

1 HB229
2 209363-1
3 By Representative Isbell
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 02/01/2021

SYNOPSIS: Under existing law, delivery of beer, wine, and spirits to a residence is prohibited.

This bill would provide for a delivery service license issued by the Alcoholic Beverage Control Board that would allow the licensee to deliver sealed beer, wine, and spirits from certain licensed retail establishments directly to individuals in Alabama who are at least 21 years of age for their personal use.

This bill would provide for the licensing process and establish certain restrictions and requirements for delivery service licensees.

This bill would authorize certain employees of a delivery service licensee and certain independent contractors of a delivery service licensee to deliver beer, wine, and spirits to individuals in Alabama.

This bill would provide for the sale of table wines at retail in containers approved by the Alcoholic Beverage Control Board.

1
2 A BILL
3 TO BE ENTITLED
4 AN ACT

5
6 Relating to alcoholic beverages; to amend Sections
7 28-1-4, 28-3-1, 28-3A-13, and 28-3A-14, Code of Alabama 1975;
8 to provide for a delivery service license from the Alcoholic
9 Beverage Control Board that authorizes the licensee, using its
10 employees or independent contractors, to deliver beer, wine,
11 and spirits directly to individuals in Alabama who are at
12 least 21 years of age for their personal use; to provide for
13 the licensing procedure; to provide restrictions and
14 requirements on the delivery of beer, wine, and spirits; and
15 to provide for issuance and renewal fees for a delivery
16 service license.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. It is the Legislature's intent to
19 maintain the current uniform system of control over the sale,
20 purchase, transportation, manufacture, consumption, and
21 possession of alcoholic beverages in Alabama, and to provide
22 procedures to ensure the proper administration of the
23 Alcoholic Beverage Control laws under a uniform system
24 throughout the State. This act shall be liberally construed to
25 ensure that the sale, purchase, transportation, manufacture,
26 consumption, delivery, and possession of alcoholic beverages
27 shall be prohibited except as authorized in this act. If any

1 provision of this act or its application to any person or
2 circumstance is determined by a court or other authority of
3 competent jurisdiction to be invalid or unconstitutional, that
4 provision shall be stricken and the remaining provisions shall
5 be construed in accordance with the intent of the Legislature
6 to further limit rather than expand commerce in alcoholic
7 beverages, malt beverages, unfortified wine, and fortified
8 wine, and shall be construed to enhance strict regulatory
9 control over taxation, distribution, and sale of alcoholic
10 beverages through the three-tier regulatory system and the
11 franchise laws imposed by this act.

12 Section 2. Sections 28-1-4, 28-3-1, 28-3A-13, and
13 28-3A-14, Code of Alabama 1975, are amended to read as
14 follows:

15 "§28-1-4.

16 "(a) The words and phrases used in this section
17 shall have the meanings ascribed to them in Section 28-3-1~~and~~
18 ~~any acts amendatory thereof, supplementary thereto or~~
19 ~~substituted therefor.~~

20 "(b) ~~It~~ Except as provided in subsections (c) and
21 (d), it shall be unlawful for any common or permit carriers,
22 operators carrier, operator of trucks, buses, or other
23 conveyances or ~~out-of-state manufacturers or suppliers~~ a
24 manufacturer or supplier to make delivery of any alcoholic
25 beverage ~~from without the State of Alabama~~ to any person,
26 ~~association or corporation~~ within the state, except to the
27 Alabama Alcoholic Beverage Control Board and to manufacturers,

1 importers, wholesalers, and warehouses licensed by the Alabama
2 Alcoholic Beverage Control Board to receive the alcoholic
3 beverages so delivered.

4 ~~"(c) Any violation of subsection (a) of this section~~
5 ~~shall be a misdemeanor, punishable as provided in paragraph~~
6 ~~(1) of subsection (b) of Section 28-3A-25.~~

7 ~~"(d) All laws or parts of law which conflict or are~~
8 ~~inconsistent with this section are hereby repealed, provided,~~
9 ~~however, the provisions of Section 28-1-3 are excluded.~~

10 "(c) Notwithstanding subsection (b), a delivery
11 service licensee or an employee or independent contractor of a
12 delivery service licensee, pursuant to Section 3 of the act
13 adding this amendatory language, may transport and deliver
14 beer, wine, and spirits to an individual in the state who is
15 at least 21 years of age.

