

1 HB220
2 164616-1
3 By Representatives Nordgren, Butler, Martin, Davis, Sessions,
4 Faust and Ball
5 RFD: Economic Development and Tourism
6 First Read: 10-MAR-15

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8 SYNOPSIS: Under existing law, wine manufacturers are
9 limited to selling table wine at retail for
10 on-premises and off-premises consumption only on
11 the premises of the manufacturing facility under
12 the wine manufacturer's license.

13 This bill would extend the sale of wine by a
14 wine manufacturer to three additional satellite
15 tasting rooms located off the premises of the
16 manufacturer and at not more than five special
17 events per year for on-premises and off-premises
18 consumption.

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

24 To amend Section 28-7-18, Code of Alabama 1975,
25 relating to wine manufacturers; to extend the sale of wine to
26 a limited number of satellite tasting rooms and special events
27 for on-premises and off-premises consumption.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 28-7-18, Code of Alabama 1975, is
3 amended to read as follows:

4 "§28-7-18.

5 "(a) No manufacturer shall sell any table wine
6 direct to any retailer or for consumption on the premises
7 where sold, nor sell or deliver any such table wine in other
8 than original containers, nor shall any manufacturer maintain
9 or operate within this state any place or places, other than
10 the place or places covered by his or its license where table
11 wine is sold or where orders therefor are taken. Provided,
12 further, that table wine which is manufactured in Alabama may
13 be sold directly at retail by the licensed manufacturer only
14 on the manufacturer's premises, at not more than three
15 additional manufacturer tasting rooms located off the premises
16 of the manufacturer, and at not more than five special events
17 per year held off the premises of the manufacturer for
18 on-premise on-premises or off-premise off-premises
19 consumption.

20 "(b) (1) There is hereby levied and assessed, upon
21 wine manufactured in Alabama and sold by the manufacturer
22 directly at retail on the premises where it is manufactured,
23 as provided in subsection (a), or dispensed, as free samples
24 of not more than six ounces, in the tasting room or wine
25 cellar on the manufacturer's premises, an excise tax, measured
26 by and graduated in accordance with the volume of such wine

1 sold or dispensed, in an amount equal to forty-five cents
2 (\$.45) per liter.

3 "(2) The tax hereby levied on retail sales on a
4 manufacturer's premises shall be added to the sales price of
5 all table wine sold at retail by the manufacturer, as provided
6 in subsection (a), and shall be collected from the consumers
7 making the purchases.

8 "(c) The tax levied by subsection (b) shall be
9 collected by a return and remitted, monthly, as follows:

10 "(1) Not later than the fifteenth day of the month
11 following the month in which table wine was dispensed as free
12 samples or sold at retail as provided in subsection (a), the
13 manufacturer shall file with the board, on a form and in the
14 manner prescribed by the board, a return showing taxes due at
15 thirty-eight cents (\$.38) per liter of the table wine
16 dispensed or sold at retail during the previous month; the
17 taxes due at such rate shall be remitted to the board along
18 with the return.

19 "(2) Not later than the fifteenth day of the month
20 following the month in which table wine was dispensed as free
21 samples or sold at retail as provided in subsection (a), the
22 manufacturer shall file with the municipality within which the
23 table wine was dispensed or sold at retail within its
24 corporate limits, or, where dispensed or sold at retail
25 outside of the corporate limits of any municipality, with the
26 county within which the table wine was dispensed or sold at
27 retail, a return showing taxes at seven cents (\$.07) per liter

1 of the table wine dispensed or sold at retail during the
2 previous month; the taxes due at such rate shall be remitted
3 to the county or municipality along with the return.

4 "(3) All taxes imposed, levied, and collected under
5 this section shall be deposited and credited in the same
6 manner as are other table wine taxes.

7 "(d) Manufacturers who manufacture table wine within
8 Alabama shall provide to the board monthly reports, in the
9 form, time, and manner prescribed by the board, reporting
10 gallonage sold and gallonage exported for sale outside the
11 state during the previous month.

12 "(e) The tax herein levied is exclusive and shall be
13 in lieu of all other and additional taxes of the state,
14 county, and municipality imposed on or measured by the sale or
15 volume of sale of table wine; provided that nothing herein
16 contained shall be construed to exempt the retail sale of
17 table wine from the levy of tax on general retail sales by the
18 state, county, or municipality in the nature of, or in lieu
19 of, a general sales tax."

20 Section 2. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.