

SB287 INTRODUCED



1 SB287
2 L5N6VWW-1
3 By Senator Hatcher
4 RFD: Tourism
5 First Read: 10-Feb-26



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4 SYNOPSIS:

5 Existing law allows a licensed importer to bring
6 alcoholic beverages into the State of Alabama which are
7 manufactured outside of the United States for
8 distribution to the Alcoholic Beverage Control Board
9 (ABC) or a wholesaler. There is currently no statutory
10 recognition that a licensed importer may make the same
11 distribution with respect to alcoholic beverages
12 manufactured domestically, but outside the State of
13 Alabama.

14 This bill would recognize that a licensed
15 importer may import alcoholic beverages into the state
16 which are manufactured in the United States.

17 This bill would change the beginning of the
18 licensure year for importers from January 1 to October
19 1 to conform with the licensure year for other ABC
20 license categories.

21 This bill would also delete duplicative language
22 and make nonsubstantive, technical revisions to update
23 the existing code language to current style.

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 A BILL
 TO BE ENTITLED



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AN ACT

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31 Relating to alcoholic beverages; to amend Section
32 28-3A-7, Code of Alabama 1975, to further provide for the
33 importation of alcoholic beverages by recognizing that a
34 person licensed by the Alcoholic Beverage Control Board to
35 import alcoholic beverages may import alcoholic beverages
36 manufactured anywhere outside of the state; to alter the
37 administrative licensure year for importers; to amend Section
38 28-3-1, Code of Alabama 1975, to make conforming changes; and
39 to delete duplicative language and make nonsubstantive,
40 technical revisions to update the existing code language to
41 current style.

42 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

43 Section 1. Section 28-3A-7, Code of Alabama 1975, is
44 amended to read as follows:

45 "§28-3A-7

46 (a) Upon an applicant's compliance with ~~the provisions~~
47 ~~of~~ this chapter and the ~~regulations made~~rules thereunder, the
48 board shall issue to the applicant an importer license
49 ~~which~~that ~~shall authorize~~authorizes the licensee to import
50 into this state alcoholic beverages that are manufactured
51 outside ~~the United States of America into~~of this state ~~or~~ for
52 sale or distribution ~~within this state of~~ ~~liquor and wine~~
53 alcoholic beverages to the board or ~~the state, and~~ table wine
54 and beer to ~~wholesaler licensees of the board~~wholesalers. No
55 person shall import alcoholic beverages manufactured outside
56 ~~the United States of~~ this state into this state ~~or for sale or~~



57 ~~distribution within this state or to the state, the board or~~
58 ~~any licensee of the board, unless such the person shall be is~~
59 granted an importer license issued by the board.

60 (b) ~~An importerA~~ licensee shall not sell any alcoholic
61 beverages ~~for consumption on the premises where sold to a~~
62 consumer; nor, unless also issued a wholesale license, sell or
63 deliver to any retailer; nor deliver any ~~such~~ alcoholic
64 beverages in other than original containers approved as to
65 capacity by the board, and in accordance with standards of
66 fill prescribed by the U.S. Treasury Department; nor maintain
67 or operate within the state any ~~place or places location~~, other
68 than the ~~place or places location~~ covered by ~~his or its~~
69 ~~importerthe~~ license, where alcoholic beverages are sold or
70 ~~where orders are taken distributed~~.

71 (c) Each importer licensee shall be required to file
72 with the board, prior to making any ~~sales~~sale in ~~Alabama~~the
73 state, a list of its labels to be sold ~~in Alabama~~ and ~~shall~~
74 ~~file with the board~~ its federal certificate of label approvals
75 or its certificates of exemption as required by the U.S.
76 Treasury Department. All liquors and wines whose labels have
77 not been registered ~~as herein provided for~~ shall be considered
78 contraband and may be seized by the board or its agents, or
79 any ~~peace officers~~law enforcement officer of the State of
80 Alabama, without a warrant, and ~~said goods~~the contraband shall
81 be delivered to the board and disposed of as provided by law.

82 (d) All ~~such importer~~ licensees shall be required to
83 mail to the board prior to the twentieth day of each month a
84 consolidated report of all shipments of beer and table wine



85 made to each wholesaler during the preceding month and of all
86 shipments of alcoholic beverages received during the preceding
87 month. ~~Such reports~~Reports shall be in ~~such~~the form and
88 ~~containing such~~contain the information ~~as prescribed by~~ the
89 board~~may prescribe~~.

