HB303
190151-2
By Representatives Daniels, Drummond, Todd, Forte, Hollis, McClammy, McCampbell, Jackson, Beech, Hall, Moore (M), Rogers, Lindsey, Knight and Coleman
RFD: Economic Development and Tourism
First Read: 25-JAN-18
A BILL
TO BE ENTITLED
AN ACT

Relating to alcoholic beverages; to amend Section 28-3A-25, Code of Alabama 1975, to provide that a prohibition on manufacturers of alcoholic beverages from selling alcohol between the hours of 9:00 p.m. Saturday until 2:00 a.m. the following Monday is subject to a law that authorizes manufacturers to conduct tastings and samplings at the licensed premises as otherwise provided by law.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 28-3A-25, Code of Alabama 1975, is amended to read as follows:

"§28-3A-25.

(a) It shall be unlawful:

(1) For any manufacturer, importer, wholesaler, or the servants, agents, or employees of the same, to sell, trade, or barter in alcoholic beverages between the hours of nine o'clock p.m. of any Saturday and two o'clock a.m. of the following Monday, except as provided in Section 28-3A-6(h)(1).

(2) For any wholesaler or the servants, agents, or employees of the wholesaler to sell alcoholic beverages, to
other than wholesale or retail licensees or others within this
state lawfully authorized to sell alcoholic beverages, or to
sell for export.

"(3) For any person, licensee, or the board either
directly or by the servants, agents, or employees of the same,
or for any servant, agent, or employee of the same, to sell,
deliver, furnish, or give away alcoholic beverages to any
person under the legal drinking age, as defined in Section
28-1-5, or to permit any person under the legal drinking age,
as defined in Section 28-1-5, to drink, consume, or possess
any alcoholic beverages on any licensee's premises.

"(4) For any person to consume alcoholic beverages
on the premises of any state liquor store or any off-premises
licensee, or to allow alcoholic beverages to be consumed on
the premises of any state liquor store or any off-premises
licensee, except as specifically allowed by law for the
tasting of alcoholic beverages.

"(5) For any licensee to fail to keep for a period
of at least three years, complete and truthful records
covering the operation of his or her license and particularly
showing the date of all purchases of alcoholic beverages, the
actual price paid therefor, and the name of the vendor, or to
refuse the board or any authorized employee of the board
access to the records or the opportunity to make copies of the
records when the request is made during business hours.

"(6) For any licensee or the servants, agents, or
employees of the same to refuse the board, any of its
authorized employees, or any duly commissioned law enforcement
doctor the right to completely inspect the entire licensed
premises at any time the premises are open for business.

"(7) For any person to knowingly sell any alcoholic
beverages to any person engaged in the business of illegally
selling alcoholic beverages.

"(8) For any person to manufacture, transport, or
import alcoholic beverages into this state, except in
accordance with the reasonable rules and regulations of the
board. This subdivision shall not prohibit the transportation
of alcoholic beverages through the state or any dry county so
long as the beverages are not for delivery therein, if the
transportation is done in accordance with the reasonable rules
and regulations of the board.

"(9) For any person to fortify, adulterate,
contaminate, or in any manner change the character or purity
of alcoholic beverages from that as originally marketed by the
manufacturer, except that a retail licensee on order from a
customer may mix a chaser or other ingredients necessary to
prepare a cocktail or mixed drink for on-premises consumption.

"(10) For any person licensed to sell alcoholic
beverages to offer to give any thing of value as a premium for
the return of caps, stoppers, corks, stamps, or labels taken
from any bottle, case, barrel, or package containing the
alcoholic beverages, or to offer to give any thing of value as
a premium or present to induce the purchase of the alcoholic
beverages, or for any other purpose whatsoever in connection
with the sale of the alcoholic beverages. This subdivision shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners of the containers.

"(11) For any licensee or transporter for hire, servant, agent, or employee of the same, to transport any alcoholic beverages except in the original container, and for any transporter for hire to transport any alcoholic beverages within the state, unless the transporter holds a permit issued by the board.

"(12) For any manufacturer, importer, or wholesaler, servant, agent, or employee of the same, to deliver any alcoholic beverages, except in vehicles bearing such information on each side of the vehicle as required by the board.

"(13) For any person to sell alcoholic beverages within any dry county or county where the electors have voted against the sales, except in wet municipalities or as authorized by Section 28-3A-18.

