ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD
ADMINISTRATIVE CODE

CHAPTER 20-X-6
OPERATION OF LICENSED PREMISES

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20-X-6-.01 Licensed Premises.

(1) Any ABC Board licensee and/or any person applying initially for an ABC Board license, by virtue of holding such license or

making such application does agree, invite, consent, and authorize personnel of the ABC Board, as well as commissioned law enforcement officers having proper jurisdiction, at any time, to enter and search the premises, observe the operation, and otherwise enforce state laws, and rules and regulations of the ABC Board in or about the premises, without a warrant, including not only the licensed premises but any building owned or occupied by the licensee in connection therewith, adjoining, or adjacent thereto, whether or not connected or used by the licensee as a private dwelling.

(2) Any ABC Board licensee and/or any person applying initially for an ABC Board license, by virtue of holding such a license or making such application, does agree, invite, consent and authorize personnel of the ABC Board to examine and inspect equipment, stocks, invoices, receipts, books, papers and related records and to make copies of the same at any time during normal operating hours of the ABC Board or of the licensee.

(3) The premises of any club licensee shall not be deemed to be the home or private premises of any member thereof. However, by applying initially or seeking renewal of such license, all officers and members of the club do agree, consent, authorize, and accept this definition of the club premises and the invitation to search, supervise, observe, and enforce the laws and regulations of the ABC Board as set forth in Section (1) above.

(4) Where private living quarters are maintained in the same structure in which an ABC Board licensed business is operated, such living quarters shall be considered part of the licensed premises and shall be subject to warrantless full inspection and supervision by the ABC Board as in any other part of the licensed premises.

(5) Individual hotel and motel rooms occupied by registered guests shall be considered private and not a part of the licensed premises nor subject to the provisions of this regulation.

(6) ABC Board licensees shall be accountable to the ABC Board for criminal conduct which occurs or is suffered to occur on any part of the licensed premises. Where the ABC Board or Hearing Commission finds such criminal conduct to be allowed, caused, permitted, or suffered to occur by the licensee, employees or agents thereof, the licensee's license shall be subject to disciplinary action.

(7) Any ABC Board licensee found on or off the licensed premises, possessing, transporting, selling, receiving, giving, or otherwise dealing with alcoholic beverages without having paid the appropriate Alabama tax thereon, shall be subject to disciplinary action.

(8) Any ABC Board licensee, officer, or agent thereof violating any criminal law or statute of the State of Alabama, whether or not occurring on the licensed premises, may subject the licensee to disciplinary action.

(9) ABC Board retail licensees licensed to sell beer or wine for off-premises consumption may contain facilities for the sale of beer or wine or both, but may not sell liquor, by means of a "drive-up", "walk-up", or "drive- thru" window or other type of exterior access. All rules governing the sale of alcohol and tobacco still apply and it is the responsibility of the licensee to ensure that there are no sales of alcohol or tobacco to minors, there are no sales of alcohol to intoxicated individuals, and that all sales of beer and/or wine are made in sealed containers in accordance with Title 28 and ABC Rules and Regulations. Those licensees conducting beer and wine sales by the above-mentioned means of exterior access shall:

(a) Post, in a well-1ighted area near the exterior access, a sign which must be visible to customers purchasing beer and/or wine. The sign must be a minimum of 18" X 24" and read:

1. Containers must remain sealed at all time during vehicular transportation from the place of purchase to the destination.

2. It is unlawful for a person in a motor vehicle to have in his or her possession alcoholic beverages of any kind, in an open container, on a public highway or right-of-way of a public highway of this state (see 32-5A-330, Code of Ala. 1975).

(b) Have exterior lighting that complies with applicable building codes. All lighting must be functional. If the vehicle has tinted windows, the windows must be lowered prior to the sale.

(c) Require valid proof of age in accordance with 20-X-6-. 09(d) to verify the individual purchasing beer and /or wine is at least 21 years old. If there are multiple occupants in the vehicle, and it appears, under the totality of the circumstances, that the driver may be purchasing alcohol for another person in the vehicle, the licensee, employee or agent of the licensee must require valid proof of age from each occupant.

(d) Refuse to sell, furnish or give beer and/or wine to any person if such person appears, under the totality of the circumstances, to be intoxicated. If the intoxicated individual is the driver of the vehicle, the licensee, employee or agent of the licensee should make every attempt to, at the time of the refusal, report the driver to the nearest law enforcement agency.

