

**ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD  
ADMINISTRATIVE CODE**

**CHAPTER 20-X-23  
INFORMATION REQUIRED FOR TOBACCO PERMITS (TOBACCO)**

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**20-X-23-.01     Information Required From Applicants For Tobacco Permits.**

(1) Every applicant for an ABC Board permit, in addition to information and statements required under Title 28, Code of Ala. 1975, shall also give the ABC Board, as part of such application, the following:

(a) The name, date, place of birth, address, telephone number, race, gender, driver's license number, and social security number of every person who has any proprietary or profit interest in the permitted establishment, except in the case of public corporations, whose shares are traded on a recognized stock exchange.

(b) The true, correct, and complete criminal court record of all arrests and subsequent dispositions for the past ten (10) years of such applicant and any other person having a proprietary or profit interest therein; and in the case of corporations, clubs and associations, of each officer and/or member of the board of directors of such corporation, club, or association. Minor vehicular offenses may be omitted; however, driving while under the influence and reckless driving cases shall be disclosed. In giving such information, there shall be included the name of the court(s) and the disposition of each matter.

(c) In the case of applications by corporations, clubs, and associations, the person(s) making such application shall certify to the correctness, truthfulness and completeness

of the application and shall provide the ABC Board with their authority to proffer such application.

(d) An agreement by invitation from the permittee, allowing duly authorized agents of the ABC Board or other duly commissioned law enforcement officers of the state, county, or municipality in which the permitted establishment is located, to enter and search, without a warrant, the permitted premises or any building owned or occupied by the permittee in connection therewith, adjoining, adjacent to, or part of the curtilage thereof, whether used as a private dwelling or not, at any time.

(e) If requested by the ABC Board, evidence of ownership or lease of the real property where the permittee's business will be located, as follows:

1. If applicant owns property, a copy of the recorded deed as evidence of ownership.

2. If applicant has a contract to purchase property, a copy of the recorded sales 3 contract.

3. If applicant is leasing the property, a copy of the lease agreement, including information regarding:

(i) Lessor's primary business;

(ii) Lessor's involvement in any way with the tobacco business; and

(iii) Any further interest in, or connection with, the licensee's business by the lessor.

(g) Such other information as may, at their discretion, be requested by the ABC Board or agents thereof.

(2) In the event any false, incorrect, or incomplete information or statements are found on an application for a permit, the permittee is subject to revocation, or other disciplinary action by the ABC Board, at its discretion, and no waiver, estoppel, or laches will run against the State of Alabama, or the ABC Board, in connection with any false, incorrect, or incomplete information or statements made by an applicant on an application.

(3) It shall be the prerogative of the ABC Board, as part of the permit application procedure, to verify the truthfulness and veracity of all information contained within a permit application. Verification may include, but is not be limited to, personal interviews and community comment, as well as

criminal background information analysis through the Alabama Criminal Justice Information Center (ACJIC).

(4) Any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

**Author:** ABC Board

**Statutory Authority:** Code of Ala. 1975, §§28-3A-3(b); 28-11-4.

**History: New Rule:** Filed December 7, 1998; effective January 11, 1999.

#### **20-X-23-.02      Renewal Of Tobacco Permits.**

(1) A renewal application for a tobacco permit must be filed with the ABC Board on or before August 1 of each year.

(2) Failure to file for a tobacco permit renewal on or before August 1 in any year shall be cause for the ABC Board to not renew the permit. This will require submission for a new application if the permittee desires to continue to sell tobacco products.

(3) When an original tobacco permit is issued after August 1 of a permit year, a renewal application shall be filed simultaneously with the issuance of the original permit.

**Author:** ABC Board

**Statutory Authority:** Code of Ala. 1975, §§28-3A-5; 28-11-4.

**History: New Rule:** Filed December 7, 1998; effective January 11, 1999. **Amended:** Filed July 20, 2000; effective August 24, 2000.

#### **20-X-23-.03      Change Of Ownership, Management Or Name Of Permitted Establishments.**

(1) ABC Board permits shall be deemed to expire, terminate, or otherwise be void when there is a substantial change of ownership in the permitted business; when a permitted business is leased, rented or abandoned, or when possession is otherwise surrendered to another party or parties. However, a permit may be transferred as provided by statutes and these regulations.

