

SB135 ENGROSSED



1 WV6055-2
2 By Senator Elliott
3 RFD: Tourism
4 First Read: 22-Mar-23
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SYNOPSIS:

A BILL
TO BE ENACTED
AN ACT

Relating to the Alcoholic Beverage Control Board; to amend Sections 28-1-5, as amended by Act 2022-383, 2022 Regular Session, and 28-10-6 of the Code of Alabama 1975, to authorize an employee of a restaurant or hotel that is a restaurant or special retail licensee of the board to serve alcoholic beverages under the same specified conditions as an employee of a restaurant licensee; and to further provide for the forms and records of responsible vendor training.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 28-1-5, as amended by Act 2022-383, 2022 Regular Session, and 28-10-6 of the Code of Alabama 1975, are amended to read as follows:

"§28-1-5

(a) Notwithstanding Section 26-1-1, it shall be unlawful for an individual less than 21 years of age to attempt to purchase, purchase, consume, possess, or transport any alcoholic beverage within the State of Alabama.

(b) Nothing in this section shall prevent an individual who is less than 21 years of age from being



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29 employed by a licensee of the board, provided the individual
30 may not handle, transport, serve, or dispense alcoholic
31 beverages, except as authorized under subsection (c), and a
32 representative of the licensee who is 21 years of age or older
33 must be in attendance at all times the individual is working.

34 (c) Notwithstanding subsection (a):

35 (1) An individual who is 18, 19, or 20 years of age
36 and is employed by a restaurant or a hotel that is a
37 restaurant or special retail licensee may serve alcoholic
38 beverages, provided all of the following conditions are met:

39 a. The employee is working within the scope of his or
40 her employment as a server or a busser.

41 b. The employee may not work as a bartender and may
42 not pour or dispense alcoholic beverages or deliver alcoholic
43 beverages to a guest room.

44 c. The restaurant or hotel that is a restaurant or
45 special retail licensee is annually certified as a responsible
46 vendor under the Alabama Responsible Vendor Act as provided in
47 Chapter 10. Responsible vendor training or testing for these
48 licenses may be conducted online by computer, in a classroom,
49 or by live trainers. Any online training must include employee
50 testing to pass. Nothing in this paragraph shall be construed
51 to require an in-person test administrator or proctor.

52 (2) An individual under 21 years of age who is
53 employed by a wholesale licensee or an off-premises retail
54 licensee may handle, transport, or sell alcoholic beverages,
55 provided the employee is working within the scope of his or
56 her employment.



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57 (d) The board may levy a civil penalty, up to and
58 including suspension or revocation of the license, against any
59 licensee who requests or requires as a condition of employment
60 an employee under the age of 21 years to handle, transport,
61 serve, or dispense alcoholic beverages in a manner that
62 violates this section, as follows:

63 (1) Two hundred fifty dollars (\$250) for a first
64 offense.

65 (2) Five hundred dollars (\$500) for a second offense.

66 (3) One thousand dollars (\$1,000) for a third or
67 subsequent offense."

68 "§28-10-6

69 In order to qualify for certification, the vendor
70 shall comply with the following requirements:

71 (1) Provide a course of instruction for its employees
72 approved by the board which shall include subjects dealing
73 with alcoholic beverages as follows:

74 a. Laws regarding the sale of alcoholic beverages for
75 on-the-premises consumption and/or for off-the-premises
76 consumption~~;~~.

77 b. Methods of recognizing and dealing with underage
78 customers~~;~~ and.

79 c. The development of specific procedures for refusing
80 to sell alcoholic beverages to underage customers; for
81 assisting employees in dealing with underage customers; and
82 for dealing with intoxicated customers.

83 (2) Require each employee who is authorized to sell
84 alcoholic beverages in the normal course of his or her



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85 employment to complete the employee training course set out in
86 subdivision (1) ~~hereof~~ within 30 days of commencing
87 employment~~.~~ Responsible vendor training or testing may be
88 conducted online by computer, in a classroom, or by live
89 trainers. Any online training must include employee testing to
90 pass. Nothing in this subdivision shall be construed to
91 require an in-person test administrator or proctor.

92 (3) Require all ~~such~~ trained employees to attend
93 additional meetings at least semiannually or such other
94 schedule of meetings as may be approved by the board, which
95 meetings shall include the dissemination of existing and new
96 information covering the applicable subjects specified in this
97 section and explaining the vendor's policies and procedures
98 relating to those subjects~~.~~

99 (4) Maintain employment records of the training of its
100 employees required by this section~~; and.~~ The records may be
101 maintained in a digital format provided the records may be
102 produced within 48 hours at the request of the board.

103 (5) Post signs on the vendor's premises informing
104 customers of the vendor's policy against selling alcoholic
105 beverages to underaged persons."

106 Section 2. This act shall become effective immediately
107 following its passage and approval by the Governor, or its
108 otherwise becoming law.

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111 Senate

112 Read for the first time and referred22-Mar-23
113 to the Senate committee on Tourism

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115 Read for the second time and placed05-Apr-23
116 on the calendar:

117 0 amendments

118
119 Read for the third time and passed11-Apr-23
120 as amended

121 Yeas 30

122 Nays 2

123 Abstains 0

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Patrick Harris,
Secretary.