

1 SB96
2 197284-1
3 By Senator Whatley
4 RFD: Governmental Affairs
5 First Read: 19-MAR-19

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8 SYNOPSIS: Under current law, the sale of alcoholic
9 beverages on Sundays is only allowed in a wet
10 municipality or wet county if authorized by local
11 law.

12 This bill would authorize the county
13 commission of a wet county, by resolution, to
14 permit and regulate the sale of alcoholic beverages
15 during certain hours on Sunday by retail licensees
16 of the Alcoholic Beverage Control Board.

17 This bill would also authorize the governing
18 body of a wet municipality, by ordinance, to permit
19 and regulate the sale of alcoholic beverages during
20 certain hours on Sunday by retail licensees of the
21 Alcoholic Beverage Control Board.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Relating to Sunday sales of alcoholic beverages;
2 amend Section 28-3A-25 of the Code of Alabama 1975, as last
3 amended by Act 2018-513, 2018 Regular Session, to authorize
4 the county commission of a wet county, by resolution, to
5 permit and regulate the sale of alcoholic beverages on Sunday
6 by retail licensees of the Alcoholic Beverage Control Board;
7 and to authorize the governing body of a wet municipality, by
8 ordinance, to permit and regulate the sale of alcoholic
9 beverages during certain hours on Sunday by retail licensees
10 of the Alcoholic Beverage Control Board.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 28-3A-25 of the Code of Alabama
13 1975, as last amended by Act 2018-513, 2018 Regular Session,
14 is amended to read as follows:

15 "§28-3A-25.

16 "(a) It shall be unlawful:

17 "(1) For any manufacturer, importer, or wholesaler,
18 or the servants, agents, or employees of the same, to sell,
19 trade, or barter in alcoholic beverages between the hours of
20 nine o'clock p.m. of any Saturday and two o'clock a.m. of the
21 following Monday, except as provided in Section 28-3A-6(h)(1).

22 "(2) For any wholesaler or the servants, agents, or
23 employees of the wholesaler to sell alcoholic beverages, to
24 other than wholesale or retail licensees or others within this
25 state lawfully authorized to sell alcoholic beverages, or to
26 sell for export.

1 "(3) For any person, licensee, or the board either
2 directly or by the servants, agents, or employees of the same,
3 or for any servant, agent, or employee of the same, to sell,
4 deliver, furnish, or give away alcoholic beverages to any
5 person under the legal drinking age, as defined in Section
6 28-1-5, or to permit any person under the legal drinking age,
7 as defined in Section 28-1-5, to drink, consume, or possess
8 any alcoholic beverages on any licensee's premises.

9 "(4) For any person to consume alcoholic beverages
10 on the premises of any state liquor store or any off-premises
11 licensee, or to allow alcoholic beverages to be consumed on
12 the premises of any state liquor store or any off-premises
13 licensee, except as specifically allowed by law for the
14 tasting of alcoholic beverages.

15 "(5) For any licensee to fail to keep for a period
16 of at least three years, complete and truthful records
17 covering the operation of his or her license and particularly
18 showing the date of all purchases of alcoholic beverages, the
19 actual price paid therefor, and the name of the vendor, or to
20 refuse the board or any authorized employee of the board
21 access to the records or the opportunity to make copies of the
22 records when the request is made during business hours.

23 "(6) For any licensee or the servants, agents, or
24 employees of the same to refuse the board, any of its
25 authorized employees, or any duly commissioned law enforcement
26 officer the right to completely inspect the entire licensed
27 premises at any time the premises are open for business.

1 "(7) For any person to knowingly sell any alcoholic
2 beverages to any person engaged in the business of illegally
3 selling alcoholic beverages.

4 "(8) For any person to manufacture, transport, or
5 import alcoholic beverages into this state, except in
6 accordance with the reasonable rules and regulations of the
7 board. This subdivision shall not prohibit the transportation
8 of alcoholic beverages through the state or any dry county so
9 long as the beverages are not for delivery therein, if the
10 transportation is done in accordance with the reasonable rules
11 and regulations of the board.

12 "(9) For any person to fortify, adulterate,
13 contaminate, or in any manner change the character or purity
14 of alcoholic beverages from that as originally marketed by the
15 manufacturer, except that a retail licensee on order from a
16 customer may mix a chaser or other ingredients necessary to
17 prepare a cocktail or mixed drink for on-premises consumption.

18 "(10) For any person licensed to sell alcoholic
19 beverages to offer to give any thing of value as a premium for
20 the return of caps, stoppers, corks, stamps, or labels taken
21 from any bottle, case, barrel, or package containing the
22 alcoholic beverages, or to offer to give any thing of value as
23 a premium or present to induce the purchase of the alcoholic
24 beverages, or for any other purpose whatsoever in connection
25 with the sale of the alcoholic beverages. This subdivision
26 shall not apply to the return of any moneys specifically

1 deposited for the return of the original containers to the
2 owners of the containers.

3 "(11) For any licensee or transporter for hire,
4 servant, agent, or employee of the same, to transport any
5 alcoholic beverages except in the original container, and for
6 any transporter for hire to transport any alcoholic beverages
7 within the state, unless the transporter holds a permit issued
8 by the board.

9 "(12) For any manufacturer, importer, or wholesaler,
10 servant, agent, or employee of the same, to deliver any
11 alcoholic beverages, except in vehicles bearing such
12 information on each side of the vehicle as required by the
13 board.

14 "(13) For any person to sell alcoholic beverages
15 within any dry county or county where the electors have voted
16 against the sales, except in wet municipalities or as
17 authorized by Section 28-3A-18.

