

**HB223 ENROLLED**



1 28T5KI-2  
2 By Representative Starnes (N & P)  
3 RFD: Local Legislation  
4 First Read: 04-Apr-23  
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## HB223 Enrolled

1 Enrolled, An Act,

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4 Relating to Autauga County; to further provide for the  
5 regulation of the sale of alcoholic beverages in the  
6 unincorporated areas of the county; to authorize the Autauga  
7 County Commission to issue a separate county business license  
8 for any person or business required to have a retail license  
9 from the Alcoholic Beverage Control (ABC) Board for the sale  
10 of alcoholic beverages in the unincorporated areas of the  
11 county; and to provide for a fee for the license and for the  
12 enforcement of this requirement.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. This act shall apply only in Autauga County  
15 in the unincorporated areas of the county.

16 Section 2. For the purposes of this act, the term  
17 "unincorporated area of the county" means any area of the  
18 county outside of the corporate limits of an operating  
19 municipality with an elected mayor and municipal council.

20 Section 3. In the unincorporated areas of Autauga  
21 County, the Autauga County Commission may authorize the sale  
22 of draft or keg beer for on-premises or off-premises  
23 consumption, or both, by any retail licensee of the Alabama  
24 Beverage Control (ABC) Board, except the county commission  
25 shall not authorize the sale of draft beer in any container  
26 larger than 64 ounces. Except as authorized above, the sale of  
27 draft or keg beer for off-premises consumption in a keg or  
28 other similar container is strictly prohibited. Any licensee



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29 of the ABC Board selling draft beer shall be in compliance  
30 with the requirements of the Responsible Vendor Program of the  
31 board.

32 Section 4. In the unincorporated areas of Autauga  
33 County, the Autauga County Commission may authorize any  
34 properly licensed retail licensee of the ABC Board serving the  
35 general public to sell alcoholic beverages for on-premises or  
36 off-premises consumption, or both, on Sunday after 12:00 p.m.  
37 Any licensee selling alcoholic beverages on Sunday shall be in  
38 compliance with the requirements of the Responsible Vendor  
39 Program of the board.

40 Section 5. (1) Effective October 1, 2023, the Autauga  
41 County Commission, by resolution of the county commission, may  
42 require each individual or entity selling alcoholic beverages  
43 in the unincorporated area of the county for on-premises  
44 consumption to have a separate business license to sell  
45 alcoholic beverages. The Autauga County Commission may set the  
46 requirements for the individual or entity to sell alcoholic  
47 beverages for on-premises consumption in addition to the  
48 requirements for a license from the ABC Board.

49 (2) After the implementation of the license required by  
50 this section, no individual or entity may sell alcoholic  
51 beverages in the unincorporated area of the county for  
52 on-premises consumption without a valid county business  
53 license. The fees for the issuance of the business license  
54 shall not exceed two hundred dollars (\$200) per year as set by  
55 the county commission. The fee for a business license may vary  
56 based on the type of license issued by the ABC Board.



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57           (3) The requirements for a business license pursuant to  
58 this section may include the following:

59           a. Inspections relating to fire safety as determined  
60 necessary by the State Fire Marshal and compliance with any  
61 requirements of the inspection, including maximum occupancy of  
62 the premises.

63           b. Compliance with all requirements and inspections of  
64 the Autauga County Health Department relating to food and  
65 beverage service and septic or sewer service.

66           (4) Any violations of the requirements of this section  
67 may result in the denial of a license or the revocation of the  
68 license. The Autauga County Commission may enforce the  
69 provisions of this section by appropriate injunctive relief in  
70 the Circuit Court of Autauga County.

71           Section 6. This act is enacted pursuant to the  
72 authority of Section 104 of the Constitution of Alabama of  
73 2022.

74           Section 7. This act shall become effective on the first  
75 day of the third month following its passage and approval by  
76 the Governor, or its otherwise becoming law.



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 13-Apr-23.

John Treadwell  
Clerk

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Senate

**20-Apr-23**

Passed