SB126

209363-1

By Senator Waggoner

RFD: Judiciary

First Read: 02-FEB-21

PFD: 02/01/2021
SYNOPSIS: Under existing law, delivery of beer, wine, and spirits to a residence is prohibited.

This bill would provide for a delivery service license issued by the Alcoholic Beverage Control Board that would allow the licensee to deliver sealed beer, wine, and spirits from certain licensed retail establishments directly to individuals in Alabama who are at least 21 years of age for their personal use.

This bill would provide for the licensing process and establish certain restrictions and requirements for delivery service licensees.

This bill would authorize certain employees of a delivery service licensee and certain independent contractors of a delivery service licensee to deliver beer, wine, and spirits to individuals in Alabama.

This bill would provide for the sale of table wines at retail in containers approved by the Alcoholic Beverage Control Board.
A BILL
TO BE ENTITLED
AN ACT

Relating to alcoholic beverages; to amend Sections 28-1-4, 28-3-1, 28-3A-13, and 28-3A-14, Code of Alabama 1975; to provide for a delivery service license from the Alcoholic Beverage Control Board that authorizes the licensee, using its employees or independent contractors, to deliver beer, wine, and spirits directly to individuals in Alabama who are at least 21 years of age for their personal use; to provide for the licensing procedure; to provide restrictions and requirements on the delivery of beer, wine, and spirits; and to provide for issuance and renewal fees for a delivery service license.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is the Legislature's intent to maintain the current uniform system of control over the sale, purchase, transportation, manufacture, consumption, and possession of alcoholic beverages in Alabama, and to provide procedures to ensure the proper administration of the Alcoholic Beverage Control laws under a uniform system throughout the State. This act shall be liberally construed to ensure that the sale, purchase, transportation, manufacture, consumption, delivery, and possession of alcoholic beverages shall be prohibited except as authorized in this act. If any
provision of this act or its application to any person or circumstance is determined by a court or other authority of competent jurisdiction to be invalid or unconstitutional, that provision shall be stricken and the remaining provisions shall be construed in accordance with the intent of the Legislature to further limit rather than expand commerce in alcoholic beverages, malt beverages, unfortified wine, and fortified wine, and shall be construed to enhance strict regulatory control over taxation, distribution, and sale of alcoholic beverages through the three-tier regulatory system and the franchise laws imposed by this act.

Section 2. Sections 28-1-4, 28-3-1, 28-3A-13, and 28-3A-14, Code of Alabama 1975, are amended to read as follows:

"§28-1-4.

"(a) The words and phrases used in this section shall have the meanings ascribed to them in Section 28-3-1 and any acts amendatory thereof, supplementary thereto or substituted therefor.

"(b) Except as provided in subsections (c) and (d), it shall be unlawful for any common or permit carriers, operators carrier, operator of trucks, buses, or other conveyances or out-of-state manufacturers or suppliers a manufacturer or supplier to make delivery of any alcoholic beverage from without the State of Alabama to any person, association or corporation within the state, except to the Alabama Alcoholic Beverage Control Board and to manufacturers,
importers, wholesalers, and warehouses licensed by the Alabama
Alcoholic Beverage Control Board to receive the alcoholic
beverages so delivered.

"(c) Any violation of subsection (a) of this section
shall be a misdemeanor, punishable as provided in paragraph
(1) of subsection (b) of Section 28-3A-25.

"(d) All laws or parts of law which conflict or are
inconsistent with this section are hereby repealed, provided,
however, the provisions of Section 28-1-3 are excluded.

"(c) Notwithstanding subsection (b), a delivery
service licensee or an employee or independent contractor of a
delivery service licensee, pursuant to Section 3 of the act
adding this amendatory language, may transport and deliver
beer, wine, and spirits to an individual in the state who is
at least 21 years of age.

"(d) Notwithstanding any law, rule, ordinance, or
resolution to the contrary, this section and Section 3 of the
act adding this amendatory language shall exclusively govern
the delivery of wine, beer, and spirits throughout the state.

"§28-3-1.

"As used in this title, the following words shall
have the following meanings unless the context clearly
indicates otherwise:

"(1) ALCOHOLIC BEVERAGES. Any alcoholic, spirituous,
vinous, fermented, or other alcoholic beverage, or combination
of liquors and mixed liquor, a part of which is spirituous,
vinous, fermented, or otherwise alcoholic, and all drinks or
drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, and shall include liquor, beer, and wine.

