

1 HB303
2 190151-2
3 By Representatives Daniels, Drummond, Todd, Forte, Hollis,
4 McClammy, McCampbell, Jackson, Beech, Hall, Moore (M), Rogers,
5 Lindsey, Knight and Coleman
6 RFD: Economic Development and Tourism
7 First Read: 25-JAN-18

1 other than wholesale or retail licensees or others within this
2 state lawfully authorized to sell alcoholic beverages, or to
3 sell for export.

4 "(3) For any person, licensee, or the board either
5 directly or by the servants, agents, or employees of the same,
6 or for any servant, agent, or employee of the same, to sell,
7 deliver, furnish, or give away alcoholic beverages to any
8 person under the legal drinking age, as defined in Section
9 28-1-5, or to permit any person under the legal drinking age,
10 as defined in Section 28-1-5, to drink, consume, or possess
11 any alcoholic beverages on any licensee's premises.

12 "(4) For any person to consume alcoholic beverages
13 on the premises of any state liquor store or any off-premises
14 licensee, or to allow alcoholic beverages to be consumed on
15 the premises of any state liquor store or any off-premises
16 licensee, except as specifically allowed by law for the
17 tasting of alcoholic beverages.

18 "(5) For any licensee to fail to keep for a period
19 of at least three years, complete and truthful records
20 covering the operation of his or her license and particularly
21 showing the date of all purchases of alcoholic beverages, the
22 actual price paid therefor, and the name of the vendor, or to
23 refuse the board or any authorized employee of the board
24 access to the records or the opportunity to make copies of the
25 records when the request is made during business hours.

26 "(6) For any licensee or the servants, agents, or
27 employees of the same to refuse the board, any of its

1 authorized employees, or any duly commissioned law enforcement
2 officer the right to completely inspect the entire licensed
3 premises at any time the premises are open for business.

4 "(7) For any person to knowingly sell any alcoholic
5 beverages to any person engaged in the business of illegally
6 selling alcoholic beverages.

7 "(8) For any person to manufacture, transport, or
8 import alcoholic beverages into this state, except in
9 accordance with the reasonable rules and regulations of the
10 board. This subdivision shall not prohibit the transportation
11 of alcoholic beverages through the state or any dry county so
12 long as the beverages are not for delivery therein, if the
13 transportation is done in accordance with the reasonable rules
14 and regulations of the board.

15 "(9) For any person to fortify, adulterate,
16 contaminate, or in any manner change the character or purity
17 of alcoholic beverages from that as originally marketed by the
18 manufacturer, except that a retail licensee on order from a
19 customer may mix a chaser or other ingredients necessary to
20 prepare a cocktail or mixed drink for on-premises consumption.

21 "(10) For any person licensed to sell alcoholic
22 beverages to offer to give any thing of value as a premium for
23 the return of caps, stoppers, corks, stamps, or labels taken
24 from any bottle, case, barrel, or package containing the
25 alcoholic beverages, or to offer to give any thing of value as
26 a premium or present to induce the purchase of the alcoholic
27 beverages, or for any other purpose whatsoever in connection

1 with the sale of the alcoholic beverages. This subdivision
2 shall not apply to the return of any moneys specifically
3 deposited for the return of the original containers to the
4 owners of the containers.

5 "(11) For any licensee or transporter for hire,
6 servant, agent, or employee of the same, to transport any
7 alcoholic beverages except in the original container, and for
8 any transporter for hire to transport any alcoholic beverages
9 within the state, unless the transporter holds a permit issued
10 by the board.

11 "(12) For any manufacturer, importer, or wholesaler,
12 servant, agent, or employee of the same, to deliver any
13 alcoholic beverages, except in vehicles bearing such
14 information on each side of the vehicle as required by the
15 board.

16 "(13) For any person to sell alcoholic beverages
17 within any dry county or county where the electors have voted
18 against the sales, except in wet municipalities or as
19 authorized by Section 28-3A-18.

20 "(14) For any person, firm, corporation,
21 partnership, or association of persons as the terms are
22 defined in Section 28-3-1, including any civic center
23 authority, racing commission, fair authority, airport
24 authority, public or quasi-public board, agency, or
25 commission, any agent thereof, or otherwise, who or which has
26 not been properly licensed under the appropriate provisions of
27 this chapter to sell, offer for sale, or have in possession

1 for sale, any alcoholic beverages. Any alcoholic beverages so
2 possessed, maintained, or kept shall be contraband and subject
3 to condemnation and confiscation as provided by law.