(10) All ABC Board licensees shall display their current ABC licenses in public view on the licensed premises.

(11) ABC Board licensees shall not rent, furnish, or maintain beverage locker service or storage service for the keeping of alcoholic beverages by customers, patrons, or consumers.

(12) No ABC Board licensee shall allow on the licensed premises the consumption and/or possession of any type of alcoholic beverage which the licensee is not authorized to sell. Further, the practice of brown bagging, or customers bringing their own alcoholic beverages is prohibited on ABC Board licensed premises. This brown bagging provision shall not apply to alcoholic beverages, for which the appropriate Alabama tax has been paid, which are brought on the premises of Class I Club (not operated for pecuniary gain) licensees.

(13) Any ABC Board licensee which requires its members or patrons to possess keys, card keys, code numbers, membership cards or other such mechanisms as a condition to gaining access to its licensed premises, shall provide and supply to the ABC Board upon initial issuance of the license and/or renewal, access to and evidence of such mechanisms so as to allow entry by ABC Board personnel upon the licensed premises at any time during normal business hours for the purpose of observing the normal operation thereof. Any changes or modifications to the premise entry mechanisms during the license year shall be brought to the attention of the ABC Board immediately. Failure to provide this information shall, at the ABC Board’s discretion, be grounds for disciplinary action against the licensee.

(14) All sales and service of alcoholic beverages by any ABC Board retail licensee shall be made within the interior of buildings situated upon the licensed premises, except as provided in the Code of Ala. 1975, and ABC Board Regulations 20-X-6-.07, 20-X-6-.01(15), 28-3A-6.1, 28-3A-6.2, and ACT 2021-188.

(15) It shall be permissible for an ABC Board licensee who is licensed to sell alcoholic beverages for on-premises consumption, off-premises consumption, or both, to sell alcoholic beverages for off-premises consumption only, using curbside pick-up or takeout. Curbside pick-up or takeout is considered an order, placed with the licensee, that is brought to the customer's vehicle in the parking lot of the licensed premises, or picked up at the licensee's place of business. All licensees primarily operating as "package stores" may only sell items allowable under 20-X-5-.13. Purchased goods, including alcoholic beverages, must be placed in the customer's vehicle within a clearly designated, well lighted pickup/takeout area. Upon delivery of alcoholic beverages to a customer's vehicle, an employee of the licensee must verify that the recipient is 21 years of age or older by reviewing an allowable form of identification listed in 20-X-6-.09(d). If identification cannot be verified, or if the driver appears to be

intoxicated, all alcoholic beverages must be removed from the order and the customer will not be charged for any removed products. Any employees handling alcoholic beverages in the designated pickup area must be 21 years of age or older. The ABC Board shall have the right to deny any ABC Board licensee permission to sell alcoholic beverages for curbside pickup or takeout services if it determines that the licensee does not have proper processes and safeguards in place to ensure compliance with this provision.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-2; 28-3-19; 28-3-49; 28-3A-23; 28-3A-25; 28-3A-6.1; 28-3A-6.2.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998. **Amended:** Filed March 17, 2004; effective April 21, 2004. **Amended:** Filed August 17, 2018; effective October 1, 2018. **Amended:** Published August 31, 2021; effective October 15, 2021. **Amended:** Published November 30, 2022; effective January 14, 2023.

20-X-6-.02 On-Premises Licensees.

(1) All ABC Board on-premises licensees must have restroom facilities which conform to standards and requirements established by state, county and, when applicable, municipal health departments.

(2) All ABC Board on-premises licensees must have facilities to properly sanitize containers used to dispense alcoholic beverages. Such facilities must conform with standards and requirements established by federal, state, county, and when applicable, municipal health departments.

(3) An ABC Board on-premises licensee is prohibited from conducting, sponsoring or allowing any type of contest which requires participants to consume alcoholic beverages on the licensed premises.

(4) No ABC Board on-premises licensee, employee or agent thereof shall serve any person alcoholic beverages if such person appears, considering the totality of the circumstances, to be intoxicated.

(5) No ABC Board on-premises licensee, employee or agent thereof, engaged in serving customers, may consume alcoholic beverages during working hours.