16 "(d) Notwithstanding any law, rule, ordinance, or
17 resolution to the contrary, this section and Section 3 of the
18 act adding this amendatory language shall exclusively govern
19 the delivery of wine, beer, and spirits throughout the state.

20 "§28-3-1.

21 "As used in this title, the following words shall
22 have the following meanings unless the context clearly
23 indicates otherwise:

24 "(1) ALCOHOLIC BEVERAGES. Any alcoholic, spirituous,
25 vinous, fermented, or other alcoholic beverage, or combination
26 of liquors and mixed liquor, a part of which is spirituous,
27 vinous, fermented, or otherwise alcoholic, and all drinks or

1 drinkable liquids, preparations or mixtures intended for
2 beverage purposes, which contain one-half of one percent or
3 more of alcohol by volume, and shall include liquor, beer, and
4 wine.

5 "(2) ASSOCIATION. A partnership, limited
6 partnership, or any form of unincorporated enterprise owned by
7 two or more persons.

8 "(3) BEER, or MALT OR BREWED BEVERAGES. ~~Except as~~
9 ~~otherwise provided in this subdivision, any~~ Any beer, lager
10 beer, ale, porter, malt or brewed beverage, or similar
11 fermented ~~malt liquor~~ beverage containing one-half of one
12 percent or more of alcohol by volume and not in excess of
13 thirteen and nine-tenths percent alcohol by volume, ~~by~~
14 ~~whatever name the same may be called~~ brewed or produced from
15 malt, wholly or in part, or from rice, grain of any kind,
16 bran, glucose, sugar, or molasses. A beer or malt or brewed
17 beverage may incorporate honey, fruit, fruit juice, fruit
18 concentrate, herbs, spices, or other flavorings during the
19 fermentation process. The term does not include any product
20 defined as liquor, table wine, or wine.

21 "(4) BOARD. The Alcoholic Beverage Control Board.

22 "(5) BRANDY. All beverages which are an alcoholic
23 distillate from the fermented juice, mash, or wine of fruit,
24 or from the residue thereof, produced in such manner that the
25 distillate possesses the taste, aroma, and characteristics
26 generally attributed to the beverage, as bottled at not less
27 than 80 degree proof.

1 "(6) CARTON. The package or container or containers
2 in which alcoholic beverages are originally packaged for
3 shipment to market by the manufacturer or its designated
4 representatives or the importer.

5 "(7) CIDER. A fermented alcoholic beverage made from
6 apple juice and containing not more than 8.5 percent alcohol
7 by volume.

8 "(8) CLUB.

9 "a. Class I. A corporation or association organized
10 or formed in good faith by authority of law and which must
11 have at least 150 paid-up members. It must be the owner,
12 lessee, or occupant of an establishment operated solely for
13 the objects of a national, social, patriotic, political, or
14 athletic nature or the like, but not for pecuniary gain, and
15 the property as well as the advantages of which, belong to all
16 the members and which maintains an establishment provided with
17 special space and accommodations where, in consideration of
18 payment, food with or without lodging is habitually served.
19 The club shall hold regular meetings, continue its business
20 through officers regularly elected, admit members by written
21 application, investigation, and ballot and charge and collect
22 dues from elected members.

23 "b. Class II. A corporation or association organized
24 or formed in good faith by authority of law and which must
25 have at least 100 paid-up members. It must be the owner,
26 lessee, or occupant of an establishment operated solely for
27 the objects of a national, social, patriotic, political, or

1 athletic nature or the like. The club shall hold regular
2 meetings, continue its business through officers regularly
3 elected, admit members by written application, investigation,l
4 and ballot,l and charge and collect dues from elected members.

5 "(9) CONTAINER. The single bottle, can, keg, bag, or
6 other receptacle, not a carton, in which alcoholic beverages
7 are originally packaged for the market by the manufacturer or
8 importer and from which the alcoholic beverage is consumed by
9 or dispensed to the public.

10 "(10) CORPORATION. A corporation or joint stock
11 association organized under the laws of this state, the United
12 States, or any other state, territory or foreign country, or
13 dependency.

14 "(11) DELIVERY. The transportation of alcohol
15 directly from a retail licensee of the board to an individual,
16 pursuant to Section 28-1-4 and Section 3 of the act adding
17 this amendatory language.