"(2) ASSOCIATION. A partnership, limited partnership, or any form of unincorporated enterprise owned by two or more persons.

"(3) BEER, or MALT OR BREWED BEVERAGES. Except as otherwise provided in this subdivision, any beer, lager beer, ale, porter, malt or brewed beverage, or similar fermented malt liquor beverage containing one-half of one percent or more of alcohol by volume and not in excess of thirteen and nine-tenths percent alcohol by volume, by whatever name the same may be called brewed or produced from malt, wholly or in part, or from rice, grain of any kind, bran, glucose, sugar, or molasses. A beer or malt or brewed beverage may incorporate honey, fruit, fruit juice, fruit concentrate, herbs, spices, or other flavorings during the fermentation process. The term does not include any product defined as liquor, table wine, or wine.

"(4) BOARD. The Alcoholic Beverage Control Board.

"(5) BRANDY. All beverages which are an alcoholic distillate from the fermented juice, mash, or wine of fruit, or from the residue thereof, produced in such manner that the distillate possesses the taste, aroma, and characteristics generally attributed to the beverage, as bottled at not less than 80 degree proof.
(6) CARTON. The package or container or containers in which alcoholic beverages are originally packaged for shipment to market by the manufacturer or its designated representatives or the importer.

(7) CIDER. A fermented alcoholic beverage made from apple juice and containing not more than 8.5 percent alcohol by volume.

(8) CLUB.

a. Class I. A corporation or association organized or formed in good faith by authority of law and which must have at least 150 paid-up members. It must be the owner, lessee, or occupant of an establishment operated solely for the objects of a national, social, patriotic, political, or athletic nature or the like, but not for pecuniary gain, and the property as well as the advantages of which, belong to all the members and which maintains an establishment provided with special space and accommodations where, in consideration of payment, food with or without lodging is habitually served. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation, and ballot and charge and collect dues from elected members.

b. Class II. A corporation or association organized or formed in good faith by authority of law and which must have at least 100 paid-up members. It must be the owner, lessee, or occupant of an establishment operated solely for the objects of a national, social, patriotic, political, or
athletic nature or the like. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation, and ballot, and charge and collect dues from elected members.

"(9) CONTAINER. The single bottle, can, keg, bag, or other receptacle, not a carton, in which alcoholic beverages are originally packaged for the market by the manufacturer or importer and from which the alcoholic beverage is consumed by or dispensed to the public.

"(10) CORPORATION. A corporation or joint stock association organized under the laws of this state, the United States, or any other state, territory or foreign country, or dependency.

"(11) DELIVERY. The transportation of alcohol directly from a retail licensee of the board to an individual, pursuant to Section 28-1-4 and Section 3 of the act adding this amendatory language.

"(12) DELIVERY SERVICE LICENSE. A license issued by the Alabama Alcoholic Beverage Control Board in accordance with Section 3 of the act adding this amendatory language that authorizes the licensee, the licensee's employees, or independent contractors under a contractual or business arrangement with the licensee to transport and deliver alcoholic beverages.

"(13) DRY COUNTY. Any county which by a majority of those voting voted in the negative in an election heretofore held under the applicable statutes at the time of
the election or may hereafter vote in the negative in an
election or special method referendum hereafter held in
accordance with the provisions of Chapter 2 of this title, or
held in accordance with the provisions of any act hereafter
enacted permitting such election.

"(12)(14) DRY MUNICIPALITY. Any municipality within
a wet county which has, by its governing body or by a majority
of those voting in a municipal election heretofore held in
accordance with the provisions of Section 28-2-22, or in a
municipal option election heretofore or hereafter held in
accordance with the provisions of Act 84-408, Acts of Alabama
1984, appearing as Chapter 2A of this title, or any act
hereafter enacted permitting municipal option election, voted
to exclude the sale of alcoholic beverages within the
corporate limits of the municipality.

"(15) EMPLOYEE. An individual to whom an employer is
required to issue a W-2 tax form under federal law.

"(13)(16) GENERAL WELFARE PURPOSES.

