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SYNOPSIS:

Under existing law, individuals 18 to 20 years of age employed by a restaurant licensee of the Alcoholic Beverage Control Board may serve alcoholic beverages under certain specified conditions.

This bill would also authorize individuals 18 to 20 years of age employed by a restaurant or hotel that is a restaurant or special retail licensee of the Alcoholic Beverage Control Board to serve alcoholic beverages under the same conditions.

This bill would also further provide for the forms of responsible vendor training for employees including training online.

A BILL
TO BE ENACTED

25 AN ACT

26

27 Relating to the Alcoholic Beverage Control Board; to
28 amend Sections 28-1-5, as amended by Act 2022-383,
29 2022 Regular Session, and 28-10-6 of the Code of
30 Alabama 1975, to authorize an employee of a restaurant
31 or hotel that is a restaurant or special retail
32 licensee of the board to serve alcoholic beverages
33 under the same specified conditions as an employee of
34 a restaurant licensee; and to further provide for the
35 forms and records of responsible vendor training.

36 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

37 Section 1. Sections 28-1-5, as amended by Act
38 2022-383, 2022 Regular Session, and 28-10-6 of the
39 Code of Alabama 1975, are amended to read as follows:

40 "§28-1-5

41 (a) Notwithstanding Section 26-1-1, it shall be
42 unlawful for an individual less than 21 years of age
43 to attempt to purchase, purchase, consume, possess, or
44 transport any alcoholic beverage within the State of
45 Alabama.

46 (b) Nothing in this section shall prevent an
47 individual who is less than 21 years of age from being
48 employed by a licensee of the board, provided the

49 individual may not handle, transport, serve, or
50 dispense alcoholic beverages, except as authorized
51 under subsection (c), and a representative of the
52 licensee who is 21 years of age or older must be in
53 attendance at all times the individual is working.

54 (c) Notwithstanding subsection (a):

55 (1) An individual who is 18, 19, or 20 years of age
56 and is employed by a restaurant or a hotel that is a
57 restaurant or special retail licensee may serve
58 alcoholic beverages, provided all of the following
59 conditions are met:

60 a. The employee is working within the scope of his or
61 her employment as a server or a busser.

62 b. The employee may not work as a bartender and may
63 not pour or dispense alcoholic beverages or deliver
64 alcoholic beverages to a guest room.

65 c. The restaurant or hotel that is a restaurant or
66 special retail licensee is annually certified as a
67 responsible vendor under the Alabama Responsible
68 Vendor Act as provided in Chapter 10. Responsible
69 vendor training or testing for these licensees may be
70 conducted online by computer, in a classroom, or by
71 live trainers. Any online training must include
72 employee testing to pass. Nothing in this paragraph

73 shall be construed to require an in-person test
74 administrator or proctor.

75 (2) An individual under 21 years of age who is
76 employed by a wholesale licensee or an off-premises
77 retail licensee may handle, transport, or sell
78 alcoholic beverages, provided the employee is working
79 within the scope of his or her employment.

80 (d) The board may levy a civil penalty, up to and
81 including suspension or revocation of the license,
82 against any licensee who requests or requires as a
83 condition of employment an employee under the age of
84 21 years to handle, transport, serve, or dispense
85 alcoholic beverages in a manner that violates this
86 section, as follows:

87 (1) Two hundred fifty dollars (\$250) for a first
88 offense.

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

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

92 "§28-10-6

93 In order to qualify for certification, the vendor
94 shall comply with the following requirements:

95 (1) Provide a course of instruction for its employees
96 approved by the board which shall include subjects

97 dealing with alcoholic beverages as follows:

98 a. Laws regarding the sale of alcoholic beverages for

99 on-the-premises consumption and/or for

100 off-the-premises consumption;.

101 b. Methods of recognizing and dealing with underage

102 customers; and.

103 c. The development of specific procedures for refusing

104 to sell alcoholic beverages to underage customers; for

105 assisting employees in dealing with underage

106 customers; and for dealing with intoxicated customers.

107 (2) Require each employee who is authorized to sell

108 alcoholic beverages in the normal course of his or her

109 employment to complete the employee training course

110 set out in subdivision (1) hereof within 30 days of

111 commencing employment;. Responsible vendor training or

112 testing may be conducted online by computer, in a

113 classroom, or by live trainers. Any online training

114 must include employee testing to pass. Nothing in this

115 subdivision shall be construed to require an in-person

116 test administrator or proctor.

117 (3) Require all such trained employees to attend

118 additional meetings at least semiannually or such

119 other schedule of meetings as may be approved by the

120 board, which meetings shall include the dissemination

121 of existing and new information covering the
122 applicable subjects specified in this section and
123 explaining the vendor's policies and procedures
124 relating to those subjects;.

125 (4) Maintain employment records of the training of its
126 employees required by this section; and. The records
127 may be maintained in a digital format provided the
128 records may be produced within 48 hours at the request
129 of the board.

130 (5) Post signs on the vendor's premises informing
131 customers of the vendor's policy against selling
132 alcoholic beverages to underaged persons."

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