18 "(12) DELIVERY SERVICE LICENSE. A license issued by
19 the Alabama Alcoholic Beverage Control Board in accordance
20 with Section 3 of the act adding this amendatory language that
21 authorizes the licensee, the licensee's employees, or
22 independent contractors under a contractual or business
23 arrangement with the licensee to transport and deliver
24 alcoholic beverages.

25 "~~(11)~~ (13) DRY COUNTY. Any county which by a majority
26 of those voting voted in the negative in an election
27 heretofore held under the applicable statutes at the time of

1 the election or may hereafter vote in the negative in an
2 election or special method referendum hereafter held in
3 accordance with the provisions of Chapter 2 of this title, or
4 held in accordance with the provisions of any act hereafter
5 enacted permitting such election.

6 "~~(12)~~ (14) DRY MUNICIPALITY. Any municipality within
7 a wet county which has, by its governing body or by a majority
8 of those voting in a municipal election heretofore held in
9 accordance with the provisions of Section 28-2-22, or in a
10 municipal option election heretofore or hereafter held in
11 accordance with the provisions of Act 84-408, Acts of Alabama
12 1984, appearing as Chapter 2A of this title, or any act
13 hereafter enacted permitting municipal option election, voted
14 to exclude the sale of alcoholic beverages within the
15 corporate limits of the municipality.

16 "(15) EMPLOYEE. An individual to whom an employer is
17 required to issue a W-2 tax form under federal law.

18 "~~(13)~~ (16) GENERAL WELFARE PURPOSES.

19 "a. The administration of public assistance as set
20 out in Sections 38-2-5 and 38-4-1;

21 "b. Services, including supplementation and
22 supplementary services under the federal Social Security Act,
23 to or on behalf of persons to whom ~~such~~ public assistance may
24 be given under Sections 38-2-5 and 38-4-1;

25 "c. Service to and on behalf of dependent,
26 neglected, or delinquent children; and

1 "d. Investigative and referral services to and on
2 behalf of needy persons.

3 "~~(14)~~ (17) HEARING COMMISSION. A body appointed by
4 the board to hear and decide all contested license
5 applications and all disciplinary charges against any licensee
6 for violation of this title or the regulations of the board.

7 "~~(15)~~ (18) HOTEL. A building or buildings held out to
8 the public for housing accommodations of travelers or
9 transients, and shall include motel, but shall not include a
10 rooming house or boarding house.

11 "~~(16)~~ (19) IMPORTER. Any person, association, or
12 corporation engaged in importing alcoholic beverages, liquor,
13 wine, or beer, manufactured outside of the United States of
14 America into this state or for sale or distribution in this
15 state, or to the board or to a licensee of the board.

16 "(20) INDEPENDENT CONTRACTOR. An individual to whom
17 an employer is required to issue a 1099 tax form under federal
18 law.

19 "~~(17)~~ (21) KEG. A pressurized factory sealed
20 container with a capacity equal to or greater than five US
21 gallons, from which beer is withdrawn by means of an external
22 tap.

23 "~~(18)~~ (22) LIQUOR. Any alcoholic, spirituous, vinous,
24 fermented, or other alcoholic beverage, or combination of
25 liquors and mixed liquor, a part of which is spirituous,
26 fermented, vinous, or otherwise alcoholic, and all drinks or
27 drinkable liquids, preparations, or mixtures intended for

1 beverage purposes, which contain one-half of one percent or
2 more of alcohol by volume, except beer and table wine.

3 "~~(19)~~ (23) LIQUOR STORE. A liquor store operated by
4 the board, where alcoholic beverages other than beer are
5 authorized to be sold in unopened containers.

6 "~~(20)~~ (24) MANUFACTURER. Any person, association, or
7 corporation engaged in the producing, bottling, manufacturing,
8 distilling, rectifying, or compounding of alcoholic beverages,
9 liquor, beer, or wine in this state or for sale or
10 distribution in this state or to the board or to a licensee of
11 the board.

12 "~~(21)~~ (25) MEAD. An alcoholic beverage produced by
13 fermenting a solution of honey and water with grain mash and
14 containing not more than 18 percent alcohol by volume.

15 "~~(22)~~ (26) MEAL. A diversified selection of food some
16 of which is not susceptible of being consumed in the absence
17 of at least some articles of tableware and which cannot be
18 conveniently consumed while one is standing or walking about.

