

Regulation Of Licensees Operating As "Package Stores".

(1) In addition to all other requirements of law or rules and regulations of the ABC Board, all private club licensees and all lounge retail liquor licensees which operate their licensed premises primarily for the off-premises sale of alcoholic beverages shall comply with the following conditions:

(a) The licensee shall have a minimum of 500 square feet of floor space for the display and sales of alcoholic beverages. The required square footage shall not include areas of the licensed premises which are not open to the patrons or general membership of the licensee and/or which are used for office space, storage or restroom facilities.

(b) Notwithstanding any provisions contained herein to the contrary, the licensee is authorized to sell only pre-packaged snack items, cheeses, beverage containers, keg tabs, home bartending supplies, disposable coolers, tobacco products, alternative nicotine product and electronic nicotine delivery systems, ice, fruit juices, mixers, and items commonly used as garnishments for mixed drinks. The licensee shall not sell any items that are not explicitly allowed by this regulation, including, but not limited to, general grocery items, novelties, clothing or any other items of general merchandise. Sale of any items listed above shall in no way be used to promote, persuade, or influence the sale of alcoholic beverages. Therefore, the licensee cannot give as a gift or reduce the price of these items when the same is conditioned on the purchase of an alcoholic beverage.

(c) Any interior door, window or passageway which opens or may be opened into an adjoining building may be used only by the licensee and its employees. Such interior openings must be unavailable to the patrons or customers of the licensee and such passageways must be clearly marked "employees only".

(d) The licensee shall at all times have in its possession a physical inventory of liquor and/or wine having a minimum wholesale cost of \$5000.00. The inventory of liquor and/or wine must have been produced by at least two distilleries and two wineries.

(e) The licensee shall not advertise alcoholic beverages with signs of any kind on the outside of the premises, or identify its premises, prices or location by the use of flashing or blinking signs.

(2) Any licensee whose license was issued prior to September 30, 1985, shall be exempt from conditions set forth in paragraph 1(a). No transfer of any license hereby exempted from 1(a) shall be permitted unless and until the premises are brought into compliance with the same.

(3) In accordance with Title 28, Chapter 11, Lounge Retail Liquor licensees, which operate their premises as off premises only, may sell electronic nicotine delivery systems provided the licensed premises:

(a) Has proper permits to allow the sale of Electronic Nicotine Delivery Systems.

(b) Is restricted to individuals 21 years of age or older.

(c) Has an employee present in the sales and service area at all times when open.

(d) Follows all other requirements of law or rules and regulations of the ABC Board pertaining to both license types.

(4) In accordance with Title 28, Chapter 12, Lounge Retail Liquor licensees, which operate their premises as off premises only, may sell consumable hemp products, including topical and sublingual products, and hemp beverages provided the licensed premises:

(a) Has, in addition to the Lounge Retail Liquor license, a valid Consumable Hemp Retailer License.

(b) Is restricted to individuals 21 years of age or older.

(c) Has an employee present in the sales and service area at all times when open.

(d) Shall not conduct any tastings or allow any consumption of the product on the premises.

(e) Follows all other requirements of law or rules and regulations of the ABC Board pertaining to both license types.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, §28-3-49; 28-11-7.1; 28-12-3; 28-12-40.

History: Repealed and New Rule: Filed August 21, 1998; effective October 16, 1998. **Amended:** Published August 31, 2021; effective October 15, 2021. **Amended:** Published _____; effective _____.