18 "(14) For any person, firm, corporation,
19 partnership, or association of persons as the terms are
20 defined in Section 28-3-1, including any civic center
21 authority, racing commission, fair authority, airport
22 authority, public or quasi-public board, agency, or
23 commission, any agent thereof, or otherwise, who or which has
24 not been properly licensed under the appropriate provisions of
25 this chapter to sell, offer for sale, or have in possession
26 for sale, any alcoholic beverages. Any alcoholic beverages so

1 possessed, maintained, or kept shall be contraband and subject
2 to condemnation and confiscation as provided by law.

3 "(15) For any manufacturer, distiller, producer,
4 importer, or distributor of alcoholic beverages to employ and
5 maintain any person, who is not a full-time bona fide
6 employee, as a resident sales agent, broker, or other like
7 representative, for the purpose of promoting a sale, purchase,
8 or acquisition of alcoholic beverages to or by the state or
9 the board, or for any person who is not a full-time bona fide
10 employee to act as an agent, broker, or representative of any
11 manufacturer, distributor, producer, importer, or distiller
12 for that purpose.

13 "(16) For any person to sell, give away, or
14 otherwise dispose of taxable alcoholic beverages within this
15 state on which the required taxes have not been paid as
16 required by law.

17 "(17) For any wholesaler or retailer, or the
18 servant, agent, or employee of the same, to sell, distribute,
19 deliver, or to receive or store for sale or distribution
20 within this state any alcoholic beverages unless there first
21 has been issued by the board a manufacturer's license to the
22 manufacturer of the alcoholic beverages or its designated
23 representative or an importer license to the importer of the
24 alcoholic beverages.

25 "(18) For any person under the legal drinking age,
26 as defined in Section 28-1-5, to attempt to purchase, to
27 purchase, consume, possess, or to transport any alcoholic

1 beverages within the state; provided, however, it shall not be
2 unlawful for a person under the legal drinking age, as defined
3 in Section 28-1-5, to be an employee of a wholesale licensee
4 or an off-premises retail licensee of the board to handle,
5 transport, or sell any beer or table wine if the person under
6 the legal drinking age is acting within the line and scope of
7 his or her employment while so acting. There must be an adult
8 licensee, servant, agent, or employee of the same present at
9 all times a licensed establishment is open for business.

10 "(19) For any person, except where authorized by a
11 local act or general act of local application or pursuant to
12 Section 2 of this act, to buy, give away, sell, or serve for
13 consumption on or off the premises, or to drink or consume any
14 alcoholic beverages in any cafe, lunchroom, restaurant, hotel
15 dining room, or other public place on Sunday after the hour of
16 two o'clock a.m.

17 "(20) Except where authorized by a local act or
18 general act of local application or pursuant to Section 2 of
19 this act, for the proprietor, keeper, or operator of any cafe,
20 lunchroom, restaurant, hotel dining room, or other public
21 place to knowingly permit any person to give away, sell, or
22 serve for consumption on or off the premises, or to drink or
23 consume any alcoholic beverages on the premises of the cafe,
24 lunchroom, restaurant, hotel dining room, or other public
25 place on Sunday after the hour of two o'clock a.m.

26 "(21) For a person under the age of 21 years to
27 knowingly use or attempt to use a false, forged, deceptive, or

1 otherwise nongenuine driver's license to obtain or attempt to
2 obtain alcoholic beverages within this state.

3 "(b) (1) Any violation of subdivisions (1) through
4 (17) of subsection (a) shall be a misdemeanor punishable by a
5 fine of not less than one hundred dollars (\$100) nor more than
6 one thousand dollars (\$1,000), to which, at the discretion of
7 the court or judge trying the case, may be added imprisonment
8 in the county jail or at hard labor for the county for not
9 more than six months for the first conviction; and, on the
10 second conviction of a violation of the subdivisions, the
11 offense shall, in addition to the aforementioned fine, be
12 punishable by imprisonment or at hard labor for the county for
13 not less than three months nor more than six months to be
14 imposed by the court or judge trying the case; and, on the
15 third conviction and every subsequent conviction of a
16 violation of the subdivisions, the offense shall, in addition
17 to a fine within the limits abovenamed, be punishable by
18 imprisonment or at hard labor for the county for not less than
19 six months nor more than 12 months.

20 "(2) Any violation of any provision of subdivisions
21 (18), (19), (20), and (21) of subsection (a) shall be a
22 misdemeanor punishable by a fine of not less than fifty
23 dollars (\$50) nor more than five hundred dollars (\$500), to
24 which, at the discretion of the court or judge trying the
25 case, may be added imprisonment in the county jail or at hard
26 labor for the county for not more than three months.

1 "(c) In addition to the penalties otherwise provided
2 for a violation of subdivisions (18) and (21) of subsection
3 (a), upon conviction, including convictions in juvenile court
4 or under the Youthful Offender Act, the offender's license to
5 operate a motor vehicle in this state shall be surrendered by
6 the offender to the judge adjudicating the case for a period
7 of not less than three months nor more than six months. The
8 judge shall forward a copy of the order suspending the license
9 to the Alabama State Law Enforcement Agency for enforcement
10 purposes."

11 Section 2. (a) In any wet county, the county
12 commission, by resolution, may permit and regulate the sale of
13 alcoholic beverages on Sunday after the hour of two o'clock
14 a.m., for on-premises or off-premises consumption, or both, as
15 determined by the county commission, by retail licensees of
16 the Alcoholic Beverage Control Board.

17 (b) In any wet municipality, the local governing
18 body, by ordinance, may permit and regulate the sale of
19 alcoholic beverages on Sunday after the hour of two o'clock
20 a.m., for on-premises or off-premises consumption, or both, as
21 determined by the local governing body, by retail licensees of
22 the Alcoholic Beverage Control Board.

23 Section 3. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.