

# HB223 INTRODUCED



1 28T5KI-1  
2 By Representative Starnes (N & P)  
3 RFD: Local Legislation  
4 First Read: 04-Apr-23  
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A BILL  
TO BE ENTITLED  
AN ACT

Relating to Autauga County; to further provide for the regulation of the sale of alcoholic beverages in the unincorporated areas of the county; to authorize the Autauga County Commission to issue a separate county business license for any person or business required to have a retail license from the Alcoholic Beverage Control (ABC) Board for the sale of alcoholic beverages in the unincorporated areas of the county; and to provide for a fee for the license and for the enforcement of this requirement.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply only in Autauga County in the unincorporated areas of the county.

Section 2. For the purposes of this act, the term "unincorporated area of the county" means any area of the county outside of the corporate limits of an operating municipality with an elected mayor and municipal council.

Section 3. In the unincorporated areas of Autauga County, the Autauga County Commission may authorize the sale of draft or keg beer for on-premises or off-premises consumption, or both, by any retail licensee of the Alabama



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29 Beverage Control (ABC) Board, except the county commission  
30 shall not authorize the sale of draft beer in any container  
31 larger than 64 ounces. Except as authorized above, the sale of  
32 draft or keg beer for off-premises consumption in a keg or  
33 other similar container is strictly prohibited. Any licensee  
34 of the ABC Board selling draft beer shall be in compliance  
35 with the requirements of the Responsible Vendor Program of the  
36 board.

37 Section 4. In the unincorporated areas of Autauga  
38 County, the Autauga County Commission may authorize any  
39 properly licensed retail licensee of the ABC Board serving the  
40 general public to sell alcoholic beverages for on-premises or  
41 off-premises consumption, or both, on Sunday after 12:00 p.m.  
42 Any licensee selling alcoholic beverages on Sunday shall be in  
43 compliance with the requirements of the Responsible Vendor  
44 Program of the board.

45 Section 5. (1) Effective October 1, 2023, the Autauga  
46 County Commission, by resolution of the county commission, may  
47 require each individual or entity selling alcoholic beverages  
48 in the unincorporated area of the county for on-premises  
49 consumption to have a separate business license to sell  
50 alcoholic beverages. The Autauga County Commission may set the  
51 requirements for the individual or entity to sell alcoholic  
52 beverages for on-premises consumption in addition to the  
53 requirements for a license from the ABC Board.

54 (2) After the implementation of the license required by  
55 this section, no individual or entity may sell alcoholic  
56 beverages in the unincorporated area of the county for



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57 on-premises consumption without a valid county business  
58 license. The fees for the issuance of the business license  
59 shall not exceed two hundred dollars (\$200) per year as set by  
60 the county commission. The fee for a business license may vary  
61 based on the type of license issued by the ABC Board.

62 (3) The requirements for a business license pursuant to  
63 this section may include the following:

64 a. Inspections relating to fire safety as determined  
65 necessary by the State Fire Marshal and compliance with any  
66 requirements of the inspection, including maximum occupancy of  
67 the premises.

68 b. Compliance with all requirements and inspections of  
69 the Autauga County Health Department relating to food and  
70 beverage service and septic or sewer service.

71 (4) Any violations of the requirements of this section  
72 may result in the denial of a license or the revocation of the  
73 license. The Autauga County Commission may enforce the  
74 provisions of this section by appropriate injunctive relief in  
75 the Circuit Court of Autauga County.

76 Section 6. This act is enacted pursuant to the  
77 authority of Section 104 of the Constitution of Alabama of  
78 2022.

79 Section 7. This act shall become effective on the first  
80 day of the third month following its passage and approval by  
81 the Governor, or its otherwise becoming law.