

1 169096-4 : n : 05/13/2015 : WILLIAMS / vr

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3 SENATE FISCAL RESPONSIBILITY AND ECONOMIC DEVELOPMENT
4 COMMITTEE SUBSTITUTE FOR SB452

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9 SYNOPSIS: This bill would allow a brewpub to sell its
10 beer for off-premises consumption.

11 This bill would allow limited production
12 breweries to sell their beer for off-premises
13 consumption.

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15 A BILL
16 TO BE ENTITLED
17 AN ACT

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19 To amend Section 28-4A-3 of the Code of Alabama
20 1975, relating to brewpubs; to allow a brewpub to sell beer
21 that it produces onsite in limited quantities for off-premises
22 consumption; and to allow a brewery that manufactures no more
23 than 30,000 barrels of beer per year to sell beer on its
24 licensed premises that it produces onsite in limited
25 quantities for off-premises consumption.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 28-4A-3 of the Code of Alabama
2 1975, is amended to read as follows:

3 "§28-4A-3.

4 "(a) In addition to the licenses authorized to be
5 issued and renewed by the board pursuant to the Alcoholic
6 Beverage Licensing Code codified as Chapter 3A of this title,
7 the board, upon applicant's compliance with the provisions of
8 this chapter and with Chapter 3A and the regulations made
9 thereunder, is authorized to issue to a qualified applicant a
10 brewpub license which shall authorize the licensee to
11 manufacture or brew beer, in a quantity not to exceed 10,000
12 barrels in any one year and to sell beer brewed on the
13 licensed premises in unpackaged form at retail for on-premises
14 consumption at the licensed premises only, to sell at retail
15 on the licensed premises in reusable containers draft beer
16 brewed on the licensed premises for off-premises consumption
17 by individuals in an amount not to exceed 128 ounces per
18 customer per day, to sell beer brewed on the premises in
19 original, unopened barrel or keg containers to any licensed
20 wholesaler designated by a brewpub licensee pursuant to
21 Sections 28-8-2 and 28-9-3 for resale to retail licensees, and
22 to purchase beer, including draft or keg beer, in original,
23 unopened containers from licensed wholesalers and to sell such
24 beer at retail for on-premises consumption only, in a room or
25 rooms or place on the licensed premises at all times

1 accessible to the use and accommodation of the general public,
2 subject to the following conditions:

3 "(1) The brewpub premises must be located in an
4 historic building or site as defined in Section 40-8-1, or in
5 a registered historic district, or in any economically
6 distressed area designated as suitable by the municipal or
7 county governing body, in a wet county or wet municipality, in
8 which county beer was brewed for public consumption prior to
9 the ratification of the Eighteenth Amendment to the U.S.
10 Constitution in 1919.

11 "(2) The proposed location of the premises shall
12 not, at the time of the original application, be prohibited by
13 a valid zoning ordinance or other ordinance in the valid
14 exercise of police power by the governing body of the
15 municipality or county in which the brewpub is located.

16 "(3) Beer brewed by the brewpub licensee shall be
17 packaged or contained in barrels from which the beer is to be
18 dispensed only on the premises where brewed for consumption on
19 or off the premises or sold in original, unopened barrel or
20 keg containers to any designated wholesaler licensee for
21 resale to retailer licensees.

22 "(4) The brewpub must contain and operate a
23 restaurant or otherwise provide food for consumption on the
24 premises.

25 "(5) The brewpub may not sell any alcoholic
26 beverages if it is not actively and continuously engaged in

1 the manufacture or brewing of alcoholic beverages on the
2 brewpub's licensed premises.

3 "(b) The annual license fee levied and prescribed
4 for a license as a brewpub issued or renewed by the board
5 pursuant to the authority of this chapter is \$1,000.

6 "(c) Except as provided in this subsection, the
7 provisions of this title shall be applicable. The provisions
8 of Section 28-3-4 and subsection (b) of Section 28-3A-6, shall
9 not be applicable with regard to beer brewed by the brewpub
10 and sold and dispensed on the brewpub premises. In all other
11 respects, Section 28-3-4 and Section 28-3A-6(b) shall be
12 applicable."

13 Section 2. A new Section 28-3A-6.1 is added to the
14 Code of Alabama 1975, to read as follows:

15 §28-3A-6.1.

16 (a) The words and phrases used in this section shall
17 have the meanings ascribed to them in Section 28-3-1, and any
18 acts amendatory thereof, supplementary thereto, or substituted
19 therefor or as described in subsection (b).

20 (b) The following words or phrases, whenever they
21 appear in this section, unless the context clearly indicates
22 otherwise, shall have the meanings ascribed to them in this
23 subsection:

24 (1) BREW. The production and packaging of beer.

25 (2) SMALL BREWER. Any person, association, or
26 corporation licensed under Section 28-3A-6 that brews

1 collectively at all of its locations, whether within or
2 without this state, and among all of its parents, affiliates,
3 subsidiaries, and partners, no more than 30,000 barrels of
4 beer per year.

5 (c) A small brewer actively and continuously engaged
6 in manufacture of beer on the small brewer's licensed premises
7 in the State of Alabama may sell at retail on its licensed
8 premises reusable containers of draft beer brewed on the
9 licensed premises for off-premises consumption by individuals
10 in an amount not to exceed 128 ounces per customer per day;
11 however, nothing in this subsection shall be construed to
12 allow a small brewer to sell any beer direct to any retailer.

13 (d) Except as provided in this subsection, the
14 provisions of this title shall be applicable. The provisions
15 of Section 28-3-4 and subsection (b) of Section 28-3A-6 shall
16 not be applicable with regard to beer brewed by the small
17 brewer and sold and dispensed on the licensed premises
18 pursuant to subsection (c) and subdivision (h)(1) of Section
19 28-3A-6. In all other respects, Section 28-3-4 and Section
20 28-3A-6(b) shall be applicable.

21 Section 3. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.