

APA-2

Alabama Alcoholic Beverage Control Board

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Alcoholic Beverage Control Board

RULE NO. & TITLE:

Chapter 20-X-6-.20 Wine Containers for On-and Off-Premises or Off-Premises Only Sales

INTENDED ACTION:

Amend the chapter

SUBSTANCE OF PROPOSED ACTION:

This chapter is being updated to reflect updated procedures of the Board. Please see the ABC Board website www.alabcboard.gov for full text of proposed changes and additions.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Interested persons may present their views in writing to the Administrative Procedures Secretary, Dana Barlow, Alabama ABC Board, 2715 Gunter Park Drive, West, Montgomery, AL 36109 or email legal@abc.alabama.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

October 5, 2022

CONTACT PERSON AT AGENCY:

Lilla Granger
ABC Attorney
2715 Gunter Park Drive, West
Montgomery, AL 36109



(Signature of officer authorized to promulgate and adopt rules or his or her deputy)

20-X-6-.20 Wine Containers For On- And Off-Premises Sales.

(1) Pursuant to 28-3A-14 and 28-3A-15, holders of an ~~060~~ on- and off-premises retail table wine license or off-premises only retail table wine license may offer for sale, wine in containers as approved by the ABC Board.

(2) In order to be approved, containers must be inspected by ABC Board personnel for compliance with this chapter, and a photograph of the approved container ~~placed in the licensee file maintained on file at the ABC Board.~~

(3) Those locations conducting sales of wine for on-premises consumption must conform to statutes contained in Title 28 and all ABC Rules and Regulations as required for consuming on-premises.

(4) All off-premises retail sales must meet the following requirements:

(a) All sales must be in a sealed container and cannot exceed a total of 128 ounces or one gallon.

1. A sealed container is a container that has never been used and has a secure lid or cap designed to prevent consumption without the removal of the lid or cap which must be tamper-evident. The container may not include a lid with an opening for a straw or sipping holes.

2. A tamper-evident lid or cap is one that has been sealed with a tamper-evident cover, including but not limited to wax dip, heat shrink wrap, or an adhesive seal or tape affixed to the lid and container in such a way that will be evident if the seal, tape or wrap has been broken, tampered with and/or re-sealed. Whichever method is used, any breaking, rolling,

unraveling, separation, or any condition of the seal such that said seal is in a condition other than as approved by the ABC Board is prima facia evidence of a violation of this section.

3. The sealed container must be conspicuously labeled with the words, "Contains Alcohol".

(b) Any alcohol dispenser must not be within reach of a customer. All alcohol must be dispensed and the container sealed by the licensee or an employee of the licensee at the point of sale.

(c) Off-premises sales of containers of table wine may not exceed 256 ounces or two gallons per customer per day.

(d) All sealed containers of table wine must be kept sealed at all times during vehicular transportation from the place of purchase to the destination.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, §28-3-49. **History:** New

Rule: Published August 31, 2021; effective October 15, 2021.