

APA-3
Revised 1/2018

CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on the 27th day of October, 2022, and filed with the agency secretary on the 1st day of November, 2022.

AGENCY NAME: Alabama Alcoholic Beverage Control Board

Amendment New Repeal (Mark appropriate space)

Rule No. 20-X-6.20

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Wine Containers For On- and Off-Premises Sales

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:
This rule was adopted without changes after public comments.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XL,
ISSUE NO. 11, AAM, DATED August 31, 2022.


Statutory Rulemaking Authority: Code of Alabama, 1975, §28-3-49

(Date Filed)
(For LSA Use Only)

REC'D & FILED

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LEGISLATIVE SVC AGENCY



Certifying Officer or his or her
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.

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 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 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.

Amended: Published August 31, 2022; effective January 15, 2023.