(6) All ABC Board licensees authorized to conduct retail sales on-premises shall designate and mark an area no smaller than 500 square feet solely for service and consumption on-premises. The on-premises consumption area shall not contain sales or display items.

(a) This area shall be open and available to customers for on-premises consumption at all times that alcoholic beverages are available for sale at that premises.

(b) An employee shall be present in and maintain control of the on-premises area at all times the business is open for operation.

(c) No patron shall be allowed to leave the on-premises area or the licensed premises with an open container of alcoholic beverage.

(7) All ABC Board licensees authorized to conduct retail sales on-premises shall at all times provide tables and seating adequate to accommodate no less than 16 persons within the designated on-premises consumption area.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §28-3-49.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998. **Amended:** Filed April 2, 2010; effective May 7, 2010. **Amended:** Published August 31, 2021; effective October 15, 2021.

20-X-6-.03 Use And Disposition Of Original Liquor Containers.

(1) Except as authorized herein or in accordance with 28-3A-20.3, Code of Ala. 1975, no liquor product may be kept or maintained on any ABC Board licensed premises at any time in any container, bottle, or receptacle, other than the original bottle prepared by the manufacturer with proper taxes paid thereon. Any liquor in possession or custody of the licensee found on the licensed premises and not in compliance with this regulation shall be seized as contraband and may subject the licensee to disciplinary action.

(2) No ABC Board licensee shall have more than one bottle of each brand of liquor opened at each serving station at any time in the licensed establishment, provided however, the licensees may dispense liquor from a pre-mix dispenser in accordance with ABC Board Regulation 20-X-6-.05 or from an automatic dispensing system.

(3) ABC Board licensees authorized to sell liquor are required to destroy, as soon as reasonably possible, all empty liquor bottles. It is not permitted for any such licensee to refill any alcoholic beverage container.

(a) "Destroy" is defined as rendering the containers or bottles unsuitable for reuse by such means as removing or defacing the label, breaking, crushing, or smashing the containers or bottles.

(b) "As soon as reasonably possible" is defined as immediately after use, serving, or consuming the contents thereof, all empty bottles shall be immediately segregated from existing usable inventory.

Author: ABC Board
Statutory Authority: Code of Ala. 1975, §28-3-49.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998. **Amended:** Published August 31, 2021; effective October 15, 2021.

20-X-6-.04 Sale Of Alcoholic Beverages By Retail Licensees.

(1) All ABC Board retail liquor licensees may dispense liquor, with and/or table wine from any size container purchased from ABC Board wholesale stores or as otherwise authorized by the ABC Board.

(2) The quantity of liquor served in an individual drink shall be posted within the licensed premises in a conspicuous place on or behind the service area and on any food or beverage menu. The posted notice, except in food or beverage menus, shall be no less than 8.5" x 11" and shall read, "All drinks contain __ ounces of liquor, unless special ordered." Letters shall be no less than two (2) inches in height.

(3) No ABC Board retail liquor licensee shall at any time, have more than one (1) bottle of alcoholic beverages open for use at any serving station. Provided however, the licensees may dispense such beverages from a pre-mix dispenser in accordance with ABC Board Regulation 20-X-6-.05 or from an automatic dispensing system.

(4)(a) All purchases by ABC Board retail licensees of any alcoholic beverages containing distilled spirits, except those products defined as table wine in 20-X-2, shall be made only from an ABC Board wholesale store. All receipts for purchases of alcoholic beverages by retail licensees shall be retained for a period of three (3) years from the date of purchase. At a minimum, one (1) year of receipts shall be maintained on the licensee's premises and immediately available upon request. After which such records may be maintained at a central location of the licensee within the State of Alabama and available for inspection within a reasonable period of time by ABC Board personnel or any other authorized individual. These records may be maintained using an electronic method, provided that the records may be immediately transferrable upon request by an ABC employee.

(b) Notwithstanding the above, any person holding a valid ABC retail license for on-premises sales is authorized by the board to make limited Saturday purchases from ABC retail stores. This exception is made to allow emergency purchases necessary to

accommodate on-premises licensees for weekend sales. These Saturday sales shall be limited to the following:

(i) No product with limited allocation may be purchased.

(ii) No ABC Barrel Picks may be purchased.

