APA-4
Revised 1/2018

CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR

Pursuant to Code of Alabama 1975, §§41-22-5(b) and 41-22-6(c) (2)a. and b.

I certify that the attached emergency (amendment, new rule, new chapter, repeal or adoption by reference) is a correct copy as promulgated and adopted on the 25th day of June, 2020.

AGENCY NAME: Alabama Alcoholic Beverage Control Board
RULE NO. AND TITLE: 20-X-6-.19 Emergency Curbside Sales Authorization
EFFECTIVE DATE OF RULE: 16th day of July, 2020
EXPIRATION DATE (If less than 120 days): September 15, 2020
NATURE OF EMERGENCY: The ABC Board is readopting this rule to address the continued and unforeseen economic disruption caused by COVID-19 pandemic.

STATUTORY AUTHORITY: §28-3-49 and §41-22-5(b)
SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS _____ YES _X_ NO
NAME, ADDRESS AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

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Signature of officer authorized to promulgate
And adopt rules and regulations or his or her
Deputy

FILING DATE
(For APA Use only)

REC'D & FILED

JUL 14 2020

LEGISLATIVE SVC AGENCY

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20-X-6-.19. EMERGENCY CURBSIDE SALES AUTHORIZATION

Pursuant to emergency rule making authority under the Alabama Administrative Procedures Act, Alabama Code § 41-22-5(b)(1) and given the directive from Governor Kay Ivey in the State's attempt to prevent the spread of Covid-19, in an effort to assist Alabama businesses, the Alabama Alcoholic Beverage Control Board finds it appropriate to make the following temporary, emergency rule.

This emergency rule involves the suspension of the requirement for all sales to occur inside of a building on the licensed premises. Authorization of delivery or direct shipment of alcohol to consumers would require a change in the state law and requires legislative action.

1) An Alabama licensee who holds a license that allows the sale of alcoholic beverages for on-premises consumption only and/or off-premises consumption may now sell for off-premises consumption only using curbside pick-up or take-out services with the following restrictions:

a. All alcoholic beverages sold must be in a sealed, unopened container which is defined as a container containing alcoholic beverages, which has not been opened or unsealed subsequent to filling and sealing by the manufacturer or importer (See Section 28-3-1(32), Code of Alabama, 1975).

b. The licensee may sell no more than one liter bottle of spirits, two 750 ml bottles of wine, or one case of beer per customer.

i. Spirits may be sold in any size bottle(s), provided that the total amount of the spirits sold does not exceed one liter per customer.

ii. Wine may be sold in any size bottle(s), provided that the total amount of the wine sold does not exceed 1500 ml per customer.

iii. Beer may be sold in any packaging and in any size container, provided that the amount of beer sold does not exceed 288 ounces. Draft beer may be sold only in areas where it has been authorized by the local governing jurisdiction and sealing requirements are met.

c. The employee processing and handling the pick-up or take-out order must be 21 years of age or older.

d. The licensee or employee processing and handling the pick-up or take-out order must verify that the recipient is 21 years of age or older, using identification listed in ABC Rules and Regulations 20-X-6-.09(d).

e. The licensee is responsible for following all other ABC Rules and Regulations and Title 28, Code of Alabama, 1975.

Author: ABC Board
Statutory Authority: Code of Alabama, 1975 §§28-3-49 and 41-22-5(b)
History: Filed March 18, 2020; Amended March 24, 2020; Refiled July 14, 2020