

SB287 ENROLLED



1 SB287
2 SLUFZ85-2
3 By Senator Hatcher
4 RFD: Tourism
5 First Read: 10-Feb-26



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1 Enrolled, An Act,

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4 Relating to the Alcoholic Beverage Control Board; to
5 amend Section 28-3A-7, Code of Alabama 1975, to further
6 provide for the importation of alcoholic beverages by
7 recognizing that a person licensed by the board to import
8 alcoholic beverages may import alcoholic beverages
9 manufactured anywhere outside of the state; to alter the
10 administrative licensure year for importers; to amend Section
11 28-3-1, Code of Alabama 1975, to make conforming changes; to
12 amend Section 28-12-45, Code of Alabama 1975, added by Act
13 2025-385, 2025 Regular Session, to authorize persons permitted
14 as a specialty retailer of electronic nicotine delivery
15 systems to obtain a consumable hemp product retailer license;
16 and to delete duplicative language and make nonsubstantive,
17 technical revisions to update the existing code language to
18 current style.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

22 "§28-3A-7

23 (a) Upon an applicant's compliance with ~~the provisions~~
24 ~~of this chapter and the regulations made~~rules thereunder, the
25 board shall issue to the applicant an importer license
26 ~~which that shall authorize~~authorizes the licensee to import
27 into this state alcoholic beverages that are manufactured
28 outside ~~the United States of America into~~of this state ~~or for~~



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29 sale or distribution ~~within this state~~ of liquor and wine
30 alcoholic beverages to the board or ~~the state~~, and table wine
31 and beer to ~~wholesaler licensees of the board~~wholesalers. No
32 person shall import alcoholic beverages manufactured outside
33 ~~the United States~~of this state into this state ~~or for sale or~~
34 ~~distribution within this state or to the state~~, the board or
35 ~~any licensee of the board~~, unless ~~such~~the person shall be is
36 granted an importer license issued by the board.

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

48 (c) Each importer licensee shall be required to file
49 with the board, prior to making any ~~sales~~sale in ~~Alabama~~the
50 state, a list of its labels to be sold ~~in Alabama~~ and shall
51 ~~file with the board~~ its federal certificate of label approvals
52 or its certificates of exemption as required by the U.S.
53 Treasury Department. All liquors and wines whose labels have
54 not been registered ~~as herein provided for~~ shall be considered
55 contraband and may be seized by the board or its agents, or
56 any ~~peace officers~~law enforcement officer of the State of



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57 Alabama, without a warrant, ~~and said goods~~ the contraband shall
58 be delivered to the board and disposed of as provided by law.

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

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

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

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

82 "§28-3-1

83 As used in this title, the following words shall have
84 the following meanings unless the context clearly indicates



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85 otherwise:

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

94 (2) ASSOCIATION. A partnership, limited partnership, or
95 any form of unincorporated enterprise owned by two or more
96 persons.

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

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

109 (5) BRANDY. All beverages that are an alcoholic
110 distillate from the fermented juice, mash, or wine of fruit,
111 or from the residue thereof, produced in such manner that the
112 distillate possesses the taste, aroma, and characteristics



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113 generally attributed to the beverage, as bottled at not less
114 than 80 degree proof.

115 (6) CARTON. The package or container or containers in
116 which alcoholic beverages are originally packaged for shipment
117 to market by the manufacturer or its designated
118 representatives or the importer.

119 (7) CIDER. A fermented alcoholic beverage made from
120 apple juice and containing not more than 8.5 percent alcohol
121 by volume.

122 (8) CLUB.

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

137 b. Class II. A corporation or association organized or
138 formed in good faith by authority of law and which must have
139 at least 100 paid-up members. It must be the owner, lessee, or
140 occupant of an establishment operated solely for the objects



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141 of a national, social, patriotic, political, or athletic
142 nature or the like. The club shall hold regular meetings,
143 continue its business through officers regularly elected,
144 admit members by written application, investigation, and
145 ballot, and charge and collect dues from elected members.