(iii) No quantities of alcoholic beverages equaling a full case or more of the same product may be purchased. If available supply is limited, ABC store employees may further reduce the amount available to be purchased by these ABC retail licensees.

(c) Any licensee purchasing from ABC retail pursuant to this section must retain said receipt and maintain that receipt in the same manner as required for all wholesale alcoholic beverage purchases. All purchases must comply with all laws and regulations of the State of Alabama. Any Saturday purchases made after notification of a block on the license is made to the licensee or an agent thereof will be considered a violation of this section and may result in disciplinary action up to and including suspension or revocation of the license. Illegally purchased product will be considered contraband and may be seized by agents of the board.

(d) Nothing in this section lessens the requirement that licensees purchase only from ABC Wholesale for all purchases made at all other times other than as allowed by (4)(b) and that receipts from all purchases be maintained by the licensee as required by the Board.

(5) An ABC Board retail licensee shall not sell to any person or other licensee for purposes of resale, nor shall such licensee purchase or attempt to purchase alcoholic beverages from another ABC Board retail licensee.

(6) All ABC Board retail licensed premises shall be adequately lighted for purposes of observing the operation thereof or patrons therein.

Author: ABC Board
Statutory Authority: Code of Ala. 1975, §28-3-49.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998. **Amended:** Filed October 5, 2004; effective November 9, 2004. **Amended:** Published August 31, 2021; effective October 15, 2021. **Amended:** Published July 31, 2026; effective September 14, 2026.

20-X-6-.05 Dispensers Of Pre-Mixed Beverages.

(1) When necessary to the efficient and economical operation of a retail liquor licensed premises, any such licensee may use

dispensers for pre-mixed beverages after first obtaining the state or county health department's establishment inspection report. Evidence of current establishment inspection report by any such agency shall be displayed on the licensed premises in public view at all times.

(2) Any dispenser for pre-mixed beverages, not having said current establishment inspection report, shall not be used and shall be subject to confiscation.

(3) Any licensee offering pre-mixed beverages served on the licensed premises shall disclose the quantity and type of alcoholic beverages contained therein. This information shall be available, upon request, to the public, ABC Board personnel, and law enforcement.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §28-3-49.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998. **Amended:** Published August 31, 2021; effective October 15, 2021.

20-X-6-.06 Person In Charge.

Each licensee, except a licensed individual who is on the premises, shall have a designated person who is at least 21 years of age present and in actual charge of the business being conducted under the license at any time the licensed establishment is open for business, whether or not the privileges of the license are being exercised. The name of the designated person of every retail licensee shall be posted in an area of the establishment, readily available to ABC Board personnel, in letters not less than one inch in size, during the time the designated person is in charge.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §28-3-49.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998. **Amended:** Published August 31, 2021; effective October 15, 2021.

20-X-6-.07 Service Of Alcoholic Beverages On Patios Or Around Swimming Pool Areas.

Any ABC Board on-premises licensee may serve alcoholic beverages as authorized by their license on patios or around swimming pool areas adjacent to or connected with the main licensed premises. Said serving area shall be located so as not to be a nuisance nor readily visible from a church or school premises.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §28-3-49.

History: Repealed and New: Filed August 21, 1998; effective October 16, 1998.

20-X-6-.08 Display Of Alcoholic Beverages By Retail Licensees (Repealed 10/15/21).

Author: ABC Board
Statutory Authority: Code of Ala. 1975, §28-3-49.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998. **Repealed:** Published August 31, 2021; effective October 15, 2021.

20-X-6-.09 Minors.

(1) It shall be unlawful:

(a) For any person to sell, furnish, give to or purchase alcoholic beverages for any minor; or to attempt to sell, furnish, give to or purchase alcoholic beverages for any minor.

(b) For any minor to falsely represent that they are of legal drinking age, and by means of such false representation, buy, receive, or otherwise obtain, or attempt to buy, receive, or otherwise obtain any alcoholic beverages.

(c) For any person to falsely represent or attempt to falsely represent that a minor is of legal drinking age, and by means of such false representation, aid and abet, or attempt to aid or abet, the minor to buy, receive or otherwise obtain alcoholic beverages.

