

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

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

Rule No. 20-X-9-.04

Rule Title: Record Keeping Requirements for In-State Manufacturers of Beer, Wine and Spirits, and Brew Pubs.

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


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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.

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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- 9-.04. Record Keeping Requirements for In-State Manufacturers of Beer, Wine and Spirits, and Brew Pubs

- (1) Manufacturer licensees engaged in the manufacture of less than 60,000 barrels of beer per year; and brew pub licensee engaged in the manufacture of less than 10,000 barrels of beer per year; and wineries engaged in the manufacturing of less than 50,000 gallons of table wine per year; and any licensed winery association operating an off-site tasting room; and manufacturer licensees engaged in the manufacture of spirits shall:
 - (a) Maintain the beer and the wine label approval documentation from the Board's licensing and compliance division and for spirits the listing code with documentation from the Board's product management division.
 - (b) Beer and spirits manufacturers shall file with the ABC Board prior to the twentieth day of each month and wine manufacturers prior to the tenth day of each month, a full and accurate report of the previous months sale containing the following:
 1. Daily retail sales of all beer, malt-based beverages, table wine, or liquor sold for consumption that includes the number of bottles, the number of cases, the number of containers per case, and the size of the container.
 2. The date of the sale, an invoice or transaction number and a notation indicating an on – premise or an off- premise sale.
 3. Off – premise sales reporting shall include the purchaser's name, address, telephone number, date of birth, and shall be subject to verification by the ABC Board.
- (2) Beer manufacturers shall report and pay appropriate tax due to the ABC Board prior to the twentieth day of each month following the month of production and or sale of product:
 - (a) The amount of beer produced on site and the amount of beer produced by a parent, subsidiary, affiliate or contract brewery.
 - (b) The amount of beer donated and delivered to a licensed charitable special event, the date of the event, the venue, the name of the charity receiving the donation, and the ABC license number assigned to the event.
- (3) Brewpub licensees shall report and pay appropriate tax due to the ABC Board prior to the twentieth day of each month following the month of production and or sale of product:
 - (a) The amount of beer brewed on site.
 - (b) The amount of beer donated and delivered to a licensed charitable special event, the date of the event, the venue, the name of the charity receiving the donated beer, and the ABC license number assigned to the event.
- (4) Wine manufacturer licensees shall report and pay appropriate tax due to the ABC Board prior to the fifteenth day of each month following the month of production and or sale of product:
 - (a) The amount of wine produced on site.
 - (b) The amount of wine donated and delivered to a licensed charitable special event, the date of the event, the venue, the name of the charity receiving the donated wine, and the ABC license number assigned to the event.
- (5) Spirits manufacturer licensees shall report the amount of spirits produced on site and pay appropriate tax due to the ABC Board, prior to the fifteenth day of each month following the month of production and or sale of product.

Author: ABC Board

Statutory Authority: *Code of Ala. 1975*, §§ 28-3-7 through 28-3-11; 28-3-49

History: