

1 HB389  
2 157147-1  
3 By Representative Ison  
4 RFD: Economic Development and Tourism  
5 First Read: 04-FEB-14

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

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

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

16 This bill would allow tastings to be  
17 conducted at a retail license location and a state  
18 liquor store.

19  
20 A BILL  
21 TO BE ENTITLED  
22 AN ACT  
23

24 To amend Section 28-3A-25, Code of Alabama 1975,  
25 relating to the regulation of alcoholic beverages; to permit a  
26 retail licensee on the licensed premises and the state within  
27 a state liquor store to conduct wine, beer, and distilled

1 liquor tastings; to impose a fee for a retail licensee to  
2 obtain a tasting license and to allow for tastings at state  
3 liquor stores and at retail locations.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. (a) Notwithstanding any provision of law,  
6 a retail licensee or a state liquor store, with written  
7 approval of the Alcoholic Beverage Control Board and  
8 compliance with this act and the regulations made by the  
9 board, may conduct a tasting of wine, beer, and distilled  
10 spirits available for purchase.

11 (b) Each holder of a retail license may be permitted  
12 to conduct at no charge to the consumer, inside the premises  
13 of the licensee, tastings of wine, beer, and distilled  
14 spirits. These tastings may not exceed one ounce serving of  
15 each wine, the number of wines being limited to no more than  
16 four products at any one tasting; and one ounce serving of  
17 each beer with the number of beer tastings being limited to  
18 two products at any one tasting; and one-quarter ounce serving  
19 of each distilled spirit, the number of distilled spirits  
20 being limited to no more than two products at any one tasting.

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

23 "§28-3A-25.

24 "(a) It shall be unlawful:

25 "(1) For any manufacturer, importer, or wholesaler,  
26 or the servants, agents, or employees of the same, to sell,  
27 trade, or barter in alcoholic beverages between the hours of

1 nine o'clock P.M. of any Saturday and two o'clock A.M. of the  
2 following Monday.

3 "(2) For any wholesaler or the servants, agents, or  
4 employees of the wholesaler to sell alcoholic beverages, to  
5 other than wholesale or retail licensees or others within this  
6 state lawfully authorized to sell alcoholic beverages, or to  
7 sell for export.

8 "(3) For any person, licensee, or the board either  
9 directly or by the servants, agents, or employees of the same,  
10 or for any servant, agent, or employee of the same, to sell,  
11 deliver, furnish, or give away alcoholic beverages to any  
12 person under the legal drinking age, as defined in Section  
13 28-1-5, or to permit any person under the legal drinking age,  
14 as defined in Section 28-1-5, to drink, consume, or possess  
15 any alcoholic beverages on any licensee's premises.

16 "(4) For any person to consume alcoholic beverages  
17 on the premises of any state liquor store or any off-premises  
18 licensee, or to allow alcoholic beverages to be consumed on  
19 the premises of any state liquor store or any off-premises  
20 licensee, except as specifically allowed by law for the  
21 tasting of alcoholic beverages.

22 "(5) For any licensee to fail to keep for a period  
23 of at least three years, complete and truthful records  
24 covering the operation of his or her license and particularly  
25 showing the date of all purchases of alcoholic beverages, the  
26 actual price paid therefor, and the name of the vendor, or to  
27 refuse the board or any authorized employee of the board

1 access to the records or the opportunity to make copies of the  
2 records when the request is made during business hours.

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

8 "(7) For any person to knowingly sell any alcoholic  
9 beverages to any person engaged in the business of illegally  
10 selling alcoholic beverages.

11 "(8) For any person to manufacture, transport, or  
12 import alcoholic beverages into this state, except in  
13 accordance with the reasonable rules and regulations of the  
14 board. This subdivision shall not prohibit the transportation  
15 of alcoholic beverages through the state or any dry county so  
16 long as the beverages are not for delivery therein, if the  
17 transportation is done in accordance with the reasonable rules  
18 and regulations of the board.

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

25 "(10) For any person licensed to sell alcoholic  
26 beverages to offer to give any thing of value as a premium for  
27 the return of caps, stoppers, corks, stamps, or labels taken

1 from any bottle, case, barrel, or package containing the  
2 alcoholic beverages, or to offer to give any thing of value as  
3 a premium or present to induce the purchase of the alcoholic  
4 beverages, or for any other purpose whatsoever in connection  
5 with the sale of the alcoholic beverages. This subdivision  
6 shall not apply to the return of any moneys specifically  
7 deposited for the return of the original containers to the  
8 owners of the containers.