(d) For a licensee, employee or agent thereof to accept any proof of age from a person purchasing or attempting to purchase alcoholic beverages, except for the following:

1. A valid driver's license of any state.

2. A valid United States Uniformed Service Identification.

3. A valid passport.

4. A valid identification issued by any agency of a state for the purpose of identification, bearing a photograph and date of birth of the individual in question.

Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-3A-25(a)(3).

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

20-X-6-.10 Employment Of Minors.

(1) It shall be unlawful for any minor to sell or serve, except as provided by Title 28, Code of Ala. 1975, and/or ABC Board Rules and Regulations, or to dispense or consume alcoholic beverages on any licensed premises.

(2) A minor employee of a wholesale licensee or an off-premises retail licensee may handle, transport or sell beer or table wine, provided there is an adult employee in attendance at all times.

(3) A minor employee in an on-premises licensed establishment shall not serve, dispense or consume alcoholic beverages, and there must be an adult in attendance at all times.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-1-5; 28-3-49.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998. **Amended:** Published August 31, 2021; effective October 15, 2021.

20-X-6-.11 Prohibition Of Obscene, Lewd Or Indecent Conduct On Licensed Premises.

(1) No ABC Board licensee shall permit bottomless dancing, topless dancing wherein the portion of the female breast beneath the top of the nipple is exposed or any other lewd or indecent conduct on the premises of the licensee.

(2) No ABC Board licensee shall permit any person to perform acts of or acts which simulate:

(a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(b) The touching, caressing or fondling on the breasts, buttocks, anus or genitals.

(c) The displaying of the portion of the female breast beneath the top of the nipple, pubic hair, anus, vulva or genitals.

(3) No ABC Board licensee shall permit any patron, customer or member to touch, caress or fondle the breasts, buttocks, anus, genitals or any part of the body or clothing of a performer. Performers may not touch, caress or fondle the breast, buttocks,

anus, genitals or any part of the body or clothing of patrons or other performers.

(4) No ABC Board licensee shall permit the showing of films, still pictures, electronic reproduction or other visual reproductions depicting:

(a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(b) Any person being touched, caressed or fondled on the breasts, buttocks, anus or genitals.

(c) Scenes wherein a person displays the vulva or the anus or the genitals.

(d) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

Author: ABC Board
Statutory Authority: Code of Ala. 1975, §28-3-49.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998. **Amended:** Filed September 21, 2005; effective October 26, 2005. **Amended:** Published August 31, 2021; effective October 15, 2021.

20-X-6-.12 Premiums Or Presents To Induce Purchase - Prohibited.

It shall be unlawful for any person licensed to sell alcoholic beverages to offer to give anything of value as a premium for the return of caps, corks, labels or coupons taken from any bottle or package containing alcoholic beverages. It shall be unlawful to offer to give anything of value as a premium, present, or discount to induce the purchase of alcoholic beverages, or for any other purpose whatsoever in connection with the sale of alcoholic beverages. This regulation does not apply to any "add-on" or "on-package" item furnished by the manufacturer at no cost to the wholesaler or the Board, or any "point-of-sale" advertising item which is not for personal use of the consumer.

Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-3A-25(a)(10).
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998. **Amended:** Filed January 15, 1999; effective February 19, 1999. **Amended:** Filed July 30, 1999; effective September 3, 1999. **Amended:** Published August 31, 2021; effective October 15, 2021.

20-X-6-.13 Limitations On Happy Hour And Similar Price Reductions.

(1) It shall be unlawful for any ABC Board licensee to:

(a) Serve multiple drinks for a single price.

(b) Establish a single retail price based upon the required purchase of two or more drinks.

(c) Sell or otherwise furnish drinks before 10 a.m. or after 9 p.m. at a price which is reduced from the usual customary or established retail price charged for such drinks.

(d) Sell or provide one person or group of persons drinks at prices less than those charged the general public for that day.

(2) Nothing herein shall be construed to prohibit a licensed establishment, whose primary purpose is to provide overnight lodging, from offering complimentary alcoholic beverages to registered guests who are of legal age to consume alcohol.

(3) Nothing herein contained shall be construed to prohibit the dispensing of drinks customarily sold in pitchers, provided such pitchers shall be available at all times the licensee is open for business. The usual, customary or established retail price thereof shall not be reduced before 10 a.m. or after 9 p.m.