90 (e) The books and records of ~~such a~~ licensee shall~~r~~ at
91 all times~~r~~ be open to inspection by members of the board~~r~~ or
92 by ~~persons duly~~individuals authorized ~~and designated~~ by the
93 board. Members of the board and ~~its duly~~ authorized agents
94 shall have the right~~, without hindrance,~~ to enter any place
95 ~~which~~location that is ~~subject to inspection~~licensed
96 ~~hereunder~~pursuant to this section, or any place~~location~~ where
97 ~~such~~the records are kept~~,~~ for the purpose of ~~making such~~
98 ~~inspections and making transcripts thereof~~inspection.

99 (f) Licenses issued under this section shall, unless
100 revoked or suspended in the manner provided in this chapter,
101 be valid for the license year commencing ~~January~~October 1~~of~~
102 ~~each year.~~"

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

105 "§28-3-1

106 As used in this title, the following words shall have
107 the following meanings unless the context clearly indicates
108 otherwise:

109 (1) ALCOHOLIC BEVERAGES. Any alcoholic, spirituous,
110 vinous, fermented, or other alcoholic beverage, or combination
111 of liquors and mixed liquor, a part of which is spirituous,
112 vinous, fermented, or otherwise alcoholic, and all drinks or



113 drinkable liquids, preparations, or mixtures intended for
114 beverage purposes, which contain one-half of one percent or
115 more of alcohol by volume, and shall include liquor, beer, and
116 wine.

117 (2) ASSOCIATION. A partnership, limited partnership, or
118 any form of unincorporated enterprise owned by two or more
119 persons.

120 (3) BEER, or MALT OR BREWED BEVERAGES. Any beer, lager
121 beer, ale, porter, malt or brewed beverage, or similar
122 fermented beverage containing one-half of one percent or more
123 of alcohol by volume and not in excess of ~~thirteen and~~
124 ~~nine-tenths~~13.9 percent alcohol by volume, brewed or produced
125 from malt, wholly or in part, or from rice, grain of any kind,
126 bran, glucose, sugar, or molasses. A beer or malt or brewed
127 beverage may incorporate honey, fruit, fruit juice, fruit
128 concentrate, herbs, spices, or other flavorings during the
129 fermentation process. The term does not include any product
130 defined as liquor, table wine, or wine.

131 (4) BOARD. The Alcoholic Beverage Control Board.

132 (5) BRANDY. All beverages that are an alcoholic
133 distillate from the fermented juice, mash, or wine of fruit,
134 or from the residue thereof, produced in such manner that the
135 distillate possesses the taste, aroma, and characteristics
136 generally attributed to the beverage, as bottled at not less
137 than 80 degree proof.

138 (6) CARTON. The package or container or containers in
139 which alcoholic beverages are originally packaged for shipment
140 to market by the manufacturer or its designated



141 representatives or the importer.

142 (7) CIDER. A fermented alcoholic beverage made from
143 apple juice and containing not more than 8.5 percent alcohol
144 by volume.

145 (8) CLUB.

146 a. Class I. A corporation or association organized or
147 formed in good faith by authority of law and which must have
148 at least 150 paid-up members. It must be the owner, lessee, or
149 occupant of an establishment operated solely for the objects
150 of a national, social, patriotic, political, or athletic
151 nature or the like, but not for pecuniary gain, and the
152 property as well as the advantages of which, belong to all the
153 members and which maintains an establishment provided with
154 special space and accommodations where, in consideration of
155 payment, food with or without lodging is habitually served.
156 The club shall hold regular meetings, continue its business
157 through officers regularly elected, admit members by written
158 application, investigation, and ballot, and charge and collect
159 dues from elected members.

160 b. Class II. A corporation or association organized or
161 formed in good faith by authority of law and which must have
162 at least 100 paid-up members. It must be the owner, lessee, or
163 occupant of an establishment operated solely for the objects
164 of a national, social, patriotic, political, or athletic
165 nature or the like. The club shall hold regular meetings,
166 continue its business through officers regularly elected,
167 admit members by written application, investigation, and
168 ballot, and charge and collect dues from elected members.