"a. The administration of public assistance as set
out in Sections 38-2-5 and 38-4-1;

"b. Services, including supplementation and
supplementary services under the federal Social Security Act,
to or on behalf of persons to whom such public assistance may
be given under Sections 38-2-5 and 38-4-1;

"c. Service to and on behalf of dependent,
neglected, or delinquent children; and
"d. Investigative and referral services to and on behalf of needy persons.

"(14)(17) HEARING COMMISSION. A body appointed by the board to hear and decide all contested license applications and all disciplinary charges against any licensee for violation of this title or the regulations of the board.

"(15)(18) HOTEL. A building or buildings held out to the public for housing accommodations of travelers or transients, and shall include motel, but shall not include a rooming house or boarding house.

"(16)(19) IMPORTER. Any person, association, or corporation engaged in importing alcoholic beverages, liquor, wine, or beer, manufactured outside of the United States of America into this state or for sale or distribution in this state, or to the board or to a licensee of the board.

"(20) INDEPENDENT CONTRACTOR. An individual to whom an employer is required to issue a 1099 tax form under federal law.

"(17)(21) KEG. A pressurized factory sealed container with a capacity equal to or greater than five US gallons, from which beer is withdrawn by means of an external tap.

"(18)(22) LIQUOR. Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, fermented, vinous or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for
beverage purposes, which contain one-half of one percent or
more of alcohol by volume, except beer and table wine.

"(19)(23) LIQUOR STORE. A liquor store operated by
the board, where alcoholic beverages other than beer are
authorized to be sold in unopened containers.

"(20)(24) MANUFACTURER. Any person, association, or
corporation engaged in the producing, bottling, manufacturing,
distilling, rectifying, or compounding of alcoholic beverages,
liquor, beer, or wine in this state or for sale or
distribution in this state or to the board or to a licensee of
the board.

"(21)(25) MEAD. An alcoholic beverage produced by
fermenting a solution of honey and water with grain mash and
containing not more than 18 percent alcohol by volume.

"(22)(26) MEAL. A diversified selection of food some
of which is not susceptible of being consumed in the absence
of at least some articles of tableware and which cannot be
conveniently consumed while one is standing or walking about.

"(23)(27) MINOR. Any person under 21 years of age;
provided, however, in the event Section 28-1-5, shall be
repealed or otherwise shall be no longer in effect, thereafter
the provisions of Section 26-1-1, shall govern.

"(24)(28) MUNICIPALITY. Any incorporated city or
town of this state to include its police jurisdiction.

"(25)(29) PERSON. Every natural person, association,
or corporation. Whenever used in a clause prescribing or
imposing a fine or imprisonment, or both, such term as applied
to association shall mean the partners or members thereof and
as applied to corporation shall mean the officers thereof,
except as to incorporated clubs the term person shall mean
such individual or individuals who, under the bylaws of such
clubs, shall have jurisdiction over the possession and sale of
liquor therein.

"(26) (30) POPULATION. The population according to
the last preceding or any subsequent decennial census of the
United States, except where a municipality is incorporated
subsequent to the last census, in which event, its population
until the next decennial census shall be the population of the
municipality as determined by the judge of probate of the
county as the official population on the date of its
incorporation.

"(27) (31) RESTAURANT. A reputable place licensed as
a restaurant, operated by a responsible person of good
reputation and habitually and principally used for the purpose
of preparing and serving meals for the public to consume on
the premises.

"(28) (32) RETAILER. Any person licensed by the board
to engage in the retail sale of any alcoholic beverages to the
consumer.

"(29) (33) SALE or SELL. Any transfer of liquor, wine
or beer for a consideration, and any gift in connection with,
or as a part of, a transfer of property other than liquor,
wine, or beer for a consideration.
"(30)(34) SELLING PRICE. The total marked-up price
of spirituous or vinous liquors sold by the board, exclusive
of taxes levied thereon.

"(31)(35) TABLE WINE. Except as otherwise provided
in this subdivision, any wine containing not more than 24
percent alcohol by volume. Table wine does not include any
wine containing more than sixteen and one-half percent alcohol
by volume that is made with herbs or flavors, except vermouth,
or is an imitation or other than standard wine. Table wine is
not liquor, spirituous, or vinous.