(4) The term "drink" or "drinks" is defined herein to mean any beverage containing any quantity of alcohol. "Multiple drinks" is defined to mean two or more drinks containing any quantity of alcohol or a single container which contains more than the normal quantity of alcohol for an individual drink in accordance with ABC Board Regulation 20-X-6-.04(2). The term "pitcher" is defined to mean any receptacle containing a maximum of sixty (60) fluid ounces of beverages.

(5) This regulation shall not apply to legitimate, prearranged private parties, functions, or events where guests thereof are served in a room or rooms so designated and used exclusively therefor.

Author: ABC Board
Statutory Authority: Code of Ala. 1975, §28-3-49.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998. **Amended:** Published August 31, 2021; effective October 15, 2021.

20-X-6-.14 ABC Board Off-Premises Licensees.

No ABC Board off-premises licensee, employee, or agent thereof shall:

(1) Sell, furnish or give any alcoholic beverage to any person if such person appears, under the totality of the circumstances, to be intoxicated.

(2) Consume alcoholic beverages during the individual's working hours.

(3) Allow alcoholic beverages to be consumed on its premises.

Author: ABC Board
Statutory Authority: Code of Ala. 1975, §28-3-49.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998. **Amended:** Published August 31, 2021; effective October 15, 2021.

20-X-6-.15 Prohibition Against Gambling - Gaming - Betting Activities (Repealed 10/15/21).

Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§13A-12-20; 13A-12-22; 13A-12-23; 13A-12-27; 28-3-49.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998. **Repealed:** Published August 31, 2021; effective October 15, 2021.

20-X-6-.16 On-Premises Retail Licensee Price List.

(1) On-premises retail licensees shall utilize a price list, of any size desired, indicating uniformly all brands of alcoholic beverages offered for sale by the licensee for on-premises consumption. The price list shall be furnished or visible to the patrons. The preparation and expense of preparation of the price list shall be borne by the retail licensee, and it shall be unlawful for the retail licensee to request or require of the wholesaler the preparation or payment of the cost of providing a price list, and it shall be unlawful for the wholesaler to provide such a price list or pay the expense thereof.

(2) The price list shall not be displayed on the licensed premises in a manner appearing to favor any brand or brands, except according to the price thereof.

(3) The price list need not contain the name of products being offered on a trial or temporary basis by the licensee. It is presumed that a product which has been purchased, by said licensee, from a licensed wholesaler or from the ABC Board on three occasions, is no longer offered on a trial or temporary basis.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §28-3-49.
History: **New Rule:** Filed January 15, 1999; effective February 19, 1999. **Amended:** Filed May 2, 2001; effective June 6, 2001. **Amended:** Published August 31, 2021; effective October 15, 2021.

20-X-6-.17 Sales From Storage Cabinets In Guest Rooms.

(1) Licensees of the ABC Board possessing the privilege of selling liquor at retail who regularly offer to the public, for compensation, transitory lodging or sleeping accommodations may provide alcoholic beverages to registered guests twenty-one years of age or older in storage cabinets within individual private rooms of lodging.

(2) All storage cabinets (also commonly known as mini bars) in private rooms must be locked with a secure locking device. The key or combination needed to open the cabinets may only be given by the licensee to the registered guest responsible for the room rental.

(3) The sale of alcoholic beverages from storage cabinets is deemed to occur upon the use of the key or combination to the locking device. In the case of refills or restocking, the sale is deemed to occur upon delivery by room service. No sale of alcoholic beverages shall be made on Sundays after 2:00 A.M., except where the sale thereof is permitted by law.

(4) All alcoholic beverages shall be in unopened containers. After the registered guest vacates the room, the licensee shall promptly inventory, lock and secure the storage cabinet. All containers which have been opened must be removed from the private room. The contents of the opened containers must be poured out immediately and not reused.

(5) If the licensee determines or has reason to believe that the registered guest having the key or combination to the storage cabinet has allowed or intends to allow minors to consume alcoholic beverages from the cabinet, then the licensee shall take action as necessary to remove the alcoholic beverages from the cabinet and/or retrieve the key or cancel the combination device.

(6) ABC Board agents may enter any room containing a storage cabinet, for inspection thereof, at any time that the room is not occupies by a registered guest.