19 "~~(23)~~ (27) MINOR. Any person under 21 years of age;
20 provided, however, in the event Section 28-1-5, shall be
21 repealed or otherwise shall be no longer in effect, thereafter
22 the provisions of Section 26-1-1, shall govern.

23 "~~(24)~~ (28) MUNICIPALITY. Any incorporated city or
24 town of this state to include its police jurisdiction.

25 "~~(25)~~ (29) PERSON. Every natural person, association,
26 or corporation. Whenever used in a clause prescribing or
27 imposing a fine or imprisonment, or both, such term as applied

1 to association shall mean the partners or members thereof and
2 as applied to corporation shall mean the officers thereof,
3 except as to incorporated clubs the term person shall mean
4 such individual or individuals who, under the bylaws of such
5 clubs, shall have jurisdiction over the possession and sale of
6 liquor therein.

7 "~~(26)~~ (30) POPULATION. The population according to
8 the last preceding or any subsequent decennial census of the
9 United States, except where a municipality is incorporated
10 subsequent to the last census, in which event, its population
11 until the next decennial census shall be the population of the
12 municipality as determined by the judge of probate of the
13 county as the official population on the date of its
14 incorporation.

15 "~~(27)~~ (31) RESTAURANT. A reputable place licensed as
16 a restaurant, operated by a responsible person of good
17 reputation and habitually and principally used for the purpose
18 of preparing and serving meals for the public to consume on
19 the premises.

20 "~~(28)~~ (32) RETAILER. Any person licensed by the board
21 to engage in the retail sale of any alcoholic beverages to the
22 consumer.

23 "~~(29)~~ (33) SALE or SELL. Any transfer of liquor, wine
24 or beer for a consideration, and any gift in connection with,
25 or as a part of, a transfer of property other than liquor,
26 wine, or beer for a consideration.

1 "~~(30)~~ (34) SELLING PRICE. The total marked-up price
2 of spirituous or vinous liquors sold by the board, exclusive
3 of taxes levied thereon.

4 "~~(31)~~ (35) TABLE WINE. Except as otherwise provided
5 in this subdivision, any wine containing not more than 24
6 percent alcohol by volume. Table wine does not include any
7 wine containing more than sixteen and one-half percent alcohol
8 by volume that is made with herbs or flavors, except vermouth,
9 or is an imitation or other than standard wine. Table wine is
10 not liquor, spirituous, or vinous.

11 "~~(32)~~ (36) UNOPENED CONTAINER. A container containing
12 alcoholic beverages, which has not been opened or unsealed
13 subsequent to filling and sealing by the manufacturer or
14 importer.

15 "~~(33)~~ (37) WET COUNTY. Any county which by a majority
16 of those voting voted in the affirmative in an election
17 heretofore held in accordance with the statutes applicable at
18 the time of the election or may hereafter vote in the
19 affirmative in an election or special method referendum held
20 in accordance with the provisions of Chapter 2 of this title,
21 or other statutes applicable at the time of the election.

22 "~~(34)~~ (38) WET MUNICIPALITY. Any municipality in a
23 dry county which by a majority of those voting voted in the
24 affirmative in a municipal option election heretofore or
25 hereafter held in accordance with the provisions of Act
26 84-408, Acts of Alabama 1984, appearing as Chapter 2A of this
27 title, as amended, or any act hereafter enacted permitting

1 municipal option election, or any municipality which became
2 wet by vote of the governing body or by the voters of the
3 municipality heretofore or hereafter held under the special
4 method referendum provisions of Section 28-2-22, or as
5 hereafter provided, where the county has become dry subsequent
6 to the elected wet status of the municipality.

7 "~~(35)~~ (39) WHOLESALER. Any person licensed by the
8 board to engage in the sale and distribution of table wine and
9 beer, or either of them, within this state, at wholesale only,
10 to be sold by export or to retail licensees or other wholesale
11 licensees or others within this state lawfully authorized to
12 sell table wine and beer, or either of them, for the purpose
13 of resale only.

14 "~~(36)~~ (40) WINE. All beverages made from the
15 fermentation of fruits, berries, or grapes, with or without
16 added spirits, and produced in accordance with the laws and
17 regulations of the United States, containing not more than 24
18 percent alcohol by volume, and shall include all sparkling
19 wines, carbonated wines, special natural wines, rectified
20 wines, vermouths, vinous beverages, vinous liquors, and like
21 products, including restored or unrestored pure condensed
22 juice.

