

HB304 ENROLLED



1 2YF2KK-3
2 By Representatives Rafferty, Hollis, Whitt, Brown
3 RFD: Conference Committee on HB304
4 First Read: 13-Apr-23
5 2023 Regular Session



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1 Enrolled, An Act,

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3 Relating to alcoholic beverage sales; to amend Section
4 28-3A-17.2, Code of Alabama 1975; to further provide for
5 alcoholic beverage sales by food and beverage trucks within
6 established entertainment districts by extending the license
7 to municipalities in all classes.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 28-3A-17.2, Code of Alabama 1975, is
10 amended to read as follows:

11 "§28-3A-17.2

12 (a) ~~This section applies in Class 1 municipalities~~
13 ~~only.~~

14 ~~(b)~~ As used in this section, "food or beverage truck"
15 means a fully encased food or beverage service establishment
16 approved by the Department of Public Health, which is housed
17 on a motor vehicle or on a trailer that a motor vehicle pulls
18 to transport, and from which a vendor, standing within the
19 frame of the vehicle, prepares, cooks, sells, or serves food
20 or beverages, or both, for immediate human consumption. The
21 term does not include a food or beverage cart that is not
22 motorized.

23 ~~(c)~~ (b) (1) Upon a food or beverage truck applicant's
24 compliance with this chapter and any rules adopted thereunder,
25 and upon presentation of the certificate described in
26 subdivision (2), the board shall issue to the applicant a food
27 or beverage truck license that will authorize the licensee to
28 purchase liquor and wine from the board or, as authorized by



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29 the board, table wine and beer, including draft or keg beer,
30 from any wholesale licensee of the board and to sell ~~one~~
31 alcoholic ~~beverage~~beverages ~~per sale~~ for on-premises
32 consumption to guests who may consume the beverages in open
33 containers anywhere within an area designated by the municipal
34 governing body within an established entertainment district,
35 provided the license is not prohibited by a valid ordinance or
36 other ordinance in the valid exercise of police power by the
37 governing body of the municipality in which the food or
38 beverage truck is located.

39 (2) An applicant shall obtain from the municipality in
40 which the food or beverage truck intends to operate a
41 certificate setting out that the applicant has presented his
42 or her application to the governing body of the municipality
43 and the municipality approves of the issuance of the license
44 for the food or beverage truck to sell alcoholic beverages.

45 ~~(d)~~ (c) The food or beverage truck license fee shall be
46 three hundred dollars (\$300).

47 ~~(e)~~ (d) A food or beverage truck operating outside the
48 designated entertainment district may not sell alcoholic
49 beverages.

50 ~~(f)~~ (e) A food or beverage truck licensee shall consent,
51 in writing, to warrantless inspections by city, county, and
52 state inspectors and law enforcement.

53 ~~(g)~~ (f) A food or beverage truck licensee must comply
54 with all on-premises rules, other than the requirement for
55 seating and restrooms.

56 ~~(h)~~ (g) Each food or beverage truck licensee shall



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57 collect and remit all state and local sales and use taxes and
58 all excise and privilege taxes due on the sale of alcoholic
59 beverages.

60 (h) A food or beverage truck licensee may not serve or
61 be authorized to serve any food or beverage within 150 feet of
62 any entrance to any permanent restaurant or to any Alcoholic
63 Beverage Control Board licensee.

64 (i) The board, by rule, may require security cameras in
65 all licensed food or beverage trucks and may require a barrier
66 be placed as a boundary around the vicinity of the food or
67 beverage truck or group of food or beverage trucks within
68 which consumption of alcoholic beverages is permitted. The
69 board shall adopt additional reasonable rules to protect
70 public health and safety."

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 24-May-23, as amended.

John Treadwell
Clerk

Senate	<hr/> 06-Jun-23 <hr/>	Amended and Passed
House	<hr/> 06-Jun-23 <hr/>	Passed, as amended by Conference Committee Report
Senate	<hr/> 06-Jun-23 <hr/>	Passed, as amended by Conference Committee Report