

1 SB397  
2 213126-3  
3 By Senators Jones, Scofield, Livingston, Barfoot, Beasley,  
4 Singleton and Gudger  
5 RFD: Fiscal Responsibility and Economic Development  
6 First Read: 20-APR-21

1 SB397

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4 ENROLLED, An Act,

5 Relating to alcoholic beverages; to add Section  
6 28-7-10.1 to the Code of Alabama 1975, to provide for the  
7 licensure of wine manufacturers by the Alcoholic Beverage  
8 Control Board in dry counties for the sale, shipment, and  
9 delivery of wine produced and bottled by the winery to a  
10 licensed distributor in this state or for legal distribution  
11 outside of this state; and to amend Section 28-3A-3, Code of  
12 Alabama 1975, to conform to this act.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 28-7-10.1 is added to the Code of  
15 Alabama 1975, to read as follows:

16 (a) Upon an applicant's compliance with this section  
17 and the rules adopted pursuant to this section, the Alcoholic  
18 Beverage Control Board may issue a wine manufacturer license  
19 to the applicant which shall authorize the licensee to  
20 manufacture or otherwise distill, produce, ferment, bottle, or  
21 compound wine in a dry county only for the sale for  
22 distribution outside of the county. No person shall  
23 manufacture or otherwise distill, produce, ferment, bottle, or  
24 compound wine in a dry county for sale or distribution unless  
25 the person or the authorized representative of the person has

1       been granted a wine manufacturer license issued by the board  
2       pursuant to this section.

3               (b) A wine manufacturer licensed under this section  
4       is prohibited from doing any of the following:

5                   (1) Selling any wine direct to any retailer or for  
6       consumption on the premises where sold.

7                   (2) Selling or delivering any wine in other than  
8       original containers approved as to capacity by the board and  
9       in accordance with standards of fill prescribed by the U.S.  
10      Treasury Department.

11                  (3) Maintaining or operating within the state any  
12      place or places, other than the place or places covered by the  
13      wine manufacturer license.

14                  (c) Any wine manufactured in the dry county by the  
15      manufacturer licensed pursuant to this section may be sold  
16      only for shipment and delivery to a licensed wine distributor  
17      in this state or to a legal distributor outside of this state.

18                  (d) A wine manufacturer licensee licensed pursuant  
19      to this section shall be required to file with the board,  
20      prior to making any sales, a list of its labels to be sold and  
21      shall file with the board its federal certificate of label  
22      approvals or its certificates of exemption as required by the  
23      U.S. Treasury Department. All wines whose labels have not been  
24      registered as herein provided for shall be considered  
25      contraband and may be seized by the board or its agents, or

1 any peace officer of the state without a warrant and the goods  
2 shall be delivered to the board and disposed of as provided by  
3 law.

4 (e) A wine manufacturer licensee licensed pursuant  
5 to this section shall be required to send to the board prior  
6 to the twentieth day of each month a consolidated report of  
7 all shipments of alcoholic beverages made to each wholesaler  
8 during the preceding month. The reports shall be in the form  
9 and shall contain the information as the board may require.

10 (f) Every wine manufacturer licensed pursuant to  
11 this section shall keep at its principal place of business  
12 within the state, daily permanent records which shall show the  
13 quantities of raw materials used in the manufacture of wine,  
14 and the quantities of wine manufactured and stored, the sale  
15 of wine, the quantities of wine stored for hire or transported  
16 for hire by or for the licensee, and the names and addresses  
17 of the purchasers of the wine.

18 (g) Every place licensed as a wine manufacturer  
19 pursuant to under this section shall be subject to inspection  
20 by the board or by persons duly authorized and designated by  
21 the board at any and all times of the day or night as they may  
22 deem necessary, for the detection of violations of this  
23 chapter, of any law, or of the rules of the board, or for the  
24 purpose of ascertaining the correctness of the records  
25 required to be kept by the licensees. The books and records of

1 licensees shall be open for inspection at all times by the  
2 board or by persons duly authorized and designated by the  
3 board. Members of the board and its duly authorized agents,  
4 without hindrance, may enter any place that is subject to  
5 inspection hereunder or any place where records are kept for  
6 the purpose of making inspections and making transcripts  
7 thereof.