23 "§28-3A-13.

24 "(a) Upon applicant's compliance with ~~the provisions~~
25 ~~of this chapter and the regulations made~~ rules adopted
26 thereunder, the board shall, where the application is
27 accompanied by a certificate from the clerk or proper officer

1 setting out that the applicant has presented his or her
2 application to the governing authority of the municipality, if
3 the licensed premises is to be located therein, and has
4 obtained its consent and approval issue a restaurant liquor
5 license for a hotel, restaurant, civic center authority, or
6 dinner theater which will authorize the licensee to purchase
7 liquor and wine from the board or as authorized by the board
8 and to purchase table wine and beer, including draft or keg
9 beer, in any county or municipality in which the sale thereof
10 is permitted, from any wholesale licensee of the board and, in
11 that part of the hotel, restaurant, club, or dinner theater
12 set out in the license, to sell liquor and wine, dispensed
13 from containers of any size, and beer, including draft or keg
14 beer, in any county or municipality in which the sale thereof
15 is permitted, to the patrons, guests, or members for
16 on-premises consumption in any part of the civic center or in
17 that part of the hotel, restaurant, or dinner theater
18 habitually used for serving meals to patrons, guests, or
19 members, or other public or private rooms of the building in
20 accordance with ~~the provisions of~~ this chapter and the
21 ~~regulations made~~ rules adopted thereunder, and where a
22 restaurant located in a hotel, but not operated by the owner
23 of the hotel, is licensed to sell alcoholic beverages in the
24 restaurant, it may also sell alcoholic beverages to guests in
25 private rooms in the hotel.

26 "(b) In accordance with Section 3 of the act adding
27 this amendatory language, a restaurant retail liquor licensee

1 licensed to sell beer, wine, or spirits for on-premises
2 consumption may apply for and be issued a delivery service
3 license that authorizes the licensee to deliver, along with
4 the purchase of a meal, beer, wine, or spirits from the
5 retailer's premises.

6 "§28-3A-14.

7 "Upon applicant's compliance with the provisions of
8 this chapter and the regulations made thereunder, the board
9 shall issue to applicant a retail table wine license which
10 will authorize the licensee to purchase table wine from the
11 board or from a licensed wholesaler in counties and
12 municipalities where authorized, and to sell at retail, in
13 unopened original containers, ~~or dispense from containers of~~
14 ~~any size~~ and to sell at retail or to dispense in a container
15 approved by the board, for on-premises consumption in a room
16 or rooms or place on the licensed premises at all times
17 accessible to the use and accommodation of the general public,
18 and in ~~original unopened~~ containers approved by the board for
19 off-premises consumption, where such use of the proposed
20 location is not, at the time of the original application,
21 prohibited by a valid zoning ordinance or other ordinance in
22 the valid exercise of police power by the governing body of
23 the municipality or county in which the outlet is located."

24 Section 3. (a) Any entity licensed by the Alcoholic
25 Beverage Control Board for off-premises consumption,
26 restaurant licensee of the board, or valid and responsible
27 organization of good reputation that is registered to do

1 business in the state may apply for and be issued a delivery
2 service license. In order to receive a license, an applicant
3 shall do all of the following:

4 (1) File an application with the Alcoholic Beverage
5 Control Board.

6 (2) Pay a non refundable filing fee of one hundred
7 dollars (\$100), and a license fee of one thousand dollars
8 (\$1,000).

9 (3) Provide to the board a sample contract that the
10 applicant intends to enter into with a retailer for the
11 delivery of beer, wine, and spirits, unless the applicant is
12 the retailer.

13 (4)a. Provide to the board both of the following:

14 1. An attestation that the applicant is 21 years of
15 age or older.

16 2. A true, correct, and complete criminal court
17 record of all arrests and subsequent dispositions for the past
18 three years. If the applicant has been convicted of a felony
19 or a misdemeanor for a violation of Section
20 28-3A-25(a) (3), Code of Alabama 1975, then the board shall
21 reject the application and shall not issue a license.

22 b. This subdivision shall not apply to publicly
23 traded companies.

24 (5)a. For an applicant with four or more delivery
25 drivers, whether those drivers are employees or independent
26 contractors, provide proof of a general liability insurance

1 policy in an amount no less than five million dollars
2 (\$5,000,000) per occurrence.

