

SB135 INTRODUCED



1 WV6055-1
2 By Senator Elliott
3 RFD: Tourism
4 First Read: 22-Mar-23
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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
AN ACT

Relating to the Alcoholic Beverage Control Board; to amend Sections 28-1-5, as amended by Act 2022-383, 2022 Regular Session, and 28-10-6 of the Code of Alabama 1975, to authorize an employee of a restaurant or hotel that is a restaurant or special retail licensee of the board to serve alcoholic beverages under the same specified conditions as an



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29 employee of a restaurant licensee; and to further provide for
30 the forms and records of responsible vendor training.

31 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

32 Section 1. Sections 28-1-5, as amended by Act
33 2022-383, 2022 Regular Session, and 28-10-6 of the Code of
34 Alabama 1975, are amended to read as follows:

35 "§28-1-5

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

40 (b) Nothing in this section shall prevent an
41 individual who is less than 21 years of age from being
42 employed by a licensee of the board, provided the individual
43 may not handle, transport, serve, or dispense alcoholic
44 beverages, except as authorized under subsection (c), and a
45 representative of the licensee who is 21 years of age or older
46 must be in attendance at all times the individual is working.

47 (c) Notwithstanding subsection (a):

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

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

54 b. The employee may not work as a bartender and may
55 not pour or dispense alcoholic beverages.

56 c. The restaurant or hotel that is a restaurant or



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57 special retail licensee is annually certified as a responsible
58 vendor under the Alabama Responsible Vendor Act as provided in
59 Chapter 10. Responsible vendor training or testing for these
60 licensees may be conducted by any means available, including,
61 but not limited to, online by computer, in a classroom, or by
62 live trainers. Nothing in this paragraph shall be construed to
63 require an in-person test administrator or proctor.

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

69 (d) The board may levy a civil penalty, up to and
70 including suspension or revocation of the license, against any
71 licensee who requests or requires as a condition of employment
72 an employee under the age of 21 years to handle, transport,
73 serve, or dispense alcoholic beverages in a manner that
74 violates this section, as follows:

75 (1) Two hundred fifty dollars (\$250) for a first
76 offense.

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

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

80 "§28-10-6

81 In order to qualify for certification, the vendor
82 shall comply with the following requirements:

83 (1) Provide a course of instruction for its employees
84 approved by the board which shall include subjects dealing



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85 with alcoholic beverages as follows:

86 a. Laws regarding the sale of alcoholic beverages for
87 on-the-premises consumption and/or for off-the-premises
88 consumption;

89 b. Methods of recognizing and dealing with underage
90 customers; and

91 c. The development of specific procedures for refusing
92 to sell alcoholic beverages to underage customers; for
93 assisting employees in dealing with underage customers; and
94 for dealing with intoxicated customers.

95 (2) Require each employee who is authorized to sell
96 alcoholic beverages in the normal course of his or her
97 employment. Training and testing may be conducted by any means
98 available, including, but not limited to, online by computer,
99 in a classroom, or by live trainers. Nothing in this
100 subdivision shall be construed to require an in-person test
101 administrator or proctor. to complete the employee training
102 course set out in subdivision (1) hereof within 30 days of
103 commencing employment~~+~~.

104 (3) Require all such trained employees to attend
105 additional meetings at least semiannually or such other
106 schedule of meetings as may be approved by the board, which
107 meetings shall include the dissemination of existing and new
108 information covering the applicable subjects specified in this
109 section and explaining the vendor's policies and procedures
110 relating to those subjects~~+~~.

111 (4) Maintain employment records of the training of its
112 employees required by this section~~+~~ and. The records may be



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113 maintained in a digital format provided the records may be
114 produced within 48 hours at the request of the board.

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

118 Section 2. This act shall become effective immediately
119 following its passage and approval by the Governor, or its
120 otherwise becoming law.