ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD
ADMINISTRATIVE CODE

CHAPTER 20-X-8
MANUFACTURER, IMPORTER AND WHOLESALER REQUIREMENTS

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20-X-8-.01 Manufacturer And Importer Requirements.

(1) Each licensed manufacturer or importer of beer, malt-based beverages, or table wine shall file, with the ABC Board, a consolidated report prior to the twentieth day of each month on a form supplied or approved by the ABC Board. This report may include not only printed reports, but also reports presented on electronic media in such format as approved by the Board. This report shall include:

(a) All beer, malt-based beverages, or table wine shipped into Alabama, giving the number of cases, number of containers per case, size of container, invoice number, date of shipment and to whom sold.

(b) A copy of each sales invoice of beer, malt-based beverages or wine shipped into the State.

(2) Each licensed manufacturer or importer of beer, malt- based beverages, wine or spirits shall, upon request of ABC Board personnel, voluntarily provide at no cost, alcoholic products in

the original container for testing by an ABC Board approved laboratory.

(3) Small farm wineries are wine manufacturer licensees that produce fewer than fifty thousand (50,000) gallons of table wine per year, and meet one of the following criteria:

(a) Produce at least 50 percent of its total production of table wine from fruit that is grown in Alabama, or

(b) Produce all of its total production of table wine within Alabama and owns not less than eight (8) acres of vineyards in Alabama. For the purpose of this regulation, the term "vineyards" means land used exclusively for farming fruit or produce, not including any building, home, or building used for storage.

(4) A small farm winery may sell its wines produced on its licensed premises directly from its licensed premises at retail to consumers physically present at the licensed premises.

(5) Employees of small farm wineries must transport wine using a vehicle owned or leased by the winery with signage bearing the name of the winery. Personal use vehicles or independent contractors shall not be used in the transportation of wine to retailers.

(6) Small farm wineries shall not:

(a) Directly or indirectly induce a retailer to purchase wine from the winery

(b) Directly or indirectly require a retailer "by agreement or otherwise" to purchase wine from the winery

(c) Offer or give any bonus, premium, or compensation to employees, officers, agents, representatives, or anyone acting (directly or indirectly) on behalf or to the benefit of the retailer to induce a retailer to purchase wine from the winery

(d) Repurchase, pick up, or trade out any wine other than out-of-date or close to out-of-date wine once it is sold and delivered to the retailer. Recipient retailers shall not request the small farm winery to repurchase, pick up, or trade out any wine. This prohibition is not intended to prevent the pickup or return of goods damaged prior to or during delivery by the small farm winery.

(7) Small farm wineries must adhere to Rule 20-X-8-.14 and Rule 20-X-9-.04.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-3A-6(d); 28-3A-7(d).

History: Repealed and New Rule: Filed August 21, 1998; effective October 16, 1998. **Amended:** Published October 29, 2021; effective December 13, 2021.

20-X-8-.02 Importer Licensee Requirements.

(1) Prior to making any sales in Alabama, each importer licensee shall file with the ABC Board, a list of its product labels to be sold in Alabama, territorial agreements with wholesale licensees for these products and federal certificates of label approval for these products.

(2) Each resident importer licensee shall file a report of all alcoholic beverages received in Alabama during the preceding month. These reports shall be furnished to the ABC Board on or before the twentieth day of each month following the month of receipt in a manner approved by the Board.

(3) If the resident importer licensee is also licensed as an Alabama wholesaler, the inventories of each license shall be maintained separate and distinct wherever situated.

(4) A wine importer licensee may sell or distribute wine in any size container as prepared by the manufacturer.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-3A-7.
History: Repealed and New Rule: Filed August 21, 1998; effective October 16, 1998. **Amended:** Published October 29, 2021; effective December 13, 2021.

20-X-8-.03 Assessment On Direct Import For Personal Use.

(1) Any person, firm, organization or corporation desiring to purchase for personal use any alcoholic beverages outside of Alabama for delivery into Alabama shall first secure written approval from the ABC Board prior to said importation, except as authorized by ACT 2021-419.