Author: ABC Board
Statutory Authority: Code of Ala. 1975, §28-3-49.
History: **New Rule:** Filed January 15, 1999; effective February 19, 1999. **Amended:** Published August 31, 2021; effective October 15, 2021.

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 the purpose of this rule, means beer as defined by Section 28-3-1(3) of the Code of Ala. 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 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 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 by manufacturers or retail brewpub licensees shall be affixed with an ABC Board approved 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: **New Rule:** Filed October 13, 2016; effective November 27, 2017. **Amended:** Published August 31, 2021; effective October 15, 2021.

20-X-6-.19 Manufacturer Licensees With On-Premises Sales And Consumption.

Manufacturer Licensees with on-premises sales and consumption shall:

(1) Comply with all provisions listed in 20-X-6-.02.

(2) Not engage in any other act prohibited by Title 28 or ABC Rules and Regulations unless specifically authorized herein.

Author: ABC Board
Statutory Authority: Code of Ala. 1975, §28-3-49.
History: **New Rule:** Published August 31, 2021; effective October 15, 2021.

20-X-6-.20 Wine Containers For On- And Off-Premises Only Sales.

(1) Pursuant to 28-3A-14 and 28-3A-15, holders of an on- and off-premises retail table wine license or off-premises only retail table wine license may offer for sale, wine in containers as approved by the ABC Board.

(2) In order to be approved, containers must be inspected by ABC Board personnel for compliance with this chapter, and a photograph of the approved container maintained on file at the ABC Board.

(3) Those locations conducting sales of wine for on-premises consumption must conform to statutes contained in Title 28 and all ABC Rules and Regulations as required for consuming on-premises.

(4) All off-premises retail sales must meet the following requirements:

(a) All sales must be in a sealed container and cannot exceed a total of 128 ounces or one gallon.

1. A sealed container is a container that has never been used and has a secure lid or cap designed to prevent consumption without the removal of the lid or cap which must be tamper- evident. The container may not include a lid with an opening for a straw or sipping holes.

2. A tamper-evident lid or cap is one that has been sealed with a tamper-evident cover, including but not limited to wax dip, heat shrink wrap, or an adhesive seal or tape affixed to the lid and container in such a way that will be evident if the seal, tape or wrap has been

broken, tampered with and/or re-sealed. Whichever method is used, any breaking, rolling, unraveling, separation, or any condition of the seal such that said seal is in a condition other than as approved by the ABC Board is prima facia evidence of a violation of this section.

3. The sealed container must be conspicuously labeled with the words, "Contains Alcohol".

(b) Any alcohol dispenser must not be within reach of a customer. All alcohol must be dispensed and the container sealed by the licensee or an employee of the licensee at the point of sale.

(c) Off-premises sales of containers of table wine may not exceed 256 ounces or two gallons per customer per day.

(d) All sealed containers of table wine must be kept sealed at all times during vehicular transportation from the place of purchase to the destination.

Author: ABC Board
Statutory Authority: Code of Ala. 1975, §28-3-49.
History: **New Rule:** Published August 31, 2021; effective October 15, 2021.

20-X-6-.21 Delivery Service Licenses.

(1) Delivery service licensees may only deliver alcoholic beverages during the retailer's regular hours of operation and shall also abide by all applicable laws.

(2) There shall be no discounts on alcoholic beverages purchased through a delivery service unless those discounts are simultaneously offered at the physical location of the licensee with off-premises retail privileges. Discounts on alcoholic beverages not simultaneously offered at the licensee's physical location are prohibited.

(3) Manufacturers and/or Brewpubs that have a delivery service license:

(a) Manufacturers and/or Brewpubs that produce beer must allocate beer intended for retail sales in accordance with §28-3A-6 and §28-4A-4 before delivery.

(b) Wine manufacturers must report for excise taxes all wine purchased for delivery.

(c) Liquor manufacturers must allocate spirits intended for retail sales in accordance with §28-3A-6 before delivery.

(4) Manufacturers and/or Brewpubs with a delivery service license must abide by the off-premises consumption sales limits under §28-3A-6 and/or §28-4A-3.

(5) A delivery service licensee shall return any beer, wine and/or spirits to the licensed location where the purchase originated if the delivery is unable to be completed. In no event shall a delivery service licensee leave an alcoholic beverage unattended.

