

1 209774-3 : n : 02/10/2021 : LK / tgw LSA2021-21059

2
3 HOUSE JUDICIARY COMMITTEE AMENDMENT #1 TO HB229
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8 On page 2, line 7, after "28-3A-13," insert the
9 following:

10 28-3A-23,
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12 On page 2, delete lines 18 to 24 in their entirety,
13 and insert in lieu thereof the following:

14 Section 1. This act has been enacted pursuant to the
15 authority granted to the state under the Twenty-first
16 Amendment to the United States Constitution and the powers
17 reserved to the state under the Tenth Amendment to the United
18 States Constitution and the inherent powers of the state under
19 the Constitution of Alabama of 1901. It is the intent of the
20 Legislature that this act maintains the current three-tier
21 system of control over the sale, distribution, purchase,
22 transportation, manufacture, consumption, and possession of
23 alcoholic beverages in the state and promotes the health,
24 safety, and welfare of residents of this state. This act shall
25 be liberally construed to
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27 On page 3, line 12, delete "and"

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2 On page 3, line 13, after "28-3A-14", insert the
3 following:

4 and 28-3A-23,

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6 On page 3, line 24, delete "or supplier" insert the
7 following:

8 ", supplier, or importer"

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10 On page 15, line 23, delete the quotation mark.

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12 On page 15, after line 23, insert the following:

13 "§28-3A-23.

14 "(a) No license prescribed in this code shall be
15 issued or renewed until the provisions of this code have been
16 complied with and the filing and license fees other than those
17 levied by a municipality are paid to the board.

18 "(b) Licenses shall be granted and issued by the
19 board only to reputable individuals, to associations whose
20 members are reputable individuals, or to reputable
21 corporations organized under the laws of the State of Alabama
22 or duly qualified thereunder to do business in Alabama, or, in
23 the case of manufacturers, duly registered under the laws of
24 Alabama, and then only when it appears that all officers and
25 directors of the corporation are reputable individuals.

26 "(1) In addition to all other requirements, an
27 applicant for a license under this section shall submit to the

1 board a form, sworn to by the applicant, providing written
2 consent from the applicant for the release of criminal history
3 background information. The form shall also require the
4 applicant's name, date of birth, and Social Security number
5 for completion of a criminal history background check.

6 "(2) An applicant shall provide the board with two
7 complete functional sets of fingerprints, either cards or
8 electronic, properly executed by a criminal justice agency or
9 an individual properly trained in fingerprinting techniques.
10 The fingerprints and form shall be submitted by the board to
11 the State Bureau of Investigations, or any entity contracted
12 with, for the purposes of furnishing criminal background
13 checks. The State Bureau of Investigations or contracted
14 entity shall forward a copy of the applicant's prints to the
15 Federal Bureau of Investigation for a national criminal
16 background check.

17 "(3) The applicant shall pay all costs associated
18 with the background checks required by this section.

19 "(4) For the purposes of this section, the term
20 applicant shall include every person who has any proprietary
21 or profit interest of 10 percent or more in the licensed
22 establishment, but shall not include any public corporation
23 whose shares are traded on a recognized stock exchange.

24 "(5) The board shall keep information received
25 pursuant to this section confidential, except that information
26 received and relied upon in denying the issuance of a license

1 in this state may be disclosed as may be necessary to support
2 the denial or when subpoenaed from a court.

3 "(c) Every license issued under this code shall be
4 constantly and conspicuously displayed on the licensed
5 premises.

6 "(d) Each retail liquor license application must be
7 approved by the governing authority of the municipality if the
8 retailer is located in a municipality, or by the county
9 commission if the retailer is located in the county and
10 outside the limits of the municipality before the board shall
11 have authority to grant the license.

12 "(e) Any retailer may be granted licenses to
13 maintain, operate, or conduct any number of places for the
14 sale of alcoholic beverages, but a separate license must be
15 secured for each place where alcoholic beverages are sold. No
16 retail license issued under this code shall be used for more
17 than one premise, nor for separate types of operation on the
18 same premise. Provided, however, any such licensed retail
19 operation existing on May 14, 2009, and operating based on
20 dual licenses, both a club or lounge license and a restaurant
21 license, on the same premises shall be exempt from the
22 requirement of the preceding sentence and may continue to
23 operate under such dual licenses. The provisions of any rule
24 promulgated by the board relating to the requirements
25 concerning such dual licenses, both a club or lounge license
26 and a restaurant license, shall not apply to any such retail
27 operation existing on May 14, 2009. The aforementioned rules

1 shall include, but not be limited to, the maintenance of
2 separate books, separate entrances, and separate inventories.
3 Each premise must have a separate retail license. Where more
4 than one retail operation is located within the same building,
5 each such operation under a separate or different ownership is
6 required to obtain a separate retail license; and where more
7 than one type of retail operation located within the same
8 building is operated by the same licensee, such licensee must
9 have a license for each type of retail operation. Provided,
10 there shall be no licenses issued by the board for the sale of
11 liquor, beer or wine by rolling stores.