"(32)(36) UNOPENED CONTAINER. A container containing
alcoholic beverages, which has not been opened or unsealed
subsequent to filling and sealing by the manufacturer or
importer.

"(33)(37) WET COUNTY. Any county which by a majority
of those voting voted in the affirmative in an election
heretofore held in accordance with the statutes applicable at
the time of the election or may hereafter vote in the
affirmative in an election or special method referendum held
in accordance with the provisions of Chapter 2 of this title,
or other statutes applicable at the time of the election.

"(34)(38) WET MUNICIPALITY. Any municipality in a
dry county which by a majority of those voting voted in the
affirmative in a municipal option election heretofore or
hereafter held in accordance with the provisions of Act
84-408, Acts of Alabama 1984, appearing as Chapter 2A of this
title, as amended, or any act hereafter enacted permitting
municipal option election, or any municipality which became
wet by vote of the governing body or by the voters of the
municipality heretofore or hereafter held under the special
method referendum provisions of Section 28-2-22, or as
hereafter provided, where the county has become dry subsequent
to the elected wet status of the municipality.

"35(39) WHOLESALER. Any person licensed by the
board to engage in the sale and distribution of table wine and
beer, or either of them, within this state, at wholesale only,
to be sold by export or to retail licensees or other wholesale
licensees or others within this state lawfully authorized to
sell table wine and beer, or either of them, for the purpose
of resale only.

"36(40) WINE. All beverages made from the
fermentation of fruits, berries, or grapes, with or without
added spirits, and produced in accordance with the laws and
regulations of the United States, containing not more than 24
percent alcohol by volume, and shall include all sparkling
wines, carbonated wines, special natural wines, rectified
wines, vermouths, vinous beverages, vinous liquors, and like
products, including restored or unrestored pure condensed
juice.


"(a) Upon applicant's compliance with the provisions
of this chapter and the regulations made rules adopted
thereunder, the board shall, where the application is
accompanied by a certificate from the clerk or proper officer
setting out that the applicant has presented his or her application to the governing authority of the municipality, if the licensed premises is to be located therein, and has obtained its consent and approval issue a restaurant liquor license for a hotel, restaurant, civic center authority, or dinner theater which will authorize the licensee to purchase liquor and wine from the board or as authorized by the board and to purchase table wine and beer, including draft or keg beer, in any county or municipality in which the sale thereof is permitted, from any wholesale licensee of the board and, in that part of the hotel, restaurant, club, or dinner theater set out in the license, to sell liquor and wine, dispensed from containers of any size, and beer, including draft or keg beer, in any county or municipality in which the sale thereof is permitted, to the patrons, guests, or members for on-premises consumption in any part of the civic center or in that part of the hotel, restaurant, or dinner theater habitually used for serving meals to patrons, guests, or members, or other public or private rooms of the building in accordance with the provisions of this chapter and the regulations made thereunder, and where a restaurant located in a hotel, but not operated by the owner of the hotel, is licensed to sell alcoholic beverages in the restaurant, it may also sell alcoholic beverages to guests in private rooms in the hotel.

"(b) In accordance with Section 3 of the act adding this amendatory language, a restaurant retail liquor licensee
licensed to sell beer, wine, or spirits for on-premises consumption may apply for and be issued a delivery service license that authorizes the licensee to deliver, along with the purchase of a meal, beer, wine, or spirits from the retailer's premises.

"§28-3A-14.

"Upon applicant's compliance with the provisions of this chapter and the regulations made thereunder, the board shall issue to applicant a retail table wine license which will authorize the licensee to purchase table wine from the board or from a licensed wholesaler in counties and municipalities where authorized, and to sell at retail, in unopened original containers, or dispense from containers of any size and to sell at retail or to dispense in a container approved by the board, for on-premises consumption in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public, and in original unopened containers approved by the board for off-premises consumption, where such use of the proposed location is not, at the time of the original application, prohibited by a valid zoning ordinance or other ordinance in the valid exercise of police power by the governing body of the municipality or county in which the outlet is located."

Section 3. (a) Any entity licensed by the Alcoholic Beverage Control Board for off-premises consumption, restaurant licensee of the board, or valid and responsible organization of good reputation that is registered to do
business in the state may apply for and be issued a delivery
service license. In order to receive a license, an applicant
shall do all of the following:

(1) File an application with the Alcoholic Beverage
Control Board.