3 b. For an applicant with three or fewer delivery
4 drivers, whether those delivery drivers are employees or
5 independent contractors, provide proof of a general liability
6 insurance policy in an amount no less than two million dollars
7 (\$2,000,000) per occurrence.

8 (6) Provide to the board an outline for an internal
9 or external training and certification program for delivery
10 personnel which addresses topics such as identifying underage
11 individuals, intoxicated individuals, and fake or altered
12 identification.

13 (b) A delivery service licensee may deliver, or
14 contract with any retailer in the state for the delivery of,
15 beer, wine, or spirits from a retail premises to an individual
16 in the state who is at least 21 years of age, for personal use
17 by that individual only, and not for resale, subject to all of
18 the following:

19 (1) The individual placing the order must receive
20 the ordered alcoholic beverages on the same calendar day that
21 the alcoholic beverages are removed from the licensed retail
22 premises.

23 (2) Any delivery shall be made in vehicles that are
24 owned or leased by the delivery service licensee or an
25 employee or independent contractor of the licensee.

1 (3) Any beer, wine, or spirits shall be delivered in
2 a sealed unopened container, as defined in Section 28-3-1,
3 Code of Alabama 1975.

4 (4) If the delivery service licensee is a
5 restaurant, then any beer, wine, or spirits delivered by the
6 licensee must be accompanied by a meal.

7 (5)a.1. Beer, with the exception of draft beer, may
8 be delivered in any size container, provided that the total
9 amount delivered does not exceed the equivalent of 48 12-ounce
10 containers of beer per customer in any single 24-hour period.

11 2. Draft beer may be sold in accordance with board
12 rules in a total amount not to exceed 288 ounces per customer
13 in any single 24-hour period, and may be delivered only where
14 delivery has been authorized by resolution or ordinance of the
15 local governing jurisdiction.

16 b. Wine may be sold in any size container, provided
17 that the total amount delivered does not exceed 4,500
18 milliliters or the equivalent of six 750-milliliter bottles of
19 wine per customer in any single 24-hour period.

20 c. Spirits may be sold in any size bottle by an
21 off-premises licensee; provided, the total amount delivered
22 does not exceed 1750 milliliters per customer in any single
23 24-hour period.

24 d. Spirits may be sold in any size bottle by a
25 restaurant licensee; provided, the total amount delivered does
26 not exceed 375 milliliters per customer in any single 24-hour
27 period.

1 (6) Any employee or independent contractor
2 delivering beer, wine, or spirits shall comply with all of the
3 following:

4 a. Is at least 21 years of age.

5 b. Has a valid driver's license.

6 c. Has, within the last twelve months, undergone a
7 criminal background check that includes driving records, and
8 the results of which comply with both of the following:

9 1. The individual has not been convicted within the
10 past seven years of driving under the influence.

11 2. The individual has not been convicted, at any
12 time, of a crime involving a sexual offense, fraud, property
13 damage, theft, an act of violence, or an act of terror.

14 3. The individual does not have a match on the
15 National Sex Offender Registry.

16 d. Does not receive compensation based on whether an
17 attempted delivery of beer, wine, or spirits results in a
18 completed transaction.

19 e. Is trained and certified consistent with the
20 training program submitted to the board as required by
21 subdivision (a) (6), with documentation on file with the
22 delivery service licensee. Upon request, the licensee shall
23 provide this documentation to the board.

24 (7) A delivery service licensee may facilitate
25 orders for the sale and delivery of beer, wine, or spirits by
26 telephone, Internet, or by other electronic means; provided,
27 all of the following:

1 a. The delivery service licensee shall obtain from
2 the customer a confirmation that he or she is at least 21
3 years of age at the time the order is placed.

4 b. The delivery service licensee shall ensure all
5 payments have been processed for delivery prior to removing
6 the alcohol from the licensed premises.

7 c. If the delivery service licensee is a retail
8 licensee, any order for sale and delivery of beer, wine, or
9 spirits received at the licensee's primary place of business
10 or through a third party licensee or facilitator shall be
11 construed as a sale made at the licensee's primary place of
12 business.

13 (8) Any delivery in a sealed package shall be
14 stamped, printed, or labeled in a manner approved by the
15 board, and that stamp, print, or label shall be prominently
16 displayed on the outside of the sealed package to indicate in
17 readily apparent font or type that the package contains
18 alcohol and that the signature of an individual at least 21
19 years of age is required for delivery.

