

1 HB294
2 165382-2
3 By Representatives Wilcox, Clouse, Nordgren, Millican, Rogers,
4 Coleman-Evans and Scott
5 RFD: Economic Development and Tourism
6 First Read: 17-MAR-15

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8 SYNOPSIS: Under existing law, tastings of wine, and
9 distilled liquors are not allowed in retail stores
10 or state liquor stores.

11 This bill would allow a retail licensee or a
12 state liquor store to conduct tastings of wine and
13 distilled liquor.

14 This bill would impose a fee for a tasting
15 license for a retail licensee.

16 This bill would require the Alabama
17 Alcoholic Beverage Control Board to control the
18 procedure for the tasting of wine and distilled
19 liquor.

20 This bill would allow tastings to be
21 conducted at a retail license location and a state
22 liquor store.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To amend Section 28-3A-25, Code of Alabama 1975,
2 relating to the regulation of alcoholic beverages; to permit a
3 retail licensee on the licensed premises and the state within
4 a state liquor store to conduct wine and distilled liquor
5 tastings; to require the Alabama Alcoholic Beverage Control
6 Board would control the procedure for the tasting of wine and
7 distilled liquor; and to impose a fee for a retail licensee to
8 obtain a tasting license and to allow for tastings at state
9 liquor stores and at retail locations.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. (a) Notwithstanding any provision of law,
12 a retail licensee or a state liquor store, with written
13 approval of the Alcoholic Beverage Control Board and
14 compliance with this act and the regulations made by the
15 board, may conduct a tasting of wine and distilled spirits
16 available for purchase.

17 (b) Each holder of a retail license may be permitted
18 to conduct at no charge to the consumer, inside the premises
19 of the licensee, tastings of wine and distilled spirits. These
20 tastings may not exceed one ounce serving of each wine, the
21 number of wines being limited to no more than four products at
22 any one tasting; and one-quarter ounce serving of each
23 distilled spirit, the number of distilled spirits being
24 limited to no more than two products at any one tasting. The
25 tasting shall commence no later than six o'clock p.m. and end
26 within two hours of the initial tasting.

1 Section 2. Section 28-3A-25, Code of Alabama 1975,
2 is amended to read as follows:

3 "§28-3A-25.

4 "(a) It shall be unlawful:

5 "(1) For any manufacturer, importer, or wholesaler,
6 or the servants, agents, or employees of the same, to sell,
7 trade, or barter in alcoholic beverages between the hours of
8 nine o'clock P.M. of any Saturday and two o'clock A.M. of the
9 following Monday.

10 "(2) For any wholesaler or the servants, agents, or
11 employees of the wholesaler to sell alcoholic beverages, to
12 other than wholesale or retail licensees or others within this
13 state lawfully authorized to sell alcoholic beverages, or to
14 sell for export.

15 "(3) For any person, licensee, or the board either
16 directly or by the servants, agents, or employees of the same,
17 or for any servant, agent, or employee of the same, to sell,
18 deliver, furnish, or give away alcoholic beverages to any
19 person under the legal drinking age, as defined in Section
20 28-1-5, or to permit any person under the legal drinking age,
21 as defined in Section 28-1-5, to drink, consume, or possess
22 any alcoholic beverages on any licensee's premises.

23 "(4) For any person to consume alcoholic beverages
24 on the premises of any state liquor store or any off-premises
25 licensee, or to allow alcoholic beverages to be consumed on
26 the premises of any state liquor store or any off-premises

1 licensee, except as specifically allowed by law for the
2 tasting of alcoholic beverages.

3 "(5) For any licensee to fail to keep for a period
4 of at least three years, complete and truthful records
5 covering the operation of his or her license and particularly
6 showing the date of all purchases of alcoholic beverages, the
7 actual price paid therefor, and the name of the vendor, or to
8 refuse the board or any authorized employee of the board
9 access to the records or the opportunity to make copies of the
10 records when the request is made during business hours.

11 "(6) For any licensee or the servants, agents, or
12 employees of the same to refuse the board, any of its
13 authorized employees, or any duly commissioned law enforcement
14 officer the right to completely inspect the entire licensed
15 premises at any time the premises are open for business.

16 "(7) For any person to knowingly sell any alcoholic
17 beverages to any person engaged in the business of illegally
18 selling alcoholic beverages.

19 "(8) For any person to manufacture, transport, or
20 import alcoholic beverages into this state, except in
21 accordance with the reasonable rules and regulations of the
22 board. This subdivision shall not prohibit the transportation
23 of alcoholic beverages through the state or any dry county so
24 long as the beverages are not for delivery therein, if the
25 transportation is done in accordance with the reasonable rules
26 and regulations of the board.

1 "(9) For any person to fortify, adulterate,
2 contaminate, or in any manner change the character or purity
3 of alcoholic beverages from that as originally marketed by the
4 manufacturer, except that a retail licensee on order from a
5 customer may mix a chaser or other ingredients necessary to
6 prepare a cocktail or mixed drink for on-premises consumption.

7 "(10) For any person licensed to sell alcoholic
8 beverages to offer to give any thing of value as a premium for
9 the return of caps, stoppers, corks, stamps, or labels taken
10 from any bottle, case, barrel, or package containing the
11 alcoholic beverages, or to offer to give any thing of value as
12 a premium or present to induce the purchase of the alcoholic
13 beverages, or for any other purpose whatsoever in connection
14 with the sale of the alcoholic beverages. This subdivision
15 shall not apply to the return of any moneys specifically
16 deposited for the return of the original containers to the
17 owners of the containers.

