

## SB287 INTRODUCED



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



## 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.

24  
25  
26  
27 A BILL  
28 TO BE ENTITLED



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AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§28-3A-7

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



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

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

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

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



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

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

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

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

"§28-3-1

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

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



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113 drinkable liquids, preparations, l 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~~r~~ 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



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representatives or the importer.

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

(8) CLUB.

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

(22) LIQUOR. Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, fermented, vinous, or otherwise alcoholic, and all drinks or drinkable liquids, preparations, or mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, except beer and table wine.

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

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



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

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

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

(28) MUNICIPALITY. Any incorporated city or town of 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.

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



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

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

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

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

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

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

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



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(37) WET COUNTY. Any county which by a majority of those voting voted in the affirmative in an election ~~heretofore~~ held in accordance with the statutes applicable at the time of the election or may hereafter vote in the affirmative in an election or special method referendum held in accordance with Chapter 2~~7~~, or other statutes applicable at the time of the election.

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

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

(40) WINE. All beverages made from the fermentation of 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.