20 (9) A delivery service licensee shall require each
21 recipient, at the time of delivery, to provide valid photo
22 identification that conforms to board rules and that verifies
23 that he or she is at least 21 years of age, and shall require
24 the recipient to sign for the delivery.

25 (10) A delivery service licensee shall possess
26 identification scanning software technology, or a
27 state-of-the-art alternative approved by the board, available

1 at the point of delivery that verifies the recipient is at
2 least 21 years of age and retains the recipient's name, date
3 of birth, and signature.

4 (11) A delivery service licensee shall provide each
5 employee or independent contractor making a delivery with
6 either a printed copy of the delivery service license or an
7 electronic copy indicating the delivery service license's name
8 and number, which shall be available for inspection upon
9 request from the board or any law enforcement officer.

10 (12) A delivery service licensee shall return any
11 beer, wine, or spirits to the retailer if the recipient is
12 under the age of 21 years; appears intoxicated; fails to
13 provide proof of identification; fails or refuses to sign for
14 delivery; fails to complete the identification scanning
15 software process or state-of-the-art alternative; declines to
16 accept the delivery of beer, wine, or spirits; or any
17 circumstances in the delivery environment indicate illegal
18 conduct, overconsumption, or an otherwise unsafe environment
19 for the consumption of alcohol. In no event shall a delivery
20 service licensee leave an alcoholic beverage delivery
21 unattended.

22 (13) A delivery service licensee may deliver through
23 a dry county or municipality, but may not deliver or cause a
24 delivery to be made to an individual residing in a dry county
25 or dry municipality. Every employee or independent contractor
26 conducting a delivery shall maintain within the delivery
27 vehicle evidence, electronic or otherwise, that the intended

1 recipient of any alcoholic beverages is not located in a dry
2 county or dry municipality.

3 (14) A delivery service licensee may deliver alcohol
4 only during hours when alcohol may be sold under general or
5 local law.

6 (15) A delivery service licensee may not deliver any
7 alcoholic beverage to any property controlled by any
8 institution of higher learning, including any college,
9 university, community college, technical college, or junior
10 college.

11 (16) A delivery service licensee may not delivery
12 any alcoholic beverage to any licensee of the board.

13 (17) A delivery service licensee shall report, at
14 the direction of the board, the total amount of beer, wine, or
15 spirits directly delivered to residents in the state during
16 the preceding calendar year.

17 (18) A delivery service licensee shall permit the
18 board or the Department of Revenue to perform an audit of the
19 licensee's records upon request.

20 (c) A delivery service licensee shall be deemed to
21 have consented to the jurisdiction of the board, any law
22 enforcement agency, and the Alabama courts concerning
23 enforcement of this section and any related laws or rules.

24 (d) A delivery service licensee shall be considered
25 to be a servant or agent of the retail licensee with whom the
26 licensee has contracts, and any violation by the delivery
27 service licensee, its employees, or its independent

1 contractors may also be deemed to be a violation by the retail
2 licensee.

3 (e) A technology services company shall not be
4 required to obtain a delivery service license if the company
5 does not employ or contract with the individual making the
6 deliveries, but merely provides software or a digital network
7 application that connects consumers and licensed retailers for
8 the delivery of alcoholic beverages from a licensed retailer.

9 (f) A delivery service licensee may renew its
10 license with the board by paying an annual renewal fee of one
11 thousand dollars (\$1,000) and by otherwise complying with the
12 renewal process set forth in Section 28-3A-5, Code of Alabama
13 1975.

14 (g) The board may enforce the requirements of this
15 section to suspend or revoke a delivery service license by the
16 same administrative proceedings that apply to alcoholic
17 beverage licenses, and the board may accept payment of a fine
18 in lieu of suspension or revocation. The payments shall be as
19 determined by rule of the board.

20 (h) Except as provided in this section, local
21 ordinances establishing different rules on delivery, delivery
22 service licensees, or requiring additional permits or fees,
23 are prohibited.

24 (i) The board may adopt rules pursuant to the
25 Alabama Administrative Procedure Act to implement this act.

1 (j) Any violation of this section is a Class B
2 misdemeanor upon a first conviction. A second or subsequent
3 conviction is a Class A misdemeanor.

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