(a) The alcoholic beverages shall be ordered and paid for by the purchaser, including prepaid freight charges.

(b) The shipment of said alcoholic beverages shall be consigned to the purchaser in care of an ABC Board state liquor store.

(c) Upon arrival at the ABC Board state liquor store and upon payment of the assessments provided herein, the purchaser may assume possession thereof.

(d) All alcoholic beverages brought into Alabama under this regulation shall be for personal use and not for resale.

(e) There shall be no delivery of alcoholic beverages to any person, firm, organization, or corporation within this state who is not a licensee of the ABC Board except as provided herein. Nothing contained in this regulation shall prevent persons from bringing alcoholic beverages into Alabama through the U.S. Customs Office at the Port of Mobile or any other U.S. Customs office in the State of Alabama. Any assessment thereon shall be paid to the designated ABC Board representative in accordance with the formulas set forth below.

(2) In addition to securing written approval from the ABC Board, the party purchasing alcoholic beverages for delivery into this state shall pay an assessment that would be paid on the product if purchased in Alabama. The purchase price as set out on the purchase invoice or other proof of purchase of distilled spirits shall be multiplied by 1.35 to arrive at the assessment base. The assessment base should then be multiplied by .56 to arrive at the assessment due. If no purchase invoice or other proof of purchase is available for distilled spirits, the assessment on such beverages shall be in the amount set forth in the table listed below.

		Per Liter
Whiskey	Bottled in Bond	$6.75
	Straight Whiskey	5.07
	Blends	3.38
	Scotch	6.76
	Canadian and Irish Whiskeys	5.07
Gin	Distilled Gin-Domestic	4.06
	Distilled Gin-Imported	8.45
	Flavored Gin	4.73
Brandy	Domestic	4.40
	Imported	12.17
Rum	Domestic	2.37

	Imported	4.40
Vodka	Domestic	3.38
	Imported	8.12
Other	Tequilas - Imported	4.40
	Liqueurs and Cordials	6.09
	Cocktails	2.37
	Specialties	2.37

(3) The assessment on beer shall be 5 cents for every 12 fluid ounces or fractional part thereof.

(4) The assessment on Class I wine shall be 38 cents per liter.

(5) The assessment on Class I wine shall be $2.42 per liter.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-1-4; 28-3-43(a)(2); 28-3-43(a)(7); 28-3-49.
History: Repealed and New Rule: Filed August 21, 1998; effective October 16, 1998. **Amended:** Published October 29, 2021; effective December 13, 2021.

20-X-8-.04 Interstate Transportation Of Alcoholic Beverages.

(1) Except as authorized by 28-1-4, no alcoholic beverages may be delivered from outside Alabama to any person, firm, corporation or association within the state, except to the ABC Board and to manufacturers, importers, wholesalers and warehouses licensed by the ABC Board.

(2) Except as provided for in 28-1-4, the driver of any vehicle importing alcoholic beverages into Alabama shall have in their possession a bill of lading, consignment, or other documentary evidence of ownership of the entire cargo on board. The bill of lading, consignment, or other evidence must identify the origin and destination of the cargo and an itemized listing of the cargo.

(3) Common or permit carriers shall follow all federal and state laws regarding the transportation of alcoholic beverages.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-1-4; 28-3-6; 28-3-49.

History: Repealed and New Rule: Filed August 21, 1998; effective October 16, 1998. **Amended:** Published October 29, 2021; effective December 13, 2021.

20-X-8-.05 Use Of Port Of Mobile Facilities.

Subject to ABC Board regulations, alcoholic beverages may be imported from or exported to foreign points or transferred by coastal or intercoastal movement to or through the Port of Mobile, Alabama. Such beverages may be stored at the Port of Mobile or any facility of the Alabama State Docks for delivery to the ABC Board or for transshipment to other destinations where such shipments are otherwise legal.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §28-3-49.
History: Repealed and New Rule: Filed August 21, 1998; effective October 16, 1998.

