SB135 ENGROSSED



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

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4	SYNOPSIS:
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6	A BILL
7	TO BE ENACTED
8	AN ACT
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10	Relating to the Alcoholic Beverage Control Board; to
11	amend Sections 28-1-5, as amended by Act 2022-383, 2022
12	Regular Session, and 28-10-6 of the Code of Alabama 1975, to
13	authorize an employee of a restaurant or hotel that is a
14	restaurant or special retail licensee of the board to serve
15	alcoholic beverages under the same specified conditions as an
16	employee of a restaurant licensee; and to further provide for
17	the forms and records of responsible vendor training.
18	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
19	Section 1. Sections 28-1-5, as amended by Act
20	2022-383, 2022 Regular Session, and 28-10-6 of the Code of
21	Alabama 1975, are amended to read as follows:
22	" §28-1-5
23	(a) Notwithstanding Section 26-1-1, it shall be
24	unlawful for an individual less than 21 years of age to
25	attempt to purchase, purchase, consume, possess, or transport
26	any alcoholic beverage within the State of Alabama.
27	(b) Nothing in this section shall prevent an
28	individual who is less than 21 years of age from being

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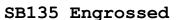


- 29 employed by a licensee of the board, provided the individual
- 30 may not handle, transport, serve, or dispense alcoholic
- 31 beverages, except as authorized under subsection (c), and a
- 32 representative of the licensee who is 21 years of age or older
- must be in attendance at all times the 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.
- 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 quest room.
- 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
- Chapter 10. Responsible vendor training or testing for these
- licensees may be conducted online by computer, in a classroom,
- or by live trainers. Any online training must include employee
- 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
- employed by a wholesale licensee or an off-premises retail
- licensee may handle, transport, or sell alcoholic beverages,
- 55 provided the employee is working within the scope of his or
- her employment.

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- including suspension or revocation of the license, against any licensee who requests or requires as a condition of employment an employee under the age of 21 years to handle, transport,
- 61 serve, or dispense alcoholic beverages in a manner that
- of 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 subsequent offense."
- 68 **"**\$28-10-6
- In order to qualify for certification, the vendor 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:
- a. Laws regarding the sale of alcoholic beverages for on-the-premises consumption and/or for off-the-premises consumption.
- b. Methods of recognizing and dealing with underagecustomers; 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

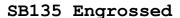




employment to complete the employee training course set out in subdivision (1)—hereof within 30 days of commencing employment. Responsible vendor training or testing may be conducted online by computer, in a classroom, or by live trainers. Any online training must include employee testing to pass. Nothing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

- (3) Require all—such trained employees to attend additional meetings at least semiannually or such other schedule of meetings as may be approved by the board, which meetings shall include the dissemination of existing and new information covering the applicable subjects specified in this section and explaining the vendor's policies and procedures relating to those subjects;
- (4) Maintain employment records of the training of its employees required by this section; and. The records may be maintained in a digital format provided the records may be produced within 48 hours at the request of the board.
- (5) Post signs on the vendor's premises informing customers of the vendor's policy against selling alcoholic beverages to underaged persons."

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





Senate Read for the first time and referred22-Mar-23 to the Senate committee on Tourism on the calendar: 0 amendments Read for the third time and passed11-Apr-23 as amended Yeas 30 Nays 2 Abstains 0 Patrick Harris, Secretary.