(6) As per ACT 2021-188, Spirits purchased with a meal order, which is delivered by a restaurant licensee holding a delivery service license or on behalf of a licensed restaurant by a delivery service licensee, cannot exceed 375 milliliters per customer. For the purposes of this section, a customer is the individual or entity that pays for and completes the transaction for the meal purchase regardless of the number of meals contained within the order.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-3A-6; 28-4A-4; 28-4A-3.
History: **New Rule:** Published August 31, 2021; effective October 15, 2021.

20-X-6-.22 Direct Wine Shipper License And Wine Fulfillment Center License.

(1) A common or permit carrier that ships or transports wine to a resident of the state shall require each recipient, upon receipt of the shipment, to provide valid photo identification that conforms to board rules and verifies that he or she is at least 21 years of age.

(2) A common or permit carrier shall return any direct wine shipment for destruction if:

(a) The recipient is under the age of 21 years or fails to provide proper proof of identification.

(b) The recipient appears intoxicated or the environment unsafe for the consumption of alcohol.

(c) The recipient refused to sign for the shipment.

(d) The recipient declines to accept the shipment.

(3) A common or permit carrier shall not, under any circumstances, leave a direct wine shipment unattended.

(4) All containers of wine shipped directly to a resident must be conspicuously labeled on the front and back of the package with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER

REQUIRED FOR DELIVERY". All lettering must measure a minimum of ¼ inch in height.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §28-3-49.
History: New Rule: Published August 31, 2021; effective October 15, 2021.

20-X-6-.23 Sale Of Alcoholic Beverages By A Food Or Beverage Truck Licensees.

(1) Any class of municipalities where food or beverage trucks are authorized by law, may allow fully encased food or beverage trucks, as provided for in 28-3A-17.1, to sell alcoholic beverages for on-premises consumption in a designated area within an entertainment district. Such trucks may only offer for sale food, beverages, or alcoholic beverages. Alcoholic beverage sales are limited to one beverage, not to exceed sixteen {16)ounces, per person, per transaction.

(2) In accordance with 20-X-6.04(2), the quantity of liquor served in an individual drink shall be posted by the Food and Beverage Truck licensee, in a conspicuous place visible to customers, on a notice that reads "All drinks contain ounces of liquor, unless special ordered". Said notice shall be no less than 8.5" X 11" with two (2) inch letters.

(3) Food or Beverage Truck licensees must comply with all on-premises rules and regulations, with the exception of requirements for restrooms and seating.

(4) A Food or Beverage Truck licensee shall notify the ABC Board at least seven (7) days in advance of each event where the licensee will sell alcoholic beverages.

(a) The notification shall include the exact location, the dates and times of the operation, how the licensee plans to secure the alcoholic beverages, and if the licensee intends to provide a seating area.

(b) If seating is to be provided, the licensee must also provide a sketch of the layout, showing the dimensions of the seating area and the type of boundary that will be placed to designate this area. Said seating area and boundary are subject to ABC Licensing and Compliance Division approval.

(5) A Food or Beverage Truck Licensee must store the food or beverage truck along with all alcoholic beverages purchased for the food or beverage truck in a secured, locked area. The address where the food or beverage truck and the alcoholic beverages will be stored, must be submitted at the time of application for license and will be considered part of the licensed premises.

Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-3A-17.1
History: New: Published November 30, 2022; effective January 14, 2023.

20-X-6-.24 Special Retail Licenses.

Locations holding a special retail license shall be limited to the following off-premises sales of alcoholic beverages. All alcoholic beverages sold pursuant to this section must be in sealed, unopened containers and as follows:

(1)Liquor sales may not exceed 375 milliliters per customer in any single 24-hour period.

(2)Table wine may be sold in any size container, provided the total amount of table wine sold may not exceed 9,000 milliliters or the equivalent of 12 750 milliliter bottles of table wine per customer.

(3)Beer, with the exception of draft beer, may be sold in any packaging and in any size container, provided the total amount of beer sold may not exceed 120 12-ounce containers of beer per customer.

(4)Draft beer may be sold only in areas where draft sales are authorized and sealing requirements are met, provided the total amount of draft beer sold may not exceed 288 ounces per customer.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, 28-3-49
History: **New Rule:** Published March 31, 2026; effective May 15, 2026.