ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD
ADMINISTRATIVE CODE

CHAPTER 20-X-35
HEARING COMMISSION FOR CONSUMABLE HEMP PRODUCTS

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20-X-35-.01 Hearing Commission

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(1) The Hearing Commission shall be comprised of at least three people designated by the ABC Board, one of whom, unless otherwise designated, shall be the ABC Board Administrator. Hearings before the Hearing Commission shall be conducted before the Administrator and two other persons from a pool of designated Commissioners. The Administrator shall be the Chairperson thereof, but may at his/her discretion, appoint a representative from the designated pool of Commissioners to chair the Commission in his/her absence.

(2) The Hearing Commission shall convene at least once a month, unless otherwise designated by the Administrator.

(3) Contested license applications and disciplinary charges against a licensee may be referred to the Hearing Commission for appropriate action.

(4) The Hearing Commission shall in each case referred to it, conduct a hearing, and thereafter, take one of the following discretionary actions:

(a) Find no cause for action by the Commission or insufficient evidence to justify any action under the complaint and dismiss the complaint;

(b) Suspend or revoke the license;

(c) Adjudge the appropriate fine for each separate offense;

(d) Grant or deny the license in application cases.

(5) A licensee or applicant shall be notified in writing by the Hearing Commission of its decision within fifteen (15) days after the hearing. The notification shall include a statement that the licensee or applicant has the right to appeal on the record to the ABC Board. In the event the Hearing Commission, for good cause shown, is unable to render a decision within fifteen (15) days,

then the notification shall be provided to the licensee or applicant within fifteen (15) days after a decision is rendered.

(6) A licensee or applicant shall have fifteen (15) days from receipt of notification of the action of the Hearing Commission in which to appeal to the ABC Board. Such notice of appeal shall be in writing and shall be signed by the licensee, applicant, their duly authorized agent or attorney. The appeal is deemed filed and perfected upon hand delivery to the office of the ABC Administrator, within the allotted time, or by U. S. postmark within the allotted time.

(a) If no appeal is taken, the decision of the Hearing Commission shall be deemed final on the 16th day after the licensee or applicant received notification of the action of the Hearing Commission.

(b) If the licensee or applicant makes a timely appeal of the Hearing Commission's decision to the ABC Board, the Board's decision on the appeal becomes the final administrative decision on the date so rendered. Upon consideration of the appeal, the ABC Board shall: (1) affirm the decision of the Hearing Commission; or (2) modify or amend the decision of the Hearing Commission; or (3) reverse the decision of the Hearing Commission and substitute therefor its own decision with Findings of Fact.

(7) An appealing licensee or applicant must pay to the ABC Board the reasonable costs of transcribing the record before the Hearing Commission, not to exceed $10.00 per page. The Board may require the payment of an advanced deposit prior to such transcription. In no case shall the ABC Board consider an appeal from the Hearing Commission where the transcription cost has not been paid. If the appeal prevails, any money deposited for transcription, in accordance with this paragraph, shall be returned to the appealing licensee or applicant.

(8) Any additional evidence not available before the Hearing Commission may be submitted to the ABC Board by affidavit or exhibit. The ABC Board may, at its discretion, consider the same on appeal.

(9) In cases where there is no appeal from a final administrative decision of the Hearing Commission or the ABC Board, the ABC Board in its discretion, after a period of sixty (60) days, subsequent to the last day an appeal might be perfected, may destroy any and all documentary evidence introduced at the contested hearing, including the recorded testimony thereof.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, §§28-3A-24; 28-3A-26; 28-12-42.

History: **New Rule:** Published October 31, 2025; effective December 15, 2025, operative January 1, 2026.