

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control No. 20 Department or Agency Alabama Alcoholic Beverage Control Board

Rule No. 20-X-6-01

Rule Title: Licensed Premises.

           New   X   Amend            Repeal            Adopt by Reference

Would the Absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?           no          

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?           yes          

Is there another, less restrictive method of regulation available that could adequately protect the public?           no          

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?           no          

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?           no          

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?           yes          

.....

Does the proposed rule have an economic impact:           no          

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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**Certification of Authorized Official**

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer           *[Signature]*          

Date           04-03-2018

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**ALABAMA ALCOHOLIC BEVERAGE  
CONTROL BOARD**

**NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Alcoholic Beverage Control Board

RULE NO. & TITLE: Rules and Regulations  
20-X-6-.01 Licensed Premises

INTENDED ACTION:

The Alabama ABC Board proposes to amend Rule No. 20-X-6-.01.

SUBSTANCE OF PROPOSED ACTION:

To make a provision for the operation of online grocery pickup programs for certain sized grocery stores.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Interested persons may present their views in writing to the ABC Board at 2715 Gunter Park Drive, West, Montgomery, Alabama 36109 by June 5, 2018.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: June 5, 2018.

CONTACT PERSON AT AGENCY:

Robert S. Hill, III, General Counsel, Alabama ABC Board, 2715 Gunter Park Drive, West, Montgomery, Alabama 36109.



H.M. Gipson  
Administrator

20-X-6-.01.           LICENSED PREMISES.

- (1) Any ABC Board licensee and/or any person applying initially for an ABC Board license, by virtue of holding such license or making such application does agree, invite, consent, and authorize agents of the ABC Board, as well as other commissioned law enforcement officers having proper jurisdiction, at any time, to enter and search the premises, observe the operation, and otherwise enforce state laws, and rules and regulations of the ABC Board in or about said premises, without a warrant, including not only the licensed premises but any building owned or occupied by the licensee in connection therewith, adjoining, or adjacent thereto, whether or not connected or used by the licensee as a private dwelling.
- (2) Any ABC Board licensee and/or any person applying initially for an ABC Board license, by virtue of holding such a license or making such application, does agree, invite, consent and authorize agents of the ABC Board to examine and inspect equipment, stocks, invoices, receipts, books, papers and related records and to make copies of the same at any time during normal operating hours of the ABC Board or of the licensee.
- (3) The premises of any club licensee shall not be deemed to be the home or private premises of any member thereof. However, by applying initially or seeking renewal of such license, all officers and members of such club do agree, consent, authorize, and accept this definition of the club premises and the invitation to search, supervise, observe, and enforce the laws and regulations of the ABC Board as set forth in Section (1) above.
- (4) Where private living quarters are maintained in the same structure in which an ABC Board licensed business is operated, such living quarters shall be considered part of the licensed premises and shall be subject to warrantless full inspection and supervision by the ABC Board as in any other part of the licensed premises.
- (5) Individual hotel and motel rooms occupied by registered guests shall be considered private and not a part of the licensed premises nor subject to the provisions of this regulation.
- (6) ABC Board licensees shall be accountable to the ABC Board for criminal conduct which occurs or is suffered to occur on any part of the licensed premises. Where the ABC Board or Hearing Commission finds such criminal conduct to be allowed, caused, permitted, or suffered to occur by the licensee, employees or agents thereof, such licensee's license shall be subject to disciplinary action.
- (7) Any ABC Board licensee found on or off the licensed premises, possessing, transporting, selling, receiving, giving, or otherwise

dealing with alcoholic beverages without having paid the appropriate Alabama tax thereon, shall be subject to disciplinary action.

(8) Any ABC Board licensee or officer thereof violating any criminal law or statute of the State of Alabama, whether or not occurring on the licensed premises, may subject the licensee to disciplinary action.

(9) The premises of all ABC Board retail licensees shall not contain facilities for the sale of alcoholic beverages by means of a "drive-up," "walk-up," or "drive-thru" window or other type of exterior access. Provided, however, off-premises beer and/or off-premises table wine licensees may sell beer and/or table wine through a "walk-up" window if all other goods of said licensee are at these times sold through said window and the premises are otherwise closed to the public. All sales of alcoholic beverages must be made on the inside of the licensed premises except as provided herein and as provided in ABC Board Regulations 20-X-6-.07 and 20-X-6-.01(15).

(10) All ABC Board licensees shall display their current ABC licenses in public view on the licensed premises.

(11) ABC Board licensees shall not rent, furnish, or maintain beverage locker service or storage service for the keeping of alcoholic beverages by customers, patrons, or consumers.

(12) No ABC Board licensee shall allow on the licensed premises the consumption and/or possession of any type of alcoholic beverage which the licensee is not authorized to sell. Further, the practice of brown bagging or customers bringing on the licensed premises their own alcoholic beverages is prohibited on ABC Board licensed premises. This brown bagging provision shall not apply to alcoholic beverages, for which the appropriate Alabama tax has been paid, which are brought on the premises of Class I Club (not operated for pecuniary gain) licensees.

(13) Any ABC Board licensee which requires its members or patrons to possess keys, card keys, code numbers, membership cards or other such mechanisms as a condition to gaining access to its licensed premises, shall provide and supply to the ABC Board upon initial issuance of the license and/or renewal, as the case may be, access to and evidence of such mechanisms so as to allow entry by ABC Board personnel upon the licensed premises at any time during normal business hours for the purpose of observing the normal operation thereof. Any changes or modifications to said premise entry mechanisms during the license year shall be brought to the attention of the ABC Board immediately.

20-X-6-.01 (Continued)

Failure to provide said above information shall, at the ABC Board's discretion, be grounds for disciplinary action against the licensee.

(14) All sales and service of alcoholic beverages by any ABC Board retail licensee shall be made within the interior of buildings situated upon the licensed premises, except as provided in ABC Board Regulation 20-X-6-.07.

(15) It shall be permissible for an ABC Board retail beer and/or wine licensee, that also operates as a full-service grocery store of 30,000 square feet or greater, to operate an online grocery pickup program, for all products sold by the retail licensee, to allow a customer to place an order that includes beer and/or wine products, and to allow beer and/or wine products to be brought to, and loaded into, the customer's vehicle. Purchased goods, including beer and/or wine, must be delivered to the customer's vehicle within a clearly designated pickup area of the premises. Purchasers of beer and/or wine pursuant to an online grocery pickup program must be registered and age verified by the retail licensee, using identification listed in 20-X-6-.09(d), prior to ordering beer and/or wine. Delivery to a customer's vehicle may only be made if the name of the purchaser, or other person designated as authorized to receive delivery, which name is registered on the account, matches the name on the driver's license or other proper identification (reference 20-X-6-.09(d)) and if the purchaser and designated person authorized to receive delivery has been verified to be 21 years of age or older. Any employee delivering alcoholic beverages to a purchaser through an online grocery pickup program must be 21 years of age or older.

**Author:** ABC Board

**Statutory Authority:** Code of Ala. 1975 §§28-3-2; 28-3-19; 28-3-49; 28-3A-23; 28-3A-25.

**History: Repealed and New:** Filed August 21, 1998; effective October 16, 1998. **Amended:** Filed March 17, 2004; effective April 21, 2004.