

1 HB303  
2 190151-1  
3 By Representatives Daniels, Drummond, Todd, Forte, Hollis,  
4 McClammy, McCampbell, Jackson, Beech, Hall, Moore (M), Rogers,  
5 Lindsey, Knight and Coleman  
6 RFD: Economic Development and Tourism  
7 First Read: 25-JAN-18

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8 SYNOPSIS: Under existing law, a manufacturer,  
9 importer, or wholesaler of alcoholic beverages may  
10 not sell alcoholic beverages between the hours of  
11 9:00 p.m. Saturday until 2:00 a.m. the following  
12 Monday.

13 This bill would remove manufacturers from  
14 this prohibition.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT

19  
20 Relating to alcoholic beverages; to amend Section  
21 28-3A-25, Code of Alabama 1975, to eliminate a prohibition on  
22 manufacturers of alcoholic beverages from selling alcohol  
23 between the hours of 9:00 p.m. Saturday until 2:00 a.m. the  
24 following Monday.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

1           "§28-3A-25.

2           "(a) It shall be unlawful:

3           "(1) For any ~~manufacturer,~~ importer, or wholesaler,  
4 or the servants, agents, or employees of the same, to sell,  
5 trade, or barter in alcoholic beverages between the hours of  
6 nine o'clock ~~P.M.~~ p.m. of any Saturday and two o'clock ~~A.M.~~  
7 a.m. of the following Monday.

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

13           "(3) For any person, licensee, or the board either  
14 directly or by the servants, agents, or employees of the same,  
15 or for any servant, agent, or employee of the same, to sell,  
16 deliver, furnish, or give away alcoholic beverages to any  
17 person under the legal drinking age, as defined in Section  
18 28-1-5, or to permit any person under the legal drinking age,  
19 as defined in Section 28-1-5, to drink, consume, or possess  
20 any alcoholic beverages on any licensee's premises.

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

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

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

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

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

25           "(9) For any person to fortify, adulterate,  
26 contaminate, or in any manner change the character or purity  
27 of alcoholic beverages from that as originally marketed by the

1 manufacturer, except that a retail licensee on order from a  
2 customer may mix a chaser or other ingredients necessary to  
3 prepare a cocktail or mixed drink for on-premises consumption.

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

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

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

26 "(13) For any person to sell alcoholic beverages  
27 within any dry county or county where the electors have voted

1 against the sales, except in wet municipalities or as  
2 authorized by Section 28-3A-18.

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

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

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

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

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

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

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

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

14           "(b) (1) Any violation of subdivisions (1) through  
15 (17) of subsection (a) shall be a misdemeanor punishable by a  
16 fine of not less than one hundred dollars (\$100) nor more than  
17 one thousand dollars (\$1,000), to which, at the discretion of  
18 the court or judge trying the case, may be added imprisonment  
19 in the county jail or at hard labor for the county for not  
20 more than six months for the first conviction; and, on the  
21 second conviction of a violation of the subdivisions, the  
22 offense shall, in addition to the aforementioned fine, be  
23 punishable by imprisonment or at hard labor for the county for  
24 not less than three months nor more than six months to be  
25 imposed by the court or judge trying the case; and, on the  
26 third conviction and every subsequent conviction of a  
27 violation of the subdivisions, the offense shall, in addition



1 to a fine within the limits abovenamed, be punishable by  
2 imprisonment or at hard labor for the county for not less than  
3 six months nor more than 12 months.

4 "(2) Any violation of any provision of subdivisions  
5 (18), (19), (20), and (21) of subsection (a) shall be a  
6 misdemeanor punishable by a fine of not less than fifty  
7 dollars (\$50) nor more than five hundred dollars (\$500), to  
8 which, at the discretion of the court or judge trying the  
9 case, may be added imprisonment in the county jail or at hard  
10 labor for the county for not more than three months.

11 "(c) In addition to the penalties otherwise provided  
12 for a violation of subdivisions (18) and (21) of subsection  
13 (a), upon conviction, including convictions in juvenile court  
14 or under the Youthful Offender Act, the offender's license to  
15 operate a motor vehicle in this state shall be surrendered by  
16 the offender to the judge adjudicating the case for a period  
17 of not less than three months nor more than six months. The  
18 judge shall forward a copy of the order suspending the license  
19 to the Department of Public Safety for enforcement purposes."

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