(2) Upon the death of an individual permittee, sale of the permitted business, temporary closing of the permitted

business, or other interruption in the operation of a permitted business, the permit shall immediately be delivered to the local ABC Board field office, to be held pending the reopening of said business according to these regulations. However, where there is a surviving partner in a partnership entity possessing a permit, or a surviving spouse of a deceased permittee, such survivor may complete the current permit year without obtaining a new permit, provided: (a) the survivor notifies the ABC Board in writing within twenty (20) days after the death of the permittee, and (b) the survivor is otherwise qualified to hold a permit. A surviving spouse must complete a new application and receive local and state approval prior to operation the next permit year.

(3) When a permitted corporation elects new officers or directors, said corporation shall notify the ABC Board in writing within twenty (20) days thereafter. This letter shall contain the names, positions, social security numbers, places of birth, dates of birth, home addresses and how long the newly-elected officials have lived at said addresses. Social security numbers shall be disclosed for investigative purposes only. This section shall not apply to corporations whose shares are customarily and regularly traded or sold on recognized stock exchanges.

(4) When a non-corporate permittee has a change of ownership effecting 20% or more thereof, the permittee shall notify the ABC Board in writing within twenty (20) days thereafter, and a transfer application shall be submitted by the new entity created by such change of ownership. No person shall become owner, manager, or otherwise interested in the operation of a non-corporate permitted premise.

(5) Additional information concerning permitted businesses shall be submitted when requested by the ABC Board.

(6) In the event an ABC Board permittee changes its trade name during a permit year, the permittee must notify the ABC Board within twenty (20) days of such change.

(7) Any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

**Author:** ABC Board

**Statutory Authority:** Code of Ala. 1975, §§28-3A-23; 28-11-4.

**History: New Rule:** Filed December 7, 1998; effective January 11, 1999.

**20-X-23-.04      Permit Transfer.**

(1)            A tobacco permit issued by the ABC Board is not transferable or assignable except as herein provided.

(2)            If a location for which a permit is obtained is sold or transferred, the permit shall be transferred to the person obtaining control of the location and shall be valid for thirty (30) days after the property transfer.

(3)            If the transferee continues to desire to sell tobacco products, a new permit shall be obtained within thirty (30) days of such property transfer.

**Author:** ABC Board

**Statutory Authority:** Code of Ala. 1975, §§28-11-4; 28-11-7.

**History: New Rule:** Filed December 7, 1998; effective January 11, 1999.

**20-X-23-.05      Suspension Or Revocation Of Permit.**

(1)            Upon suspension or revocation of a permit and during the interim between the date on which notice of final adjudication of suspension or revocation is given to the permittee and the effective ending date of such suspension or revocation, the permittee is prohibited from purchasing tobacco products under said permit.

(2)            During a period of suspension, no new or different permit will be issued to any other applicant for the same location or in the same business name, as that of the suspended permittee; provided, however, this section is not intended to prohibit innocent landlords or lessors from exercising contractual rights under a rental agreement or a written lease in the event of default by a tenant or lessee.

(3)            Immediately following a final adjudicated decision on the question of suspension or revocation, a notice thereof shall be mailed to all appropriate peace officers in the county where the affected permit is located. Notice shall also be mailed to all wholesalers of tobacco products operating in the territory of the affected permit.

(4)            During a period of suspension, no tobacco products may be possessed, stored or sold, by the permittee on the permitted premises.

(5)            During the period of suspension or revocation of an ABC Board permit, the permittee shall post a sign, supplied by

the ABC Board, on the permitted premises stating that their permit has been suspended or revoked. The sign for a suspended permit shall read: "The privilege of selling tobacco products for these premises has been suspended by the Alabama Alcoholic Beverage Control Board from (Date) to (Date)." The sign for a revoked permit shall read: "The Alabama Alcoholic Beverage Control Board Permit Has Been Revoked for These Premises from (Date) to (Date)." This sign shall be displayed in a conspicuous location in or on a front window or door and shall be readily visible from outside the premises.

(6) Within ten (10) days from the beginning of any period of revocation, a compliance inspection of the premises by agents of the ABC Board shall be allowed, to ensure the removal of tobacco products from the premises if said premises is open for business to the general public, members or guests during the period of suspension or revocation.

**Author:** ABC Board

**Statutory Authority:** Code of Ala. 1975, §28-11-4.

**History: New Rule:** Filed December 7, 1998; effective January 11, 1999.