"(14) For any person, firm, corporation, partnership, or association of persons as the terms are defined in Section 28-3-1, including any civic center authority, racing commission, fair authority, airport authority, public or quasi-public board, agency, or commission, any agent thereof, or otherwise, who or which has not been properly licensed under the appropriate provisions of this chapter to sell, offer for sale, or have in possession
for sale, any alcoholic beverages. Any alcoholic beverages so possessed, maintained, or kept shall be contraband and subject to condemnation and confiscation as provided by law.

"(15) For any manufacturer, distiller, producer, importer, or distributor of alcoholic beverages to employ and maintain any person, who is not a full-time bona fide employee, as a resident sales agent, broker, or other like representative, for the purpose of promoting a sale, purchase, or acquisition of alcoholic beverages to or by the state or the board, or for any person who is not a full-time bona fide employee to act as an agent, broker, or representative of any manufacturer, distributor, producer, importer, or distiller for that purpose.

"(16) For any person to sell, give away, or otherwise dispose of taxable alcoholic beverages within this state on which the required taxes have not been paid as required by law.

"(17) For any wholesaler or retailer, or the servant, agent, or employee of the same, to sell, distribute, deliver, or to receive or store for sale or distribution within this state any alcoholic beverages unless there first has been issued by the board a manufacturer's license to the manufacturer of the alcoholic beverages or its designated representative or an importer license to the importer of the alcoholic beverages.

"(18) For any person under the legal drinking age, as defined in Section 28-1-5, to attempt to purchase, to
purchase, consume, possess, or to transport any alcoholic
beverages within the state; provided, however, it shall not be
unlawful for a person under the legal drinking age, as defined
in Section 28-1-5, to be an employee of a wholesale licensee
or an off-premises retail licensee of the board to handle,
transport, or sell any beer or table wine if the person under
the legal drinking age is acting within the line and scope of
his or her employment while so acting. There must be an adult
licensee, servant, agent, or employee of the same present at
all times a licensed establishment is open for business.

"(19) For any person, except where authorized by a
local act or general act of local application, to buy, give
away, sell, or serve for consumption on or off the premises,
or to drink or consume any alcoholic beverages in any cafe,
lunchroom, restaurant, hotel dining room, or other public
place on Sunday after the hour of two o'clock A.M.

"(20) Except where authorized by a local act or
general act of local application, for the proprietor, keeper,
or operator of any cafe, lunchroom, restaurant, hotel dining
room, or other public place to knowingly permit any person to
give away, sell, or serve for consumption on or off the
premises, or to drink or consume any alcoholic beverages on
the premises of the cafe, lunchroom, restaurant, hotel dining
room, or other public place on Sunday after the hour of two
o'clock A.M.

"(21) For a person under the age of 21 years to
knowingly use or attempt to use a false, forged, deceptive, or
otherwise nongenuine driver's license to obtain or attempt to
obtain alcoholic beverages within this state.

"(b)(1) Any violation of subdivisions (1) through
(17) of subsection (a) shall be a misdemeanor punishable by a
fine of not less than one hundred dollars ($100) nor more than
one thousand dollars ($1,000), to which, at the discretion of
the court or judge trying the case, may be added imprisonment
in the county jail or at hard labor for the county for not
more than six months for the first conviction; and, on the
second conviction of a violation of the subdivisions, the
offense shall, in addition to the aforementioned fine, be
punishable by imprisonment or at hard labor for the county for
not less than three months nor more than six months to be
imposed by the court or judge trying the case; and, on the
third conviction and every subsequent conviction of a
violation of the subdivisions, the offense shall, in addition
to a fine within the limits abovenamed, be punishable by
imprisonment or at hard labor for the county for not less than
six months nor more than 12 months.

"(2) Any violation of any provision of subdivisions
(18), (19), (20), and (21) of subsection (a) shall be a
misdemeanor punishable by a fine of not less than fifty
dollars ($50) nor more than five hundred dollars ($500), to
which, at the discretion of the court or judge trying the
case, may be added imprisonment in the county jail or at hard
labor for the county for not more than three months.
"(c) In addition to the penalties otherwise provided for a violation of subdivisions (18) and (21) of subsection (a), upon conviction, including convictions in juvenile court or under the Youthful Offender Act, the offender's license to operate a motor vehicle in this state shall be surrendered by the offender to the judge adjudicating the case for a period of not less than three months nor more than six months. The judge shall forward a copy of the order suspending the license to the Department of Public Safety for enforcement purposes."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.
House of Representatives

Read for the first time and referred to the House of Representatives committee on Economic Development and Tourism. ....... 25-JAN-18

Read for the second time and placed on the calendar 1 amendment ....... 15-FEB-18

Read for the third time and passed as amended. ....... 08-MAR-18

Yeas 74, Nays 8, Abstains 11

Jeff Woodard
Clerk