18 "(11) For any licensee or transporter for hire,
19 servant, agent, or employee of the same, to transport any
20 alcoholic beverages except in the original container, and for
21 any transporter for hire to transport any alcoholic beverages
22 within the state, unless the transporter holds a permit issued
23 by the board.

24 "(12) For any manufacturer, importer, or wholesaler,
25 servant, agent, or employee of the same, to deliver any
26 alcoholic beverages, except in vehicles bearing such

1 information on each side of the vehicle as required by the
2 board.

3 "(13) For any person to sell alcoholic beverages
4 within any dry county or county where the electors have voted
5 against the sales, except in wet municipalities or as
6 authorized by Section 28-3A-18.

7 "(14) For any person, firm, corporation,
8 partnership, or association of persons as the terms are
9 defined in Section 28-3-1, including any civic center
10 authority, racing commission, fair authority, airport
11 authority, public or quasi-public board, agency, or
12 commission, any agent thereof, or otherwise, who or which has
13 not been properly licensed under the appropriate provisions of
14 this chapter to sell, offer for sale, or have in possession
15 for sale, any alcoholic beverages. Any alcoholic beverages so
16 possessed, maintained, or kept shall be contraband and subject
17 to condemnation and confiscation as provided by law.

18 "(15) For any manufacturer, distiller, producer,
19 importer, or distributor of alcoholic beverages to employ and
20 maintain any person, who is not a full-time bona fide
21 employee, as a resident sales agent, broker, or other like
22 representative, for the purpose of promoting a sale, purchase,
23 or acquisition of alcoholic beverages to or by the state or
24 the board, or for any person who is not a full-time bona fide
25 employee to act as an agent, broker, or representative of any
26 manufacturer, distributor, producer, importer, or distiller
27 for that purpose.

1 "(16) For any person to sell, give away, or
2 otherwise dispose of taxable alcoholic beverages within this
3 state on which the required taxes have not been paid as
4 required by law.

5 "(17) For any wholesaler or retailer, or the
6 servant, agent, or employee of the same, to sell, distribute,
7 deliver, or to receive or store for sale or distribution
8 within this state any alcoholic beverages unless there first
9 has been issued by the board a manufacturer's license to the
10 manufacturer of the alcoholic beverages or its designated
11 representative or an importer license to the importer of the
12 alcoholic beverages.

13 "(18) For any person under the legal drinking age,
14 as defined in Section 28-1-5, to attempt to purchase, to
15 purchase, consume, possess, or to transport any alcoholic
16 beverages within the state; provided, however, it shall not be
17 unlawful for a person under the legal drinking age, as defined
18 in Section 28-1-5, to be an employee of a wholesale licensee
19 or an off-premises retail licensee of the board to handle,
20 transport, or sell any beer or table wine if the person under
21 the legal drinking age is acting within the line and scope of
22 his or her employment while so acting. There must be an adult
23 licensee, servant, agent, or employee of the same present at
24 all times a licensed establishment is open for business.

25 "(19) For any person, except where authorized by a
26 local act or general act of local application, to buy, give
27 away, sell, or serve for consumption on or off the premises,

1 or to drink or consume any alcoholic beverages in any cafe,
2 lunchroom, restaurant, hotel dining room, or other public
3 place on Sunday after the hour of two o'clock A.M.

4 "(20) Except where authorized by a local act or
5 general act of local application, for the proprietor, keeper,
6 or operator of any cafe, lunchroom, restaurant, hotel dining
7 room, or other public place to knowingly permit any person to
8 give away, sell, or serve for consumption on or off the
9 premises, or to drink or consume any alcoholic beverages on
10 the premises of the cafe, lunchroom, restaurant, hotel dining
11 room, or other public place on Sunday after the hour of two
12 o'clock A.M.

13 "(21) For a person under the age of 21 years to
14 knowingly use or attempt to use a false, forged, deceptive, or
15 otherwise nongenuine driver's license to obtain or attempt to
16 obtain alcoholic beverages within this state.

17 "(b) (1) Any violation of subdivisions (1) through
18 (17) of subsection (a) shall be a misdemeanor punishable by a
19 fine of not less than one hundred dollars (\$100) nor more than
20 one thousand dollars (\$1,000), to which, at the discretion of
21 the court or judge trying the case, may be added imprisonment
22 in the county jail or at hard labor for the county for not
23 more than six months for the first conviction; and, on the
24 second conviction of a violation of the subdivisions, the
25 offense shall, in addition to the aforementioned fine, be
26 punishable by imprisonment or at hard labor for the county for
27 not less than three months nor more than six months to be

1 imposed by the court or judge trying the case; and, on the
2 third conviction and every subsequent conviction of a
3 violation of the subdivisions, the offense shall, in addition
4 to a fine within the limits abovenamed, be punishable by
5 imprisonment or at hard labor for the county for not less than
6 six months nor more than 12 months.

7 "(2) Any violation of any provision of subdivisions
8 (18), (19), (20), and (21) of subsection (a) shall be a
9 misdemeanor punishable by a fine of not less than fifty
10 dollars (\$50) nor more than five hundred dollars (\$500), to
11 which, at the discretion of the court or judge trying the
12 case, may be added imprisonment in the county jail or at hard
13 labor for the county for not more than three months.

14 "(c) In addition to the penalties otherwise provided
15 for a violation of subdivisions (18) and (21) of subsection
16 (a), upon conviction, including convictions in juvenile court
17 or under the Youthful Offender Act, the offender's license to
18 operate a motor vehicle in this state shall be surrendered by
19 the offender to the judge adjudicating the case for a period
20 of not less than three months nor more than six months. The
21 judge shall forward a copy of the order suspending the license
22 to the Department of Public Safety for enforcement purposes."

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