146 (9) CONTAINER. The single bottle, can, keg, bag, or
147 other receptacle, not a carton, in which alcoholic beverages
148 are originally packaged for the market by the manufacturer or
149 importer and from which the alcoholic beverage is consumed by
150 or dispensed to the public.

151 (10) CORPORATION. A corporation or joint stock
152 association organized under the laws of this state, the United
153 States, or any other state, territory or foreign country, or
154 dependency.

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

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

164 (13) DRY COUNTY. Any county which by a majority of
165 those voting voted in the negative in an election ~~heretofore~~
166 held under the applicable statutes at the time of the election
167 or may hereafter vote in the negative in an election or
168 special method referendum ~~hereafter~~ held in accordance with



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169 Chapter 2~~7~~, or ~~held in accordance with~~ the provisions of any
170 act ~~hereafter~~ enacted permitting such election.

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

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

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

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

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

190 c. Service to and on behalf of dependent, neglected, or
191 delinquent children.

192 d. Investigative and referral services to and on behalf
193 of needy persons.

194 (17) HEARING COMMISSION. A body appointed by the board
195 to hear and decide all contested license applications and all
196 disciplinary charges against any licensee for violation of



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197 this title or the rules of the board.

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

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

208 (20) INDEPENDENT CONTRACTOR. An individual to whom an
209 employer is required to issue a 1099 tax form under federal
210 law.

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

214 (22) LIQUOR. Any alcoholic, spirituous, vinous,
215 fermented, or other alcoholic beverage, or combination of
216 liquors and mixed liquor, a part of which is spirituous,
217 fermented, vinous, or otherwise alcoholic, and all drinks or
218 drinkable liquids, preparations, or mixtures intended for
219 beverage purposes, which contain one-half of one percent or
220 more of alcohol by volume, except beer and table wine.

221 (23) LIQUOR STORE. A liquor store operated by the
222 board~~7~~ where alcoholic beverages other than beer are
223 authorized to be sold in unopened containers.

224 (24) MANUFACTURER. Any person, association, or



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225 corporation engaged in the producing, bottling, manufacturing,
226 distilling, fermenting, brewing, rectifying, or compounding of
227 alcoholic beverages, liquor, beer, or wine in this state or
228 for sale or distribution in this state or to the board or to a
229 licensee of the board.

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

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

237 (27) MINOR. Any ~~person~~individual under 21 years of age;
238 ~~provided, however, in.~~ In the event Section 28-1-5, shall be
239 ~~repealed or otherwise shall be~~ no longer in effect, ~~thereafter~~
240 the provisions of Section 26-1-1, shall govern.

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

243 (29) PERSON. Every natural person, association, or
244 corporation. Whenever used in a clause prescribing or imposing
245 a fine or imprisonment, or both, ~~such~~the term as applied to an
246 association shall mean the partners or members thereof and as
247 applied to a corporation shall mean the officers thereof,
248 except as to incorporated clubs the term ~~person shall mean~~
249 ~~such~~ means an individual or individuals who, under the bylaws
250 of such clubs, shall have jurisdiction over the possession and
251 sale of liquor therein.

252 (30) POPULATION. The population according to the last



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253 preceding or any subsequent decennial census of the United
254 States, except where a municipality is incorporated subsequent
255 to the last census, in which event, its population until the
256 next decennial census shall be the population of the
257 municipality as determined by the judge of probate of the
258 county as the official population on the date of its
259 incorporation.

260 (31) RESTAURANT. A reputable place licensed as a
261 restaurant, operated by a responsible person of good
262 reputation, and habitually and principally used for the
263 purpose of preparing and serving meals for the public to
264 consume on the premises.

265 (32) RETAILER. Any person licensed by the board to
266 engage in the retail sale of any alcoholic beverages to the
267 consumer.

268 (33) SALE or SELL. Any transfer of liquor, wine, or
269 beer for a consideration, and any gift in connection with, or
270 as a part of, a transfer of property other than liquor, wine,
271 or beer for a consideration.

