

March 18, 2020

THIS MEMO IS FOR ALL RETAIL LICENSEES AFFECTED BY EMERGENCY RULE 20-X-6-.19

The emergency rule enacted by the ABC Board in regard to curbside sales allows retail licensees to sell alcoholic beverages of any size, up to the amounts stated in the Rule, (750ml Spirits or Wine, or 6-Pack Beer) in THE ORIGINAL, UN-OPENED CONTAINERS, AS SEALED BY THE MANUFACTURER.

All mixed drinks, cocktails, or cups or glasses of any kind are prohibited from curbside sales, whether or not they have a lid, and customers with such open containers will be subject to arrest for violation of open container laws.

Licensees that were previously authorized to sell sealed Growlers for off-premises consumption will be permitted to sell one (1) sealed Growler at curbside per customer.

Note: If your business was not ordered closed and can be operated without violating the current safety protocols, nothing prohibits selling products to a customer inside your premises in whatever amounts as you normally would.

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 18 day of March, 2020.

AGENCY NAME: Alabama Alcoholic Beverage Control Board
RULE NO. AND TITLE: 20-X-6-.19 Emergency Curbside Sales Authorization
EFFECTIVE DATE OF RULE: 18th day of March, 2020
EXPIRATION DATE (If less than 120 days):
NATURE OF EMERGENCY: To address 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 NO
NAME, ADDRESS AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

Renee Ferraz
2715 Gunter Park Drive, W
Montgomery, AL 36109
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334-260-5434



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

MAR 18 2020

LEGISLATIVE SVC AGENCY

120 days

ALABCRegs

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 containers.
- b. The licensee may sell no more than one 750 ml bottle of spirits, one 750 ml bottle of wine, or one six pack of beer per customer.
- c. The employee processing and handling the pick-up or take-out order must be over 21 years of age.
- d. The licensee or employee processing and handling the pick-up or take-out order must use identification as 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