

# HB425 INTRODUCED



1 TH8395-1  
2 By Representative Harbison  
3 RFD: Economic Development and Tourism  
4 First Read: 02-May-23  
5  
6 2023 Regular Session



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SYNOPSIS:

Under existing law, restaurant employees 18 years of age or older may serve alcoholic beverages under certain conditions.

This bill would allow brewery or winery employees 18 years of age or older to serve alcoholic beverages under certain conditions.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to alcoholic beverages; to amend Section 28-1-5, Code of Alabama 1975, as last amended by Section 1 of Act 2022-383 of the 2022 Regular Session, to authorize employees of a brewery or winery who are 18 years of age or older to serve alcoholic beverages.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 28-1-5, Code of Alabama 1975, as last amended by Section 1 of Act 2022-383 of the 2022 Regular Session, is amended to read as follows:

"§28-1-5

(a) Notwithstanding Section 26-1-1, it shall be unlawful for an individual less than 21 years of age to



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29 attempt to purchase, purchase, consume, possess, or transport  
30 any alcoholic beverage within the State of Alabama.

31 (b) Nothing in this section shall prevent an individual  
32 who is less than 21 years of age from being employed by a  
33 licensee of the board, provided the individual may not handle,  
34 transport, serve, or dispense alcoholic beverages, except as  
35 authorized under subsection (c), and a representative of the  
36 licensee who is 21 years of age or older must be in attendance  
37 at all times the individual is working.

38 (c) Notwithstanding subsection (a):

39 (1) An individual who is 18, 19, or 20 years of age and  
40 is employed by a licensed brewery, a licensed winery, or a  
41 restaurant licensee may serve alcoholic beverages, provided  
42 all of the following conditions are met:

43 a. ~~The~~ An employee is working within the scope of his  
44 or her employment as a server or a busser.

45 b. ~~The~~ A restaurant employee may not work as a  
46 bartender and may not pour or dispense alcoholic beverages.

47 c. The ~~restaurant~~ licensee is annually certified as a  
48 responsible vendor under the Alabama Responsible Vendor Act as  
49 provided in Chapter 10.

50 (2) An individual under 21 years of age and who is  
51 employed by a wholesale licensee or an off-premises retail  
52 licensee may handle, transport, or sell alcoholic beverages,  
53 provided the employee is working within the scope of his or  
54 her employment.

55 (d) The board may levy a civil penalty, up to and  
56 including suspension or revocation of the license, against any



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57 licensee who requests or requires as a condition of employment  
58 an employee under the age of 21 years to handle, transport,  
59 serve, or dispense alcoholic beverages in a manner that  
60 violates this section, as follows:

61 (1) Two hundred fifty dollars (\$250) for a first  
62 offense.

63 (2) Five hundred dollars (\$500) for a second offense.

64 (3) One thousand dollars (\$1,000) for a third or  
65 subsequent offense."

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