

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

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

Rule No. 20-X-7-.07

Rule Title: Wine Tastings

 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.

.....
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 

Date 2-20-17

APA-2
11/96

**ALABAMA ALCOHOLIC BEVERAGE
CONTROL BOARD**

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 20-X-7-.07 Wine Tastings.
 20-X-7-.10 Beer Tastings.

INTENDED ACTION: Amend rules.

SUBSTANCE OF PROPOSED ACTION:

To add the provision for off-premises beer and wine tastings.

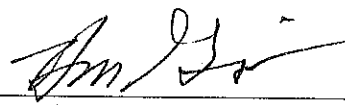
TIME, PLACE, MANNER OF PRESENTING VIEWS:

Interested persons may present their views in writing to the Administrative Procedures Secretary, Alabama ABC Board at 2715 Gunter Park Drive, West, Montgomery, Alabama 36109, or via email admin@abc.alabama.gov, by May 5, 2017.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: May 5, 2017

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-7-.07. Wine Tastings.

Table wine tastings may be permitted subject to the following terms and conditions:

(a) Table wine tastings are restricted to the following licensed premises:

1. On-premises table wine.
2. Off-premises table wine.
- ~~2~~ 3. Lounge retail liquor, Class I and Class II.
- ~~3~~ 4. Restaurant retail liquor.
- 4 ~~5~~. Club liquor, Class I & II.
- ~~5~~ 6. Wholesale table wine.
- ~~6~~ 7. Special events retail.
- ~~7~~ 8. Special retail.

(b) All wine tasting events shall be subjected to the following requirements:

1. Notification shall be given by the licensee to the ABC Board 7 days prior to the tasting event.
2. Only products which have been approved for sale within the state maybe used in tastings.
3. The bottles used shall be designated for tasting use only and not for resale.
4. Those conducting the tasting shall maintain proof of purchase for the products.
5. Table wine tastings shall be of a structured nature and not exceed a period of 2 ½ continuous hours.
6. All table wine shall be dispensed from original containers prepared by the manufacturer with labels visible to the consumer. Individual samples furnished to a consumer shall contain no more than two ounces of the table wine.
7. Tastings shall be conducted by licensed table wine wholesalers or manufacturers on any of the licensed premises referred to in (a) above. The wholesaler or manufacturer shall be permitted to conduct wine tastings utilizing its own personnel, or representative with identification with assistance from retail personnel if desired. At all tastings, the wholesaler, the manufacturer, or the retail licensee shall provide for purposes of the promotion, a person with a sufficient knowledge of the product(s) involved to conduct said tastings.
8. Any product with a broken seal shall be removed from the licensees' premises at the end of the tasting event.

(c) All wine tasting events shall be subject to the following restrictions:

1. Tastings shall not be offered to any consumer who is under the age of 21 or who appears, considering the totality of the circumstances, to be intoxicated.
2. The tasting area shall be confined to the licensed premises, in a designated area, so as to separate the event from any point-of-sales of alcoholic beverages. Tastings shall not be conducted on a patio, or parking area that is outside the licensed premises. This restriction does not prohibit a special event licensee from conducting an out-door tasting event. A special event retail licensee shall be required to designate one area within the licensed premises to conduct tastings.
3. The tasting area shall contain at a minimum one table. The wholesaler, manufacturer, or its representative shall be present at the table throughout the duration of the tasting event.
4. Only the product shall be served at the tasting event. Non-alcoholic mixers may be added. No premixed drinks or infusions shall be allowed.
5. No licensee shall receive payment or any other consideration directly or otherwise from any other licensee.

No promotions, sweepstakes, prizes, or contests shall be held during a tasting event.

6. No signs or banners advertising the event shall be placed outside the licensed premises.

(d) The licensee shall be held responsible for a tasting event held on their licensed premises.

(e) The Board may, itself initiate, investigate and, if appropriate, disapprove and prohibit the continued tastings by any licensee found to be conducting tastings in violation of the rules.

(f). Additional requirements for state liquor stores and for private package stores - lounge retail liquor-
Class II

1. Tasting shall commence no later than six o'clock p.m. and not exceed a period of 2 hours.
2. Individual samples furnished to a consumer shall contain no more than one ounce of the table wine and shall be limited to four products per tasting event.
3. Tastings shall be conducted at no charge to the customer.

AUTHOR:

ABC Board

STATUTORY AUTHORITY:

Code of Ala. 1975, § 28-3-49.

HISTORY:

Repealed and New: Filed August 21, 1998; effective October 16, 1998.

Amended: Filed October 13, 2016; effective November 27, 2016.