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8 SYNOPSIS: Under existing law, tastings of wine, and  
9 distilled liquors are not allowed in retail stores  
10 which sell liquor for off-premises consumption only  
11 and in state liquor stores.

12 This bill would allow tastings of wine and  
13 distilled liquor to be held in stores licensed to  
14 sell liquor, retail, for off-premises consumption  
15 only and in state liquor stores.

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

20  
21 A BILL

22 TO BE ENTITLED

23 AN ACT

24  
25 To amend Section 28-3A-25, Code of Alabama 1975,  
26 relating to the regulation of alcoholic beverages; to permit a  
27 tasting of liquor or wine conducted by a licensed manufacturer

1 or its representative to be held on the premises of a store  
2 which is licensed to sell liquor for off-premises consumption  
3 only and within a state liquor store; to provide that the  
4 Alabama Alcoholic Beverage Control Board would regulate the  
5 procedure for the tasting of wine and distilled liquor.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. (a) Notwithstanding any provision of law,  
8 a tasting of liquor or wine may be conducted by a licensed  
9 manufacturer or its representative inside the premises of a  
10 retail licensee who is licensed to sell liquor for  
11 off-premises consumption only or inside a state liquor store,  
12 in compliance with this act and rules of the Alabama Alcoholic  
13 Beverage Control Board.

14 (b) Each holder of a retail license for the sale of  
15 liquor or off-premises consumption only may permit a licensed  
16 manufacturer or its representative to conduct at no charge to  
17 the consumer, inside the premises of the licensee, tastings of  
18 wine and distilled spirits. These tastings may not exceed one  
19 ounce serving of each wine, the number of wines being limited  
20 to no more than four products at any one tasting; and  
21 one-quarter ounce serving of each distilled spirit, the number  
22 of distilled spirits being limited to no more than two  
23 products at any one tasting. The tasting shall commence no  
24 later than six o'clock p.m. and end within two hours of the  
25 initial tasting. There shall be only one tasting of any kind  
26 on a given premises within a 24-hour period.

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 sixth month following its passage and  
25 approval by the Governor, or its otherwise becoming law.