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 14th day of December, 2020.

AGENCY NAME: Alabama Alcoholic Beverage Control Board
RULE NO. AND TITLE: 20-X-6-.19ER Emergency Curbside Sales Authorization
EFFECTIVE DATE OF RULE: 14th day of December, 2020
EXPIRATION DATE (If less than 120 days): January 4, 2021
NATURE OF EMERGENCY: To address economic disruption caused by COVID-19 pandemic.
The ABC Board issued an Emergency Rule effective March 18, 2020 that authorized retail licensees to conduct curb-side sales of alcoholic beverages in response to the Covid-19 pandemic. The Emergency Rule was allowed to expire on September 15, 2020.
At the time it was allowed to expire the rate of spread of Covid-19 appeared to be decreasing and it was unforeseen that there would be a dramatic increase in the spread.
Therefore, the Alabama ABC Board has decided to issue an amended Emergency Curbside Sales Authorization Rule.

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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REC'D & FILED
DEC 14 2020
LEGISLATIVE SVC AGENCY

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

FILING DATE
(For APA Use only)

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20-X-6-.19ER. 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 Restaurant and Retail Liquor license that allows the sale of alcoholic beverages for on-premises consumption only 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 .375 liter (375ml) bottle of spirits, two 750 ml bottles of wine, or 144 ounces 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 .375 liter (375ml) 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 144 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; Readopted July 14, 2020; Amended December 14, 2020