

1 HB234
2 216597-1
3 By Representatives Rafferty, Hollis, Moore (M), Scott, Rogers,
4 Alexander, South, Whitt, Givan, Coleman and Isbell
5 RFD: Economic Development and Tourism
6 First Read: 02-FEB-22

SYNOPSIS: Under existing law, the consumption of alcoholic beverages in open containers in public is prohibited, except in entertainment districts and at special events.

This bill would provide for a food truck license in Class 1 municipalities that would allow a food truck to sell alcoholic beverages for consumption in open containers within a defined boundary in the vicinity of the food truck.

This bill would also require the Alcoholic Beverage Control Board to adopt rules.

A BILL
TO BE ENTITLED
AN ACT

Relating to food trucks; to add Section 28-3A-17.1 to the Code of Alabama 1975; to provide for a food truck license in Class 1 municipalities that would allow a food truck to sell alcoholic beverages for consumption in open

1 containers within a defined boundary in the vicinity of the
2 food truck; and to require the Alcoholic Beverage Control
3 Board to adopt rules.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 28-3A-17.1 is added to the Code
6 of Alabama 1975, to read as follows:

7 §28-3A-17.1.

8 (a) This section applies in Class 1 municipalities
9 only.

10 (b) As used in this section, food truck means a
11 fully encased food service establishment approved by the
12 Department of Public Health, which is housed on a motor
13 vehicle or on a trailer that a motor vehicle pulls to
14 transport, and from which a vendor, standing within the frame
15 of the vehicle, prepares, cooks, sells, or serves food for
16 immediate human consumption. The term does not include a food
17 cart that is not motorized.

18 (c) Upon a food truck applicant's compliance with
19 this chapter, the board shall issue to the applicant a food
20 truck license that will authorize the licensee to sell
21 alcoholic beverages for off-premises consumption to guests who
22 may consume the beverages in open containers anywhere within
23 the confines of a defined boundary, provided the license is
24 not prohibited by a valid ordinance or other ordinance in the
25 valid exercise of police power by the governing body of the
26 municipality in which the food truck is located. The board, by

1 rule, shall establish an annual food truck license fee, which
2 may not exceed one hundred fifty dollars (\$150).

3 (d) Each food truck licensee shall collect and remit
4 all state and local sales and use taxes and all excise and
5 privilege taxes due on the sale of alcoholic beverages.

6 (e) The board, by rule, may require a barrier be
7 placed as a boundary around the vicinity of the food truck or
8 group of food trucks within which consumption of alcoholic
9 beverages is permitted. The board shall adopt additional
10 reasonable rules to protect public health and safety.

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