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169 (9) CONTAINER. The single bottle, can, keg, bag, or
170 other receptacle, not a carton, in which alcoholic beverages
171 are originally packaged for the market by the manufacturer or
172 importer and from which the alcoholic beverage is consumed by
173 or dispensed to the public.

174 (10) CORPORATION. A corporation or joint stock
175 association organized under the laws of this state, the United
176 States, or any other state, territory or foreign country, or
177 dependency.

178 (11) DELIVERY. The transportation of alcoholic
179 beverages directly from a retail licensee of the board to an
180 individual, pursuant to Section 28-1-4 and Section 28-3A-13.1.

181 (12) DELIVERY SERVICE LICENSE. A license issued by the
182 Alabama Alcoholic Beverage Control Board in accordance with
183 Section 28-3A-13.1 that authorizes the licensee, the
184 licensee's employees, or independent contractors under a
185 contractual or business arrangement with the licensee to
186 transport and deliver alcoholic beverages.

187 (13) DRY COUNTY. Any county which by a majority of
188 those voting voted in the negative in an election ~~heretofore~~
189 held under the applicable statutes at the time of the election
190 or may hereafter vote in the negative in an election or
191 special method referendum ~~hereafter~~ held in accordance with
192 Chapter 2~~r~~ or ~~held in accordance~~ with the provisions of any
193 act ~~hereafter~~ enacted permitting such election.

194 (14) DRY MUNICIPALITY. Any municipality within a wet
195 county which has, by its governing body or by a majority of
196 those voting in a municipal election ~~heretofore~~ held in



197 accordance with the provisions of Section 28-2-22, or in a
198 municipal option election ~~heretofore or hereafter~~ held in
199 accordance with the provisions of ~~Act 84-408, Acts of Alabama~~
200 ~~1984, appearing as~~ Chapter 2A_T or any act ~~hereafter~~ enacted
201 permitting municipal option election, voted to exclude the
202 sale of alcoholic beverages within the corporate limits of the
203 municipality.

204 (15) EMPLOYEE. An individual to whom an employer is
205 required to issue a W-2 tax form under federal law.

206 (16) GENERAL WELFARE PURPOSES. All of the following:

207 a. The administration of public assistance as set out
208 in Sections 38-2-5 and 38-4-1.

209 b. Services, including supplementation and
210 supplementary services under the federal Social Security Act,
211 to or on behalf of persons to whom public assistance may be
212 given under Sections 38-2-5 and 38-4-1.

213 c. Service to and on behalf of dependent, neglected, or
214 delinquent children.

215 d. Investigative and referral services to and on behalf
216 of needy persons.

217 (17) HEARING COMMISSION. A body appointed by the board
218 to hear and decide all contested license applications and all
219 disciplinary charges against any licensee for violation of
220 this title or the rules of the board.

221 (18) HOTEL. A building or buildings held out to the
222 public for housing accommodations of travelers or transients_T.
223 The term includes a ~~and shall include~~ motel_T, but ~~shall not~~
224 ~~include~~excludes a rooming house or boarding house.



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225 (19) IMPORTER. Any person, ~~association, or corporation~~
226 engaged in importing into this state alcoholic beverages,
227 ~~liquor, wine, or beer, that are~~ manufactured outside of ~~the~~
228 ~~United States of America into~~ this state ~~or~~ for sale or
229 distribution ~~in this state, or to the board or to a licensee~~
230 ~~of the board.~~

231 (20) INDEPENDENT CONTRACTOR. An individual to whom an
232 employer is required to issue a 1099 tax form under federal
233 law.

234 (21) KEG. A pressurized factory sealed container with a
235 capacity equal to or greater than five U.S. gallons, from
236 which beer is withdrawn by means of an external tap.

244 (23) LIQUOR STORE. A liquor store operated by the
245 board, where alcoholic beverages other than beer are
246 authorized to be sold in unopened containers.

247 (24) MANUFACTURER. Any person, association, or
248 corporation engaged in the producing, bottling, manufacturing,
249 distilling, fermenting, brewing, rectifying, or compounding of
250 alcoholic beverages, liquor, beer, or wine in this state or
251 for sale or distribution in this state or to the board or to a
252 licensee of the board.



253 (25) MEAD. An alcoholic beverage produced by fermenting
254 a solution of honey and water with grain mash and containing
255 not more than 18 percent alcohol by volume.

256 (26) MEAL. A diversified selection of food some of
257 which is not susceptible of being consumed in the absence of
258 at least some articles of tableware and which cannot be
259 conveniently consumed while one is standing or walking about.