(2) Pay a non refundable filing fee of one hundred
dollars ($100), and a license fee of one thousand dollars
($1,000).

(3) Provide to the board a sample contract that the
applicant intends to enter into with a retailer for the
delivery of beer, wine, and spirits, unless the applicant is
the retailer.

(4)a. Provide to the board both of the following:

1. An attestation that the applicant is 21 years of
age or older.

2. A true, correct, and complete criminal court
record of all arrests and subsequent dispositions for the past
three years. If the applicant has been convicted of a felony
or a misdemeanor for a violation of Section
28-3A-25(a)(3), Code of Alabama 1975, then the board shall
reject the application and shall not issue a license.

b. This subdivision shall not apply to publicly
traded companies.

(5)a. For an applicant with four or more delivery
drivers, whether those drivers are employees or independent
contractors, provide proof of a general liability insurance
policy in an amount no less than five million dollars
($5,000,000) per occurrence.

b. For an applicant with three or fewer delivery
drivers, whether those delivery drivers are employees or
independent contractors, provide proof of a general liability
insurance policy in an amount no less than two million dollars
($2,000,000) per occurrence.

(6) Provide to the board an outline for an internal
or external training and certification program for delivery
personnel which addresses topics such as identifying underage
individuals, intoxicated individuals, and fake or altered
identification.

(b) A delivery service licensee may deliver, or
contract with any retailer in the state for the delivery of,
beer, wine, or spirits from a retail premises to an individual
in the state who is at least 21 years of age, for personal use
by that individual only, and not for resale, subject to all of
the following:

(1) The individual placing the order must receive
the ordered alcoholic beverages on the same calendar day that
the alcoholic beverages are removed from the licensed retail
premises.

(2) Any delivery shall be made in vehicles that are
owned or leased by the delivery service licensee or an
employee or independent contractor of the licensee.
(3) Any beer, wine, or spirits shall be delivered in a sealed unopened container, as defined in Section 28-3-1, Code of Alabama 1975.

(4) If the delivery service licensee is a restaurant, then any beer, wine, or spirits delivered by the licensee must be accompanied by a meal.

(5) a.1. Beer, with the exception of draft beer, may be delivered in any size container, provided that the total amount delivered does not exceed the equivalent of 48 12-ounce containers of beer per customer in any single 24-hour period.

2. Draft beer may be sold in accordance with board rules in a total amount not to exceed 288 ounces per customer in any single 24-hour period, and may be delivered only where delivery has been authorized by resolution or ordinance of the local governing jurisdiction.

b. Wine may be sold in any size container, provided that the total amount delivered does not exceed 4,500 milliliters or the equivalent of six 750-milliliter bottles of wine per customer in any single 24-hour period.

c. Spirits may be sold in any size bottle by an off-premises licensee; provided, the total amount delivered does not exceed 1750 milliliters per customer in any single 24-hour period.

d. Spirits may be sold in any size bottle by a restaurant licensee; provided, the total amount delivered does not exceed 375 milliliters per customer in any single 24-hour period.
(6) Any employee or independent contractor delivering beer, wine, or spirits shall comply with all of the following:

a. Is at least 21 years of age.

b. Has a valid driver's license.

c. Has, within the last twelve months, undergone a criminal background check that includes driving records, and the results of which comply with both of the following:

1. The individual has not been convicted within the past seven years of driving under the influence.

2. The individual has not been convicted, at any time, of a crime involving a sexual offense, fraud, property damage, theft, an act of violence, or an act of terror.

3. The individual does not have a match on the National Sex Offender Registry.

d. Does not receive compensation based on whether an attempted delivery of beer, wine, or spirits results in a completed transaction.

e. Is trained and certified consistent with the training program submitted to the board as required by subdivision (a)(6), with documentation on file with the delivery service licensee. Upon request, the licensee shall provide this documentation to the board.

(7) A delivery service licensee may facilitate orders for the sale and delivery of beer, wine, or spirits by telephone, Internet, or by other electronic means; provided, all of the following:
a. The delivery service licensee shall obtain from the customer a confirmation that he or she is at least 21 years of age at the time the order is placed.

b. The delivery service licensee shall ensure all payments have been processed for delivery prior to removing the alcohol from the licensed premises.

c. If the delivery service licensee is a retail licensee, any order for sale and delivery of beer, wine, or spirits received at the licensee's primary place of business or through a third party licensee or facilitator shall be construed as a sale made at the licensee's primary place of business.