12 "(f) No retailer shall sell any alcoholic beverages
13 for consumption on the licensed premises except in a room or
14 rooms or place on the licensed premises at all times
15 accessible to the use and accommodation of the general public;
16 but this section shall not be interpreted to prevent a hotel
17 or club licensee from selling such beverages in any room of
18 such hotel or club house occupied by a bona fide registered
19 guest or member or private party entitled to purchase the
20 same.

21 "(g) All beer, except draft or keg beer, sold by
22 retailers must be sold or dispensed in bottles, cans, or other
23 containers not to exceed 25.4 ounces. All wine sold by
24 retailers for off-premise consumption must be sold or
25 dispensed in bottles or other containers in accordance with
26 the standards of fill specified in the then effective

1 standards of fill for wine prescribed by the U.S. Treasury
2 Department.

3 "(h) Draft or keg beer may be sold or dispensed
4 within this state within those counties in which and in the
5 manner in which the sale of draft or keg beer was authorized
6 by law on September 30, 1980 or in which the sale of draft or
7 keg beer is hereafter authorized by law; provided in rural
8 communities with a predominantly foreign population, after the
9 payment of the tax imposed by this title, draft or keg beer
10 may be sold or dispensed by special permit from the board,
11 when, in the judgment of the board, the use and consumption of
12 draft or keg beer is in accordance with the habit and customs
13 of the people of any such rural community; provided further,
14 the board may, in its discretion, grant to any civic center
15 authority or its franchisee or concessionaire, to which the
16 board may have issued or may simultaneously issue a retail
17 license under the provisions of this code, a revocable
18 temporary permit to sell or dispense in any part of its civic
19 center, for consumption therein, draft or keg beer. Either
20 such permit shall be promptly revoked by the board if, in its
21 judgment, the same tends to create intemperance or is
22 prejudicial to the welfare, health, peace, temperance, and
23 safety of the people of the community or of the state.

24 "(i) No importer shall sell alcoholic beverages to
25 any person other than a wholesaler licensee, or sell to a
26 wholesaler licensee any brand or brands of alcoholic beverages
27 for sale or distribution in this state, except where the

1 importer has been granted written authorization from the
2 manufacturer thereof to import and sell the brand or brands to
3 be sold in the State of Alabama, which authorization is on
4 file with the board.

5 "(j) No wholesaler shall maintain or operate any
6 place where sales are made other than that for which the
7 wholesale license is granted; provided, however, a wholesaler
8 may be licensed to sell and distribute liquor, wine and beer.
9 No wholesaler shall maintain any place for the storage of
10 liquor, wine or beer unless the same has been approved by the
11 board. No wholesaler license shall be issued for any premises
12 in any part of which there is operated any retail license for
13 the sale of alcoholic beverages.

14 "(k) Licenses issued under this code may not be
15 assigned. The board is hereby authorized to transfer any
16 license from one person to another, or from one place to
17 another within the same governing jurisdiction, or both, as
18 the board may determine; but no transfers shall be made to a
19 person who would not have been eligible to receive the license
20 originally, nor for the transaction of business at a place for
21 which the license could not originally have been issued
22 lawfully.

23 "(l) Every applicant for a transfer of a license
24 shall file a written application with the board within such
25 time as the board shall fix in its regulations. Whenever any
26 license is transferred, there shall be collected a filing fee
27 of \$50.00, to be paid to the board, and the board shall pay

1 such fee into the State Treasury to the credit of the Beer Tax
2 and License Fund of the board.

3 "(m) In the event that any person to whom a license
4 shall have been issued under the terms of this code shall
5 become insolvent, make an assignment for the benefit of
6 creditors, be adjudicated a bankrupt by either voluntary or
7 involuntary action, the license of such person shall
8 immediately terminate and be cancelled without any action on
9 the part of the board, and there shall be no refund made, or
10 credit given, for the unused portion of the license fee for
11 the remainder of the license year for which said license was
12 granted. Thereafter no license shall be issued by the board
13 for the premises, wherein said license was conducted, to any
14 assignee, committee, trustee, receiver, or successor of such
15 licensee until a hearing has been held by the board as in the
16 case of a new application for license. In all such cases, the
17 board shall have the sole and final discretion as to the
18 propriety of the issuance of a license for such premises, and
19 the time it shall issue, and the period for which it shall be
20 issued, and shall have the further power to impose conditions
21 under which said licensed premises shall be conducted."

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23 On page 19, line 6, delete "twelve" and insert in
24 lieu thereof:

25 24

1 On page 22, line 7, delete "property controlled by"
2 and insert in lieu thereof:

3 residence hall on the grounds of
4

5 On page 22, after line 10, insert a new subdivision
6 (16) as follows and renumber subsequent subdivisions
7 accordingly:

8 (16) A delivery service licensee may not deliver
9 alcohol to a location more than 75 miles from the licensed
10 premise of the retail licensee where the delivery originated.
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12 On page 22, line 11, after "may not" delete
13 "delivery" and insert in lieu thereof:

14 deliver