendum held
296 in accordance with Chapter 2, or other statutes applicable at
297 the time of the election.

298 (38) WET MUNICIPALITY. Any municipality in a dry county
299 which by a majority of those voting voted in the affirmative
300 in a municipal option election ~~heretofore or hereafter~~ held in
301 accordance with ~~the provisions of Act 84-408, Acts of Alabama~~
302 ~~1984, appearing as Chapter 2A of this title, as amended,~~ or
303 any act hereafter enacted permitting municipal option
304 election, or any municipality which became wet by vote of the
305 governing body or by the voters of the municipality ~~heretofore~~
306 ~~or hereafter~~ held under the special method referendum
307 provisions of Section 28-2-22, or as hereafter provided, where
308 the county has become dry subsequent to the elected wet status



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309 of the municipality.

310 (39) WHOLESALER. Any person licensed by the board to
311 engage in the sale and distribution of table wine and beer, or
312 either of them, within this state, at wholesale only, to be
313 sold by export or to retail licensees or other wholesale
314 licensees or others within this state lawfully authorized to
315 sell table wine and beer, or either of them, for the purpose
316 of resale only.

317 (40) WINE. All beverages made from the fermentation of
318 fruits, berries, or grapes, with or without added spirits, and
319 produced in accordance with the laws and regulations of the
320 United States, containing not more than 24 percent alcohol by
321 volume, and shall include all sparkling wines, carbonated
322 wines, special natural wines, rectified wines, vermouths,
323 vinous beverages, vinous liquors, and like products, including
324 restored or unrestored pure condensed juice."

325 Section 3. Section 28-12-45, Code of Alabama 1975,
326 added by Act 2025-385 of the 2025 Regular Session, is amended
327 to read as follows:

328 "§28-12-45

329 (a) Other than pharmacies selling topical or sublingual
330 consumable hemp products pursuant to subsection (b) and retail
331 food stores selling beverage consumable hemp products pursuant
332 to subsection (c), all retailer establishments must be
333 restricted so that only those individuals 21 years of age or
334 older are permitted to enter and the establishment has its own
335 dedicated public entrance. Except as provided in subsection
336 (b) and (c), the board shall only issue retailer licenses to



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337 persons:

338 (1) That have a valid retail liquor license from the
339 board which authorizes off-premises consumption only;

340 (2) That have a valid permit from the board to operate
341 as a specialty retailer of electronic nicotine delivery
342 systems pursuant to Section 28-11-7.1; or

343 ~~(2)~~ (3) That only sell consumable hemp products.

344 (b) Topical and sublingual consumable hemp products may
345 be sold in a pharmacy licensed by the Alabama State Board of
346 Pharmacy, provided the pharmacy obtains a consumable hemp
347 product retailer license from the Alcoholic Beverage Control
348 Board and complies with this chapter and rules of the board.
349 Any topical consumable hemp product sold in a pharmacy must be
350 sold by a licensed pharmacist or by a pharmacy technician or
351 employee who is under the direct supervision and control of a
352 licensed pharmacist. This subsection does not prohibit a
353 retailer described in subsection (a) from selling topical or
354 sublingual consumable hemp products in that retailer's
355 licensed premises.

356 (c) (1) Consumable hemp products that are beverages may
357 be sold in a retail food store, provided the retail food store
358 obtains a consumable hemp product retailer license from the
359 board and complies with this chapter and rules of the board.
360 Consumable hemp product beverages sold in a retail food store
361 must be kept in an area that is: (i) separated from
362 nonalcoholic beverages or beverages intended for children;
363 (ii) behind glass; and (iii) demarcated by a sign indicating
364 that the beverages contain hemp-derived compounds. This



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365 subsection does not prohibit a retailer described in
366 subsection (a) from selling consumable hemp product beverages
367 in that retailer's licensed premises.

368 (2) For purposes of this subsection, "retail food
369 store" means any store commonly known as a supermarket, food
370 store, or grocery store, primarily engaged in the retail sale
371 of a variety of canned goods, frozen foods, nonalcoholic
372 beverages, dry goods, either packaged or in bulk, and fresh
373 produce or meats, and the store dedicates: (i) a minimum of 75
374 percent of the store's selling area to the sale of food items
375 listed in this subdivision; and (ii) at least 14,000 square
376 feet of the store's footprint to the sale of food items listed
377 in this subdivision.

378 (d)(1) A retailer described in subsection (a) shall
379 maintain at its licensed premises a minimum of 500 square feet
380 of sales and service area. A retailer may not include in the
381 calculation of sales and service area any areas that are not
382 open to customers or not used for sales or displaying
383 consumable hemp products, such as office space or storage.

384 (2) A retailer must have an employee present in the
385 sales and service area of the licensed premises at all times
386 the premises is open to customers.

387 (3) The purchase of all consumable hemp products must
388 take place in the licensed premises.

389 (e) A retailer shall display the retailer license in
390 the licensed premises in a conspicuous manner."

391 Section 4. This act shall become effective on October
392 1, 2026.

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395 Senate

396 Read for the first time and referred10-Feb-26
397 to the Senate committee on Tourism
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399 Read for the second time and placed19-Feb-26
400 on the calendar:
401 0 amendments
402
403 Read for the third time and passed17-Mar-26
404 as amended
405 Yeas 27
406 Nays 0
407 Abstains 0
408
409

Patrick Harris,
Secretary.

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