(8) Any delivery in a sealed package shall be stamped, printed, or labeled in a manner approved by the board, and that stamp, print, or label shall be prominently displayed on the outside of the sealed package to indicate in readily apparent font or type that the package contains alcohol and that the signature of an individual at least 21 years of age is required for delivery.

(9) A delivery service licensee shall require each recipient, at the time of delivery, to provide valid photo identification that conforms to board rules and that verifies that he or she is at least 21 years of age, and shall require the recipient to sign for the delivery.

(10) A delivery service licensee shall possess identification scanning software technology, or a state-of-the-art alternative approved by the board, available
at the point of delivery that verifies the recipient is at least 21 years of age and retains the recipient's name, date of birth, and signature.

(11) A delivery service licensee shall provide each employee or independent contractor making a delivery with either a printed copy of the delivery service license or an electronic copy indicating the delivery service license's name and number, which shall be available for inspection upon request from the board or any law enforcement officer.

(12) A delivery service licensee shall return any beer, wine, or spirits to the retailer if the recipient is under the age of 21 years; appears intoxicated; fails to provide proof of identification; fails or refuses to sign for delivery; fails to complete the identification scanning software process or state-of-the-art alternative; declines to accept the delivery of beer, wine, or spirits; or any circumstances in the delivery environment indicate illegal conduct, overconsumption, or an otherwise unsafe environment for the consumption of alcohol. In no event shall a delivery service licensee leave an alcoholic beverage delivery unattended.

(13) A delivery service licensee may deliver through a dry county or municipality, but may not deliver or cause a delivery to be made to an individual residing in a dry county or dry municipality. Every employee or independent contractor conducting a delivery shall maintain within the delivery vehicle evidence, electronic or otherwise, that the intended
recipient of any alcoholic beverages is not located in a dry
county or dry municipality.

(14) A delivery service licensee may deliver alcohol
only during hours when alcohol may be sold under general or
local law.

(15) A delivery service licensee may not deliver any
alcoholic beverage to any property controlled by any
institution of higher learning, including any college,
university, community college, technical college, or junior
college.

(16) A delivery service licensee may not delivery
any alcoholic beverage to any licensee of the board.

(17) A delivery service licensee shall report, at
the direction of the board, the total amount of beer, wine, or
spirits directly delivered to residents in the state during
the preceding calendar year.

(18) A delivery service licensee shall permit the
board or the Department of Revenue to perform an audit of the
licensee's records upon request.

(c) A delivery service licensee shall be deemed to
have consented to the jurisdiction of the board, any law
enforcement agency, and the Alabama courts concerning
enforcement of this section and any related laws or rules.

(d) A delivery service licensee shall be considered
to be a servant or agent of the retail licensee with whom the
licensee has contracts, and any violation by the delivery
service licensee, its employees, or its independent
contractors may also be deemed to be a violation by the retail licensee.

(e) A technology services company shall not be required to obtain a delivery service license if the company does not employ or contract with the individual making the deliveries, but merely provides software or a digital network application that connects consumers and licensed retailers for the delivery of alcoholic beverages from a licensed retailer.

(f) A delivery service licensee may renew its license with the board by paying an annual renewal fee of one thousand dollars ($1,000) and by otherwise complying with the renewal process set forth in Section 28-3A-5, Code of Alabama 1975.

(g) The board may enforce the requirements of this section to suspend or revoke a delivery service license by the same administrative proceedings that apply to alcoholic beverage licenses, and the board may accept payment of a fine in lieu of suspension or revocation. The payments shall be as determined by rule of the board.

(h) Except as provided in this section, local ordinances establishing different rules on delivery, delivery service licensees, or requiring additional permits or fees, are prohibited.

(i) The board may adopt rules pursuant to the Alabama Administrative Procedure Act to implement this act.
(j) Any violation of this section is a Class B misdemeanor upon a first conviction. A second or subsequent conviction is a Class A misdemeanor.

Section 4. This act shall become effective on the first day of the sixth month following its passage and approval by the Governor, or its otherwise becoming law.