

1 HB416
2 204467-1
3 By Representatives Rafferty and Hollis
4 RFD: Economic Development and Tourism
5 First Read: 10-MAR-20

SYNOPSIS: Under existing law, the consumption of alcoholic beverages in open containers in public is prohibited, except in entertainment districts and at special events.

This bill would provide for a food truck license in Class 1 municipalities that would allow a food truck to sell alcoholic beverages for consumption in open containers within a defined boundary in the vicinity of the food truck.

This bill would require the Alcoholic Beverage Control Board to adopt rules.

A BILL
TO BE ENTITLED
AN ACT

Relating to food trucks; to add Section 28-3A-17.1 to the Code of Alabama 1975; to provide for a food truck license in Class 1 municipalities that would allow a food truck to sell alcoholic beverages for consumption in open

1 containers within a defined boundary in the vicinity of the
2 food truck; and to require the Alcoholic Beverage Control
3 Board to adopt rules.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 28-3A-17.1 is added to the Code
6 of Alabama 1975, to read as follows:

7 (a) This section applies in Class 1 municipalities
8 only.

9 (b) As used in this section, food truck means a
10 fully encased food service establishment on a motor vehicle or
11 on a trailer that a motor vehicle pulls to transport and from
12 which a vendor, standing within the frame of the vehicle,
13 prepares, cooks, sells, or serves food for immediate human
14 consumption. The term does not include a food cart that is not
15 motorized.

16 (c) Notwithstanding any rule adopted by the board,
17 the board shall issue food truck licenses that will authorize
18 a licensee to sell alcoholic beverages for off-premises
19 consumption to guests who may consume the beverages in open
20 containers anywhere within the confines of a defined boundary,
21 provided the license is not prohibited by a valid ordinance or
22 other ordinance in the valid exercise of police power by the
23 governing body of the municipality in which the food truck is
24 located.

25 (d) The board, by rule, may require a barrier be
26 placed as a boundary around the vicinity of the food truck or
27 group of food trucks within which consumption of alcoholic

1 beverages is permitted. The board shall adopt additional
2 reasonable rules to protect public health and safety.

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