

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

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

Rule No. 20-X-6-.18

Rule Title: Draft Beer for Off-Premises Consumption.

X New _____ 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

.....
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 _____


7/19/16

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.

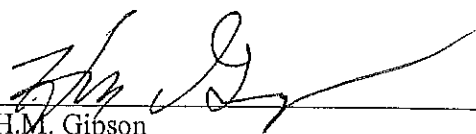
SUBSTANCE OF PROPOSED ACTION: The agency proposes to adopt new rules consistent with newly enacted legislation. The proposed new rules can be found on the ABC Board website www.abc.alabama.gov

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-6-.18. DRAFT BEER FOR OFF-PREMISES CONSUMPTION.

- (1) A licensee authorized to sell draft beer for off- premise consumption and their employees may fill, refill, and sell beer in a refillable container or jug that is glass, ceramic, aluminum, stainless steel or other material approved by the board that is no larger than 128 ounces in size and must be capable of being securely sealed in a manner approved by the Board. Plastic containers may be used, but are not reusable.
- (2) Beer for purpose of this rule, means beer as defined by Section 28-3-1(3) of the Code of Alabama, 1975.
- (3) Filling and Refilling Requirements.
 - (a) The container shall have the capacity to hold no more than 128 ounces.
 - (b) The container shall be filled or refilled only by the licensee or the licensee's employees who are 21 years of age or older.
 - (c) The container shall be filled or refilled only at the time of the in-person sale is made and only with beer from the original container.
 - (d) A licensee may exchange a container that can be refilled, provided the exchange occurs at the time of the in-person sale.
 - (e) Prior to filling and refilling , the container and its cap shall be cleaned and sanitized by the licensee or the licensee's employee in compliance with the rules for refilling returnables established by the United States Food and Drug Administration and the Alabama Department of Public Health.
- (4) Restrictions.
 - (a) A container shall not be filled in advance of a sale.
 - (b) A container filled pursuant to this rule shall not be delivered or direct-shipped to a consumer.
 - (c) A container filled pursuant to this rule shall not be sold or otherwise distributed to a retailer.
 - (d) A licensee or a licensee's employee shall not allow a consumer to fill or refill a container.
 - (e) The filling, refilling and selling of a container shall be limited to the hours in which beer may be legally sold.
 - (f) A filled or refilled container shall not be sold or provided to any consumer who is under the age of 21 or who appears, considering the totality of the circumstances, to be intoxicated.
- (5) Sealing Requirements. A filled or refilled container shall be securely sealed at the time of sale by the licensee or the licensee's employee in the following manner:
 - (a) A container shall bear a twist-type cap, screw-on cap, flip-top lid, stopper, or plug.
 - (b) A plastic heat shrink wrap band, strip, or sleeve shall extend around the cap, lid, and stopper or plug to form a seal that must be broken upon the opening of the container.
 - (c) A container will not be regarded as sealed unless the seal is unopened and has not been tampered with and the contents have not been partially removed.
- (6) Labeling Requirements. Containers that are filled or refilled on demand shall be affixed with a label that contains the following information:
 - (a) The brand name of the product dispensed.
 - (b) The name of brewer or bottler.
 - (c) Net contents.
 - (d) Name and address of business that filled or refilled the container.
 - (e) Date of fill or refill.
 - (f) The amount of alcohol by volume.

(g) The alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, 27 C.F.R. Sections 16.20 through 16.22.

Author: ABC Board

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

History: