

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

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

Rule No. 20-X-7-.11

Rule Title: Spirits Tasting.

 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


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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 7/18/12

ALABAMA ALCOHOLIC BEVERAGE
CONTROL BOARD

NOTICE OF INTENDED ACTION

<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

<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-7-.11. Spirits Tastings.

(1) Spirits tastings may be permitted subject to the following terms and conditions:

(a) For the purpose of this regulations, the term "spirits" applies to the same alcoholic beverages as those defined under the term "liquor" in the Glossary of Terms, Regulation 20-X-2-.01, for this publication.

(b) Spirits tastings are restricted to the following licensed premises:

1. Lounge retail liquor, Class I and Class II.
2. Restaurant retailer liquor.
3. Club liquor, Class I & II.
4. Special events retail.
5. Special retails.

(c) All participants in any tastings shall be of legal drinking age. All spirit tasting events shall be subjected to the following requirements:

1. Notification shall be given by the licensee to the Board 30 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. Spirits tastings shall be of a structured nature, and not exceeed a period of 2-1/2 continuous hours. Tastings shall commence no later than six o'clock p.m. and not exceed a period of 2 hours.
6. ~~(e)~~ All spirits 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 ~~one-half~~ one-quarter ounce of the spirits and shall be limited to 2 products per tasting event. No more than three (3) samples may be furnished to a consumer in one calendar day.
7. ~~(f)~~ Spirits tastings ~~may~~ shall be conducted by licensed manufacturers or their representative on any of the licensed premises referred to in (1)(b) above. The representative shall be permitted to conduct spirits tastings utilizing its own personnel, or industry representatives with permits and identification with the assistance from retail personnel if desired. At all tastings, the manufacturer or manufacturer's representative 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.

(d) All spirit tasting events shall be subjected 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 license 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 a tastings.
3. The tasting area shall contain at a minimum one table. The wholesaler, manufacturer, or its representative shall be present at the table during 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 apart from the benefit of creating interest in the product for future sales.
 6. No promotions, sweepstakes, prizes, or contests shall be held during a tasting event.
 7. Tasting events shall not be advertised outside the licensed premises.
- (e). The licensee shall be held responsible for a tasting event held on their licensed premises.
- (f). 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.

AUTHOR:

ABC Board

STATUTORY AUTHORITY:

Code of Ala. 1975, § 28-3-49.

HISTORY:

New Rule: Filed May 2, 2001; effective June 6, 2001.