

1 SB167  
2 204154-4  
3 By Senators Jones, Price, Barfoot, Stutts, Whatley and Marsh  
4 RFD: Tourism  
5 First Read: 02-FEB-21

1 SB167

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 Relating to wine; to add Section 28-3A-20.4 to the  
12 Code of Alabama 1975; to provide for licensure for wine  
13 festivals and wine festival participants; to authorize a  
14 winery to provide tastings and sell its wine for on-premises  
15 or off-premises consumption at a wine festival; and to require  
16 the Alcoholic Beverage Control Board to adopt rules and issue  
17 licenses.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. The Legislature hereby finds and declares  
20 that this act has been enacted pursuant to the authority  
21 granted to the state under the Twenty-first Amendment to the  
22 United States Constitution and the powers reserved to the  
23 state under the Tenth Amendment to the United States  
24 Constitution and the inherent powers of the state under the  
25 Constitution of Alabama of 1901. It is the intent of the  
26 Legislature that this act maintains the current three-tier  
27 system of control over the sale, distribution, purchase,

1 transportation, manufacture, consumption, and possession of  
2 alcoholic beverages in the state and promotes the health,  
3 safety, and welfare of residents of this state.

4 Section 2. Section 28-3A-20.4 is added to the Code  
5 of Alabama 1975, to read as follows:

6 §28-3A-20.4.

7 (a) (1) Notwithstanding any other section of this  
8 title, including, but not limited to, Sections 28-3A-6,  
9 28-3A-25, and 28-7-4, the board, upon application made on a  
10 form provided by the board at least 25 days in advance of the  
11 event for which a license is sought and accompanied by a fee  
12 not to exceed fifty dollars (\$50), shall issue a license for a  
13 wine festival to a manufacturer of wine licensed by the board  
14 manufacturing at least 500 gallons of table wine in this state  
15 annually; a retailer; an organization comprised entirely of  
16 grape growers, wineries, or grape growers and wineries; a  
17 municipality; a county; or an incorporated arts council, main  
18 street program, or downtown development entity upon such terms  
19 and conditions as the board may prescribe by rule.

20 (2) The wine festival license shall authorize the  
21 licensee to host a festival at which wine festival participant  
22 licensees may dispense tastings and sell at retail to  
23 individuals physically present at the festival for on-premises  
24 or off-premises consumption and for personal use and not for  
25 resale, subject to subsection (d).

26 (b) A wine festival licensed under this section may  
27 not operate for more than five consecutive days.

1           (c) (1) Upon application made on a form provided by  
2 the board at least 15 days in advance of the event for which a  
3 license is sought and accompanied by a fee not to exceed  
4 fifteen dollars (\$15), the board shall issue a wine festival  
5 participant license to any retailer or any manufacturer of  
6 table wine licensed by the board that manufactures at least  
7 500 gallons of table wine in this state annually.

8           (2) A wine festival participant license shall  
9 authorize the licensee to dispense tastings and sell at retail  
10 to individuals physically present at the festival for  
11 on-premises consumption or off-premises consumption and for  
12 personal use and not for resale, subject to subsection (d).

13           (d) (1) Wine sold at a wine festival for off-premises  
14 consumption shall only be sold by a wine festival participant  
15 licensee and shall be sealed, labeled, and packaged in  
16 accordance with local, state, and federal laws and  
17 regulations.

18           (2) A wine festival participant licensee may not  
19 sell more than one case of wine to any individual per  
20 festival.

21           (3) For purposes of this section, one case of wine  
22 means the equivalent of 12 750-milliliter bottles of wine.

23           (e) The sale of wine at any wine festival may not be  
24 permitted on any Sunday in a county or municipality that has  
25 not authorized alcoholic beverages to be sold on Sunday.

26           (f) If a wine festival is to take place entirely on  
27 the premises of the winery that was granted the license to

1 host the wine festival or a winery that is a member of the  
2 organization granted the license to host the festival, then  
3 the board may not require any fee for the wine festival  
4 license or any wine festival participant license relating to  
5 that festival.

6 (g) Each wine festival participant licensee  
7 participating in a wine festival shall collect and remit all  
8 state and local sales and use taxes and all excise and other  
9 taxes due on the sale of wine by the licensee to customers at  
10 retail.

11 (h) The board may not limit or prohibit the serving  
12 or featuring of food at a licensed wine festival, provided  
13 that the person serving or featuring food complies with all  
14 applicable laws and rules.

15 (i) For purposes of this section, "retailer" means a  
16 retailer licensed for off-premises consumption of table wine.

17 (j) The board may adopt rules to implement this  
18 section, including, but not limited to, rules regarding the  
19 liability of a wine festival participant licensee.

20 Section 3. If any provision of this act or its  
21 application to any person or circumstance is determined by a  
22 court to be invalid or unconstitutional, that provision shall  
23 be stricken and the remaining provisions shall be construed in  
24 accordance with the intent of the Legislature to further  
25 limit, rather than expand, commerce in alcoholic beverages,  
26 including by prohibiting any commerce in alcoholic beverages  
27 not expressly authorized, and to enhance strict regulatory

1 control over taxation, distribution, and sale of alcoholic  
2 beverages through the existing uniform system of regulation of  
3 alcoholic beverages.

4 Section 4. This act shall become effective on the  
5 first day of the third month following its passage and  
6 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Tourism..... 02-FEB-21

Read for the second time and placed on the calen-  
dar..... 10-FEB-21

Read for the third time and passed as amended .... 11-MAR-21

Yeas 29  
Nays 0

Patrick Harris,  
Secretary.