

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

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

Rule No. 20-X-5-15

Rule Title: Permits for Off-Site Tasting Rooms for In-State Wine Manufacturers and a Winery Association.

X New _____ 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 _____

7/18/10



ALABAMA ALCOHOLIC BEVERAGE
CONTROL BOARD

NOTICE OF INTENDED ACTION

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|-----------------------------|------------|---|
| <u>RULE NO. & TITLE</u> | 20-X-2-.01 | Glossary of Terms. |
| | 20-X-7-.07 | Wine Tasting. |
| | 20-X-7-.11 | Spirits Tasting. |
| | 20-X-8-.10 | Delivery of Alcoholic Beverages by Wholesalers and In-State Manufacturers of Beer and Wine. |

INTENDED ACTION: Amend rules.

SUBSTANCE OF PROPOSED ACTION: The agency proposes to amend the above rules consistent with newly enacted legislation. The proposed amendments to rules can be found on the ABC Board website www.abc.alabama.gov

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| <u>RULE NO. & TITLE</u> | 20-X-5-.15 | Permits for Off-Site Tasting Rooms for In-State Wine Manufacturers and a Winery Association. |
| | 20-X-6-.18 | Draft Beer for Off-Premises Consumption. |
| | 20-X-8-.14 | Requirements of Financial Responsibility by Manufacturers. |
| | 20-X-9-.04 | Record Keeping Requirements for In-State Manufacturers of Beer, Wine and Spirits, and Brew Pubs. |

INTENDED ACTION: Adopt new rules.


SUBSTANCE OF PROPOSED ACTION: The agency proposes to adopt new rules consistent with newly enacted legislation. The proposed new rules can be found on the ABC Board website www.abc.alabama.gov

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Interested persons may present their views in writing to the Administrative Procedures Secretary, Alabama ABC Board, 2715 Gunter Park Drive, West, Montgomery, Alabama 36109, or via email admin@abc.alabama.gov, to be received no later than September 7, 2016.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: September 7, 2016

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- 5-.15 Permits for Off-Site Tasting Rooms for In State Wine Manufacturers and a Winery Association

(1). Application for a permit.

(a). An application for a permit shall be in a form prescribed by the Board. Each applicant shall sign and swear to the application.

(b). Only one permit for one off-site tasting room shall be issued to a manufacturer licensee per license year.

(c). Once issued a permit shall be valid for the balance of the license year unless surrendered, suspended or revoked.

(2). Requirements.

(a). To be eligible to receive and hold a permit, an applicant must already hold a valid manufacturer license.

(b). The permitted premises shall be regarded the same as a licensed premises.

(c). Evidence of ownership or a lease for the real property where the applicant's off-site tasting room will be located.

(d). Any other information as may, at their discretion, be requested by the Board.

(3) Factors to Fulfill before Issuance of a Permit. Before issuing a permit the Board shall be satisfied that the applicant is a suitable person to hold an ABC permit and that the location is suitable for a tasting room. The location shall:

(a). Have been awarded approval from the local governing body.

(b). Meet all the requirements for on-premises licensees enumerated in Rule 20-X-6-.02.

(c). The off-site tasting room shall be limited to only one building or one premises within one building.

(4). Requirements of Financial Responsibility of a Permit Holder. All permit holders shall maintain liquor liability insurance as prescribed by Rule 20-X-5-.14. Coverage shall specifically include the off-site tasting room location.

(5). Regulation of Off-Site Tasting Rooms. In addition to all other requirements of law or rules and regulations of the ABC Board, all off-site tasting rooms shall comply with the following conditions:

(a). No one under 21 years of age may dispense or serve alcohol.

(b). All service for on-premise consumption shall be conducted by servers. No self-service permitted.

(c). All sales and consumptions must take place inside the licensed premise.

(d). Only products manufactured at the winery's primary premises may be sold at the off-site tasting room.

(e). Only products that have previously been approved for sale in the State may be sold or given away on the permitted premises.

(f). Records from wine sales and tastings shall be maintained at the permitted premises for three years. A duplicate record shall be maintained at the primary winery premises.

(6). The winery association shall verify yearly that it represents a majority of the in-state wineries.

(7). The board may, itself initiate, investigate and, if appropriate, disapprove and prohibit the continue tastings of any permitted site found to be operating in violation with the rules.