20-X-8-.06 Industry Representatives.

(1) Manufacturer or importer licensees may have representatives call upon retail licensees of the ABC Board to explain the proper and prudent use of the licensees' alcoholic beverage products. The industry representative may conduct classes and seminars, which are educational in nature. However, the industry representative may not sell to or take an order from any retail licensee for any alcoholic beverage product, nor may the industry representative sell to or take an order from any wholesale licensee of the ABC Board for any alcoholic beverage product except wine and/or beer.

(2) In order to qualify to be an industry representative, the person must be an authorized delegate of a manufacturer or importer licensee and of good moral character. The manufacturer or importer licensee shall provide the ABC Board with an affidavit stating the name, address and method of compensation of every industry representative.

(3) The manufacturer or importer licensee shall pay the ABC Board an annual fee of fifteen dollars ($15.00) due October 1 of each year for each individual industry representative within Alabama. Each industry representative will be furnished an ABC Board identification card which must be kept on their person at all times while within Alabama.

(4) It is not necessary for a manufacturer or importer licensee to have an industry representative in order to conduct business with the ABC Board, nor is it necessary for a beer or wine manufacturer or importer to have an industry representative in order to conduct business with beer and wine wholesalers within Alabama.

Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-3A-25(a)(16).
History: Repealed and New Rule: Filed August 21, 1998; effective October 16, 1998. **Amended:** Published October 29, 2021; effective December 13, 2021.

20-X-8-.07 Samples - Gifts - Gratuities.

(1) No samples, gratuities, gifts or anything of value shall be given or otherwise provided to the Administrator, Assistant Administrator, members of the ABC Board, any employees of the ABC Board, or to any licensee of the ABC Board, except as follows:

(a) An industry representative or a wholesale licensee may furnish at no charge a sample of alcoholic beverages to a licensee who has not previously purchased that brand within the previous six (6) months. For each individual licensee, the industry representative shall not give more than 750 milliliters of any brand of distilled spirits, nor more than 3 liters of any brand of wine nor more than one case of beer. If a product is not packaged in a size with the quantity limitations herein provided, the next largest size may be utilized.

(b) An industry representative or a wholesale licensee may furnish or supply materials to be used for point-of-sale advertising. Such materials shall have no value except for advertising. Point-of-sale advertising material(s) determined to have financial worth in excess of advertising value shall not be distributed to a retailer until the cost thereof is paid by said retailer to the supplier thereof.

(c) Meals, entertainment, gifts and/or travel may be given to ABC Board personnel under the following conditions:

(i) The above activities must relate to legitimate ABC Board business purposes, wherein there is specialized dialogue, interaction and an exchange of information, ideas and research beneficial to the ABC Board.

(ii) The exceptions provided herein shall be subject to any limitations otherwise imposed by law.

(2) Manufacturers or importers choosing not to designate industry representatives within Alabama may also share the privileges herein provided. Prior to any distribution as provided herein, said manufacturers or importers shall notify the ABC Board of the identity of any persons making said distributions within this state.

(3) This regulation shall not be interpreted to prohibit manufacturer, importer or wholesaler licensees from calling upon retail licensees for purposes of explaining the proper and prudent uses of said licensees' alcoholic beverage products. Said licensees may also conduct classes and seminars for the benefit of retail licensees or their employees, but only when such classes or seminars are related to educating said employees as to the proper and prudent use of said licensee's products.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 36-25-1, et seq.
History: Repealed and New Rule: Filed August 21, 1998; effective October 16, 1998.

20-X-8-.08 Warehousing.

(1) Any person desiring to maintain one or more warehouses in Alabama for the storage of alcoholic beverages, prior to the establishment thereof, shall make written application to the ABC Board for a Warehouse License pursuant to Section 28-3A-10, Code of Ala. 1975, as well as furnish any additional information required by the ABC Board.

(2) Copies of invoices of all warehouse transactions shall be on file at the warehouse(s) at all times. If a warehouse licensee is also a licensed wholesaler or manufacturer, copies of invoices of all warehouse transactions shall also be maintained at the main office thereof.