4 "(15) For any manufacturer, distiller, producer,
5 importer, or distributor of alcoholic beverages to employ and
6 maintain any person, who is not a full-time bona fide
7 employee, as a resident sales agent, broker, or other like
8 representative, for the purpose of promoting a sale, purchase,
9 or acquisition of alcoholic beverages to or by the state or
10 the board, or for any person who is not a full-time bona fide
11 employee to act as an agent, broker, or representative of any
12 manufacturer, distributor, producer, importer, or distiller
13 for that purpose.

14 "(16) For any person to sell, give away, or
15 otherwise dispose of taxable alcoholic beverages within this
16 state on which the required taxes have not been paid as
17 required by law.

18 "(17) For any wholesaler or retailer, or the
19 servant, agent, or employee of the same, to sell, distribute,
20 deliver, or to receive or store for sale or distribution
21 within this state any alcoholic beverages unless there first
22 has been issued by the board a manufacturer's license to the
23 manufacturer of the alcoholic beverages or its designated
24 representative or an importer license to the importer of the
25 alcoholic beverages.

26 "(18) For any person under the legal drinking age,
27 as defined in Section 28-1-5, to attempt to purchase, to

1 purchase, consume, possess, or to transport any alcoholic
2 beverages within the state; provided, however, it shall not be
3 unlawful for a person under the legal drinking age, as defined
4 in Section 28-1-5, to be an employee of a wholesale licensee
5 or an off-premises retail licensee of the board to handle,
6 transport, or sell any beer or table wine if the person under
7 the legal drinking age is acting within the line and scope of
8 his or her employment while so acting. There must be an adult
9 licensee, servant, agent, or employee of the same present at
10 all times a licensed establishment is open for business.

11 "(19) For any person, except where authorized by a
12 local act or general act of local application, to buy, give
13 away, sell, or serve for consumption on or off the premises,
14 or to drink or consume any alcoholic beverages in any cafe,
15 lunchroom, restaurant, hotel dining room, or other public
16 place on Sunday after the hour of two o'clock A.M.

17 "(20) Except where authorized by a local act or
18 general act of local application, for the proprietor, keeper,
19 or operator of any cafe, lunchroom, restaurant, hotel dining
20 room, or other public place to knowingly permit any person to
21 give away, sell, or serve for consumption on or off the
22 premises, or to drink or consume any alcoholic beverages on
23 the premises of the cafe, lunchroom, restaurant, hotel dining
24 room, or other public place on Sunday after the hour of two
25 o'clock A.M.

26 "(21) For a person under the age of 21 years to
27 knowingly use or attempt to use a false, forged, deceptive, or

1 otherwise nongenuine driver's license to obtain or attempt to
2 obtain alcoholic beverages within this state.

3 "(b) (1) Any violation of subdivisions (1) through
4 (17) of subsection (a) shall be a misdemeanor punishable by a
5 fine of not less than one hundred dollars (\$100) nor more than
6 one thousand dollars (\$1,000), to which, at the discretion of
7 the court or judge trying the case, may be added imprisonment
8 in the county jail or at hard labor for the county for not
9 more than six months for the first conviction; and, on the
10 second conviction of a violation of the subdivisions, the
11 offense shall, in addition to the aforementioned fine, be
12 punishable by imprisonment or at hard labor for the county for
13 not less than three months nor more than six months to be
14 imposed by the court or judge trying the case; and, on the
15 third conviction and every subsequent conviction of a
16 violation of the subdivisions, the offense shall, in addition
17 to a fine within the limits abovenamed, be punishable by
18 imprisonment or at hard labor for the county for not less than
19 six months nor more than 12 months.

20 "(2) Any violation of any provision of subdivisions
21 (18), (19), (20), and (21) of subsection (a) shall be a
22 misdemeanor punishable by a fine of not less than fifty
23 dollars (\$50) nor more than five hundred dollars (\$500), to
24 which, at the discretion of the court or judge trying the
25 case, may be added imprisonment in the county jail or at hard
26 labor for the county for not more than three months.

1 "(c) In addition to the penalties otherwise provided
2 for a violation of subdivisions (18) and (21) of subsection
3 (a), upon conviction, including convictions in juvenile court
4 or under the Youthful Offender Act, the offender's license to
5 operate a motor vehicle in this state shall be surrendered by
6 the offender to the judge adjudicating the case for a period
7 of not less than three months nor more than six months. The
8 judge shall forward a copy of the order suspending the license
9 to the Department of Public Safety for enforcement purposes."

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Economic Devel-
opment and Tourism..... 25-JAN-18

Read for the second time and placed
on the calendar 1 amendment 15-FEB-18

Read for the third time and passed
as amended..... 08-MAR-18

Yeas 74, Nays 8, Abstains 11

Jeff Woodard
Clerk