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

275 (35) TABLE WINE. Except as otherwise provided in this
276 subdivision, any wine containing not more than 24 percent
277 alcohol by volume. Table wine does not include any wine
278 containing more than ~~sixteen and one-half~~ 16.5 percent alcohol
279 by volume that is made with herbs or flavors, except vermouth,
280 or is an imitation or other than standard wine. Table wine is



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281 not liquor, spirituous, or vinous.

282 (36) UNOPENED CONTAINER. A container containing
283 alcoholic beverages, which has not been opened or unsealed
284 subsequent to filling and sealing by the manufacturer or
285 importer.

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

293 (38) WET MUNICIPALITY. Any municipality in a dry county
294 which by a majority of those voting voted in the affirmative
295 in a municipal option election ~~heretofore or hereafter~~ held in
296 accordance with ~~the provisions of Act 84-408, Acts of Alabama~~
297 ~~1984, appearing as Chapter 2A of this title, as amended,~~ or
298 any act hereafter enacted permitting municipal option
299 election, or any municipality which became wet by vote of the
300 governing body or by the voters of the municipality ~~heretofore~~
301 ~~or hereafter~~ held under the special method referendum
302 provisions of Section 28-2-22, or as hereafter provided, where
303 the county has become dry subsequent to the elected wet status
304 of the municipality.

305 (39) WHOLESALER. Any person licensed by the board to
306 engage in the sale and distribution of table wine and beer, or
307 either of them, within this state, at wholesale only, to be
308 sold by export or to retail licensees or other wholesale



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309 licensees or others within this state lawfully authorized to
310 sell table wine and beer, or either of them, for the purpose
311 of resale only.

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

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

323 "§28-12-45

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

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

335 (2) That have a valid permit from the board to operate
336 as a specialty retailer of electronic nicotine delivery



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337 systems pursuant to Section 28-11-7.1; or

338 ~~(2)~~(3) That only sell consumable hemp products.

339 (b) Topical and sublingual consumable hemp products may
340 be sold in a pharmacy licensed by the Alabama State Board of
341 Pharmacy, provided the pharmacy obtains a consumable hemp
342 product retailer license from the Alcoholic Beverage Control
343 Board and complies with this chapter and rules of the board.

344 Any topical consumable hemp product sold in a pharmacy must be
345 sold by a licensed pharmacist or by a pharmacy technician or
346 employee who is under the direct supervision and control of a
347 licensed pharmacist. This subsection does not prohibit a
348 retailer described in subsection (a) from selling topical or
349 sublingual consumable hemp products in that retailer's
350 licensed premises.

351 (c) (1) Consumable hemp products that are beverages may
352 be sold in a retail food store, provided the retail food store
353 obtains a consumable hemp product retailer license from the
354 board and complies with this chapter and rules of the board.
355 Consumable hemp product beverages sold in a retail food store
356 must be kept in an area that is: (i) separated from
357 nonalcoholic beverages or beverages intended for children;
358 (ii) behind glass; and (iii) demarcated by a sign indicating
359 that the beverages contain hemp-derived compounds. This
360 subsection does not prohibit a retailer described in
361 subsection (a) from selling consumable hemp product beverages
362 in that retailer's licensed premises.

363 (2) For purposes of this subsection, "retail food
364 store" means any store commonly known as a supermarket, food



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365 store, or grocery store, primarily engaged in the retail sale
366 of a variety of canned goods, frozen foods, nonalcoholic
367 beverages, dry goods, either packaged or in bulk, and fresh
368 produce or meats, and the store dedicates: (i) a minimum of 75
369 percent of the store's selling area to the sale of food items
370 listed in this subdivision; and (ii) at least 14,000 square
371 feet of the store's footprint to the sale of food items listed
372 in this subdivision.

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

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

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

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

386 Section 4. This act shall become effective on October
387 1, 2026.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB287
Senate 17-Mar-26
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 08-Apr-26

Senate concurred in House amendment 08-Apr-26

By: Senator Hatcher