260 (27) MINOR. Any personindividual under 21 years of age;
261 provided, however, in In the event Section 28-1-5, shall be is
262 repealed or otherwise shall be no longer in effect, thereafter
263 the provisions of Section 26-1-1T shall govern.

264 (28) MUNICIPALITY. Any incorporated city or town of
265 this state to include its police jurisdiction.

(29) PERSON. Every natural person, association, or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, ~~such the~~ term as applied to an association shall mean the partners or members thereof and as applied to a corporation shall mean the officers thereof, except as to incorporated clubs the term ~~person shall mean~~ ~~such means an~~ individual or individuals who, under the bylaws of such clubs, shall have jurisdiction over the possession and sale of liquor therein.

275 (30) POPULATION. The population according to the last
276 preceding or any subsequent decennial census of the United
277 States, except where a municipality is incorporated subsequent
278 to the last census, in which event, its population until the
279 next decennial census shall be the population of the
280 municipality as determined by the judge of probate of the



281 county as the official population on the date of its
282 incorporation.

283 (31) RESTAURANT. A reputable place licensed as a
284 restaurant, operated by a responsible person of good
285 reputation, and habitually and principally used for the
286 purpose of preparing and serving meals for the public to
287 consume on the premises.

288 (32) RETAILER. Any person licensed by the board to
289 engage in the retail sale of any alcoholic beverages to the
290 consumer.

291 (33) SALE or SELL. Any transfer of liquor, wine, or
292 beer for a consideration, and any gift in connection with, or
293 as a part of, a transfer of property other than liquor, wine,
294 or beer for a consideration.

295 (34) SELLING PRICE. The total marked-up price of
296 spirituous or vinous liquors sold by the board, exclusive of
297 taxes levied thereon.

298 (35) TABLE WINE. Except as otherwise provided in this
299 subdivision, any wine containing not more than 24 percent
300 alcohol by volume. Table wine does not include any wine
301 containing more than ~~sixteen and one-half~~ 16.5 percent alcohol
302 by volume that is made with herbs or flavors, except vermouth,
303 or is an imitation or other than standard wine. Table wine is
304 not liquor, spirituous, or vinous.

305 (36) UNOPENED CONTAINER. A container containing
306 alcoholic beverages, which has not been opened or unsealed
307 subsequent to filling and sealing by the manufacturer or
308 importer.



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309 (37) WET COUNTY. Any county which by a majority of
310 those voting voted in the affirmative in an election
311 ~~heretofore~~ held in accordance with the statutes applicable at
312 the time of the election or may hereafter vote in the
313 affirmative in an election or special method referendum held
314 in accordance with Chapter 2~~T~~ or other statutes applicable at
315 the time of the election.

316 (38) WET MUNICIPALITY. Any municipality in a dry county
317 which by a majority of those voting voted in the affirmative
318 in a municipal option election ~~heretofore or hereafter~~ held in
319 accordance with ~~the provisions of Act 84-408, Acts of Alabama~~
320 ~~1984, appearing as~~ Chapter 2A ~~of this title, as amended,~~ or
321 any act hereafter enacted permitting municipal option
322 election, or any municipality which became wet by vote of the
323 governing body or by the voters of the municipality ~~heretofore~~
324 ~~or hereafter~~ held under the special method referendum
325 provisions of Section 28-2-22, or as hereafter provided, where
326 the county has become dry subsequent to the elected wet status
327 of the municipality.

328 (39) WHOLESALER. Any person licensed by the board to
329 engage in the sale and distribution of table wine and beer, or
330 either of them, within this state, at wholesale only, to be
331 sold by export or to retail licensees or other wholesale
332 licensees or others within this state lawfully authorized to
333 sell table wine and beer, or either of them, for the purpose
334 of resale only.

335 (40) WINE. All beverages made from the fermentation of
336 fruits, berries, or grapes, with or without added spirits, and

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337 produced in accordance with the laws and regulations of the
338 United States, containing not more than 24 percent alcohol by
339 volume, and shall include all sparkling wines, carbonated
340 wines, special natural wines, rectified wines, vermouths,
341 vinous beverages, vinous liquors, and like products, including
342 restored or unrestored pure condensed juice."

343 Section 3. This act shall become effective on October
344 1, 2026.