(3) A warehouse licensee shall be authorized to receive, store, and warehouse alcoholic beverages, but shall not be authorized to transport or deliver any alcoholic beverages, provided that this provision shall not apply to a manufacturer's redistribution center.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-43(a)(4)(12); 28-3-49; 28-3A-10.
History: Repealed and New Rule: Filed August 21, 1998; effective October 16, 1998. **Amended:** Published October 29, 2021; effective December 13, 2021.

20-X-8-.09 Sales By Wholesalers.

(1) All sales of alcoholic beverages made by wholesalers to retail licensees shall be for cash. Cash in this instance means any United States legal tender currency, electronic transfer of funds from the retail licensee to the wholesaler licensee, check drawn on the retail licensee's account, bank certified check or cashier's check, guaranteed check or postal money order, all

payable to the wholesaler licensee. Cash shall also include a state warrant when a state agency is the retail licensee. Cash shall not include a credit card or debit card with regard to sales of alcoholic beverages made by wholesalers to retail licensees. The product delivery and payment therefor shall be a simultaneous transaction. Any check or money order shall be received upon delivery and deposited within one banking day after the product delivery and payment thereof. Any electronic transfer of funds shall be a simultaneous transaction with product delivery and funds transferred to the wholesaler's account shall be completed not later than one banking day after the delivery. No credit may be extended, except to a municipal, county, or state agency that is a retail licensee, and payment at any other time or by any other means shall constitute an illegal extension of credit. Failure to comply with the provisions herein shall constitute separate violations of this regulation by both vendor and vendee. In the event a vendor selects any approved method of payment as an alternative to legal tender, any risk of loss associated therewith shall be the sole responsibility of the parties and shall not constitute a violation of this regulation.

(2) All wholesalers at the time of sale shall furnish the retail licensee an invoice showing the quantity of alcoholic beverages purchased, the price per unit, any deposits refunded for returnable containers, the licensee's name, complete address, and license number. All invoices shall be marked as paid by the wholesaler, dated and signed by the retail licensee or their duly authorized representative to acknowledge receipt of the goods.

(3) Every wholesaler shall ascertain that all purchasers possess a currently valid license issued by the ABC Board prior to any sales thereto, except as otherwise authorized by the Board.

(4) Once any alcoholic beverage is sold and delivered by a wholesaler licensee to a retail licensee in salable condition, it shall be unlawful for the wholesaler to repurchase, pick up or trade out any alcoholic beverages other than out-of-date or close to out-of-date beverages, and then only if in salable condition, or for any retailer to request that the wholesaler repurchase, pick up or trade out any other alcoholic beverages. This prohibition is not intended to prevent the pick up or return of goods damaged prior to or during delivery by the wholesaler licensee or goods otherwise returnable under customary warranty practices in sales transactions.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §28-3-49.
History: Repealed and New Rule: Filed August 21, 1998; effective October 16, 1998. **Amended:** Filed January 15, 1999; effective February 19, 1999.

20-X-8-.10 Delivery Of Alcoholic Beverages By Wholesalers And In-State Manufacturers Of Beer And Wine.

(1) Deliveries of alcohol, including donated beer and wine to charitable special events and wine deliveries to off-site tasting rooms, shall be made by the wholesaler, manufacturer, agent or employee of the same in a vehicle bearing signage on each side identifying the licensee and transporting in the vehicle a current copy of the license or permit and the bill of lading.

(2) Any delivery of beer or wine from the warehouse of a licensed wholesaler to anyone unauthorized to accept delivery of same is prohibited.

(3) Any ABC Board licensee authorized to purchase alcoholic beverages from a wholesaler may do so at the premises of the wholesaler and transport such beverages to the licensee's premises, provided a copy of the current ABC Board license is located in the transporting vehicle. No retail licensee, agent or employee thereof may purchase or transport alcoholic beverages for any other licensee of the ABC Board. This shall not prohibit a wholesale licensee from making deliveries to the premises of its retail customers. All sales and deliveries of alcoholic beverages under this section shall comply with Chapter 8 of Title 28, Code of Ala. 1975.