9 "(11) For any licensee or transporter for hire,  
10 servant, agent, or employee of the same, to transport any  
11 alcoholic beverages except in the original container, and for  
12 any transporter for hire to transport any alcoholic beverages  
13 within the state, unless the transporter holds a permit issued  
14 by the board.

15 "(12) For any manufacturer, importer, or wholesaler,  
16 servant, agent, or employee of the same, to deliver any  
17 alcoholic beverages, except in vehicles bearing such  
18 information on each side of the vehicle as required by the  
19 board.

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

24 "(14) For any person, firm, corporation,  
25 partnership, or association of persons as the terms are  
26 defined in Section 28-3-1, including any civic center  
27 authority, racing commission, fair authority, airport

1 authority, public or quasi-public board, agency, or  
2 commission, any agent thereof, or otherwise, who or which has  
3 not been properly licensed under the appropriate provisions of  
4 this chapter to sell, offer for sale, or have in possession  
5 for sale, any alcoholic beverages. Any alcoholic beverages so  
6 possessed, maintained, or kept shall be contraband and subject  
7 to condemnation and confiscation as provided by law.

8 "(15) For any manufacturer, distiller, producer,  
9 importer, or distributor of alcoholic beverages to employ and  
10 maintain any person, who is not a full-time bona fide  
11 employee, as a resident sales agent, broker, or other like  
12 representative, for the purpose of promoting a sale, purchase,  
13 or acquisition of alcoholic beverages to or by the state or  
14 the board, or for any person who is not a full-time bona fide  
15 employee to act as an agent, broker, or representative of any  
16 manufacturer, distributor, producer, importer, or distiller  
17 for that purpose.

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

22 "(17) For any wholesaler or retailer, or the  
23 servant, agent, or employee of the same, to sell, distribute,  
24 deliver, or to receive or store for sale or distribution  
25 within this state any alcoholic beverages unless there first  
26 has been issued by the board a manufacturer's license to the  
27 manufacturer of the alcoholic beverages or its designated

1 representative or an importer license to the importer of the  
2 alcoholic beverages.

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

15 "(19) For any person, except where authorized by a  
16 local act or general act of local application, to buy, give  
17 away, sell, or serve for consumption on or off the premises,  
18 or to drink or consume any alcoholic beverages in any cafe,  
19 lunchroom, restaurant, hotel dining room, or other public  
20 place on Sunday after the hour of two o'clock A.M.

21 "(20) Except where authorized by a local act or  
22 general act of local application, for the proprietor, keeper,  
23 or operator of any cafe, lunchroom, restaurant, hotel dining  
24 room, or other public place to knowingly permit any person to  
25 give away, sell, or serve for consumption on or off the  
26 premises, or to drink or consume any alcoholic beverages on  
27 the premises of the cafe, lunchroom, restaurant, hotel dining



1 room, or other public place on Sunday after the hour of two  
2 o'clock A.M.

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

7 "(b) (1) Any violation of subdivisions (1) through  
8 (17) of subsection (a) shall be a misdemeanor punishable by a  
9 fine of not less than one hundred dollars (\$100) nor more than  
10 one thousand dollars (\$1,000), to which, at the discretion of  
11 the court or judge trying the case, may be added imprisonment  
12 in the county jail or at hard labor for the county for not  
13 more than six months for the first conviction; and, on the  
14 second conviction of a violation of the subdivisions, the  
15 offense shall, in addition to the aforementioned fine, be  
16 punishable by imprisonment or at hard labor for the county for  
17 not less than three months nor more than six months to be  
18 imposed by the court or judge trying the case; and, on the  
19 third conviction and every subsequent conviction of a  
20 violation of the subdivisions, the offense shall, in addition  
21 to a fine within the limits abovenamed, be punishable by  
22 imprisonment or at hard labor for the county for not less than  
23 six months nor more than 12 months.

24 "(2) Any violation of any provision of subdivisions  
25 (18), (19), (20), and (21) of subsection (a) shall be a  
26 misdemeanor punishable by a fine of not less than fifty  
27 dollars (\$50) nor more than five hundred dollars (\$500), to

1       which, at the discretion of the court or judge trying the  
2       case, may be added imprisonment in the county jail or at hard  
3       labor for the county for not more than three months.

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

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