8 (h) Licenses issued under this section, unless  
9 revoked in the manner provided in this chapter, shall be valid  
10 for the license year commencing January 1 of each year.

11 (i) The board may adopt rules to implement and  
12 administer this section.

13 Section 2. Section 28-3A-3 of the Code of Alabama  
14 1975, is amended to read as follows:

15 "§28-3A-3.

16 "(a) Subject to the provisions of this chapter and  
17 regulations promulgated thereunder, the board is authorized  
18 and empowered to issue and renew licenses to reputable and  
19 responsible persons for the following purposes:

20 "(1) To manufacture, brew, distill, ferment,  
21 rectify, bottle or compound any or all alcoholic beverages  
22 within or for sale within this state.

23 "(2) To import any or all alcoholic beverages  
24 manufactured outside the United States of America into this  
25 state or for sale or distribution within this state.

1           "(3) To distribute, wholesale or act as jobber for  
2 the sale of alcoholic liquor.

3           "(4) To distribute, wholesale or act as jobber for  
4 the sale of table wine and beer or either of them, to licensed  
5 retailers within the state and others within this state  
6 lawfully authorized to sell table wine or beer.

7           "(5) To store or warehouse any or all alcoholic  
8 beverages for transshipment inside and outside the state.

9           "(6) To sell and dispense at retail in a lounge,  
10 liquor and other alcoholic beverages.

11           "(7) To sell and dispense at retail in an  
12 establishment habitually and principally used for the purpose  
13 of providing meals for the public, liquor and other alcoholic  
14 beverages for on-premises consumption.

15           "(8) To sell liquor and wine at retail for  
16 off-premises consumption.

17           "(9) To sell and dispense at retail in a club,  
18 liquor and other alcoholic beverages for on-premises  
19 consumption.

20           "(10) To sell table wine at retail for off-premises  
21 consumption.

22           "(11) To sell table wine at retail for on-premises  
23 and off-premises consumption.

24           "(12) To sell beer at retail for on-premises and  
25 off-premises consumption.

1           "(13) To sell beer at retail for off-premises  
2 consumption.

3           "(14) To sell liquor and other alcoholic beverages  
4 at retail by retail common carrier with a passenger capacity  
5 of at least 10 people.

6           "(15) To sell any or all alcoholic beverages at  
7 retail under special license issued conditioned upon terms and  
8 conditions and for the period of time prescribed by the board.

9           "(16) To sell any or all alcoholic beverages at  
10 retail under a special event retail license issued for three  
11 days upon the terms and conditions prescribed by the board.

12           "Provided, however, that ~~such~~ the licenses may not  
13 be issued in dry counties where traffic in alcoholic beverages  
14 is not authorized by law therein except a wine manufacturer  
15 license may be issued in a dry county pursuant to Section  
16 28-7-10.1. Provided the restriction of this paragraph shall  
17 not apply to the issuance of a renewal of a license under  
18 subdivisions (1), (2), (3), (4), and (5) where the county or  
19 municipality was wet when the initial license was issued and  
20 the county or municipality subsequently votes dry; however, no  
21 importer or wholesaler licensee may sell or distribute  
22 alcoholic beverages within a dry county (except in a wet  
23 municipality therein) or within a dry municipality.

1           "(b) The board is granted discretionary powers in  
2 acting upon license applications under the provisions of this  
3 chapter.

4           "(c) Licenses issued under this chapter shall,  
5 unless revoked or suspended in the manner provided in this  
6 chapter, be valid for the license year which shall begin on  
7 the first day of October of each year, unless otherwise  
8 established by this chapter or by the board. Licenses may be  
9 issued at any time during the year."

10           Section 3. The provisions of this act are  
11 supplemental to any laws regulating alcoholic beverages in  
12 this state and shall not be construed to repeal or supersede  
13 any laws or rules of the Alcoholic Beverage Control Board not  
14 in direct conflict with this act.

15           Section 4. This act shall become effective on the  
16 first day of the third month following its passage and  
17 approval by the Governor, or its otherwise becoming law.



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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB397

Senate 27-APR-21

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 17-MAY-21

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By: Senator Jones