(4) All deliveries by wholesale licensees of beer and/or wine shall only be to the premises of licensees authorized to purchase same, or as authorized by the Board.

(5) A wholesale licensee of the Board may conduct one full product reset per retail store, per calendar year, provided the licensee may not alter or disturb the product of other wholesale licensees. This reset may be broken up into no more than two (2) subsections for beer and three (3) subsections for wine where the sum of the partial resets equals one full reset. All retail licensees shall be treated equally and provided with the same services.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-3A-25(a)(13).

History: Repealed and New Rule: Filed August 21, 1998; effective October 16, 1998. **Amended:** Filed October 13, 2016; effective November 27, 2016. **Amended:** Published October 29, 2021; effective December 13, 2021.

20-X-8-.11 Keg Or Draft Beer.

(1) Any beer wholesale licensee selling draft beer may furnish without charge to a retail licensee, only the following equipment:

(a) The device for tapping the keg;

(b) The CO2 lines and beer lines from the keg and CO2 bottle to the faucet; and

(c) The tap knob.

(2) Any other equipment necessary to dispense draft beer may only be furnished by the wholesale licensee to the retail licensee upon recovery of the costs of installation of said equipment associated therewith.

(3) A wholesale licensee may provide the services of cleaning draft beer lines at no charge to a retail licensee.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-4(d)(f); 28-3-49.
History: Repealed and New Rule: Filed August 21, 1998; effective October 16, 1998.

20-X-8-.12 Label Approval.

(1) No alcoholic beverage products will be sold or distributed within the state without having first received approval of the label thereon by the ABC Board.

(2) No label shall be approved by the ABC Board which would violate the prohibitions listed in 20-X-7-.01 or general advertising of alcoholic beverages.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §28-3-49.
History: Repealed and New Rule: Filed August 21, 1998; effective October 16, 1998. **Amended:** Published October 29, 2021; effective December 13, 2021.

20-X-8-.13 Brand And Brand Extension.

(1) "Brand" is any word, name, group of letters, symbol, or combination thereof that is adopted and used by a manufacturer or importer to identify a specific beer or malt beverage product, and to distinguish that product from another beer or malt beverage product.

(2) "Brand extension" is any brand which (a) incorporates all or a substantial part of the unique features of a preexisting brand of the same manufacturer or importer, and (b) which relies to a significant extent on the goodwill associated with that preexisting brand.

(3) A manufacturer or importer who assigns a brand extension to a wholesaler must assign the brand extension to the wholesaler to whom the manufacturer or importer granted the exclusive sales territory for the brand from which the brand extension resulted, unless the wholesaler declines to distribute and sell that brand extension.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49, 28-8-2.
History: **New Rule:** Filed January 2, 2014; effective February 6, 2014.

20-X-8-.14 Requirements Of Financial Responsibility By Manufacturers.

(1) All manufacturers' licensees in this state with retail privileges:

(a) May be certified to participate in the Alabama Responsible Vendor Program prescribed by Title 28, Chapter 10, and Rule 20-X-12.

(b) Shall be required to obtain and maintain, at all times, a tax bond to the ABC board equal to the greater amount of one thousand dollars ($1,000) or their annual estimated tax liability, not to exceed ten thousand dollars ($10,000).

(c) Shall maintain liquor liability insurance as prescribed by Rule 20-X-5-.14.

(2) All direct wine shipper licensees conducting business in this state:

(a) Shall be required to obtain and maintain, at all times, a tax bond to the ABC Board equal to the greater amount of one thousand dollars ($1,000) or their annual estimated tax liability, not to exceed ten thousand dollars ($10,000).

(b) Shall maintain liquor liability insurance as prescribed by Rule 20-X-5-.14.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §28-3-49.
History: **New Rule:** Filed October 13, 2016; effective November 27, 2016. **Amended:** Published October 29, 2021; effective December 13, 2021.