

1 SB48
2 204679-3
3 By Senator Elliott
4 RFD: Governmental Affairs
5 First Read: 04-FEB-20
6 PFD: 01/22/2020

2
3
4 ENGROSSED

5
6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to entertainment districts; to amend
12 Section 28-3A-17.1, Code of Alabama 1975, to authorize the
13 governing body of certain municipalities to establish three
14 entertainment districts within its corporate limits that meet
15 certain qualifications.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. The Legislature declares that this act
18 regulated the liquor traffic within the meaning and intent of
19 Section 104 of the Constitution of Alabama of 1901.

20 Section 2. Section 28-3A-17.1, Code of Alabama 1975,
21 is amended to read as follows:

22 "§28-3A-17.1.

23 "(a) (1) Notwithstanding any rule adopted by the
24 board, the board may issue an entertainment district
25 designation to any retailer licensee that is licensed to sell
26 alcoholic beverages for on-premises consumption and to any
27 manufacturer licensee that conducts tastings or samplings on

1 the licensed premises, provided the licensees are located in
2 an entertainment district established pursuant to this
3 section.

4 "(2) A licensee who receives an entertainment
5 district designation under this subsection shall comply with
6 all laws and rules governing its license type, except that the
7 patrons, guests, or members of that licensee may exit that
8 licensed premises with open containers of alcoholic beverages
9 and consume alcoholic beverages anywhere within the confines
10 of the entertainment district, which shall be permitted, but
11 may not enter another licensed premises with open containers
12 or closed containers of alcoholic beverages acquired
13 elsewhere.

14 "(3) The permission granted by this subsection
15 permitting the consumption of alcoholic beverages anywhere
16 within the confines of the entertainment district shall not
17 extend the confines of the licensed premises.

18 "(b) The governing body of any Class 5 municipality
19 covered by Act 2013-382, or a municipality with an
20 incorporated arts council, main street program, or downtown
21 development entity, may establish not more than two
22 entertainment districts within its corporate limits, each of
23 which must have not fewer than four licensees holding a retail
24 liquor license in that area, and each district may not exceed
25 one-half mile by one-half mile in area, but may be irregularly
26 shaped.

1 "(c) The governing body of a Class 1 municipality,
2 Class 2 municipality, Class 3 municipality, Class 4
3 municipality, or any municipality that is located 15 miles
4 north of the Gulf of Mexico, may establish up to five
5 entertainment districts within the corporate limits, each of
6 which must have not fewer than four licensees holding a
7 manufacturer's license that conducts tastings or samplings on
8 the licensed premises, a restaurant retail liquor license, an
9 on-premises alcoholic beverage license, or other retail liquor
10 license in that area, and each district may not exceed
11 one-half mile by one-half mile in area, but may be irregularly
12 shaped.

13 "(d) The governing body of a Class 8 municipality
14 which is located in a county with a Class 3 municipality may
15 establish two entertainment districts within its corporate
16 limits that may not have fewer than four licensees holding a
17 retail liquor license in that area, and each district may not
18 exceed one-half mile by one-half mile in area, but may be
19 irregularly shaped.

20 "(e) For the purposes of subsection (c), the term
21 on-premises as applied to consumption within the entertainment
22 district shall include anywhere within the district,
23 regardless of the terms and conditions of licensure.

24 "(f) In a Class 2 municipality, the licensed
25 premises in an entertainment district of a holder of a retail
26 liquor license shall include the area on a municipal sidewalk
27 or deck immediately adjacent or connected to the premises and,

1 during special events, directly outside the entrance to the
2 premises.

3 "(g) The governing body of a Class 8 municipality
4 that is located in a county with a Class 2 municipality and is
5 primarily located on an island may establish three
6 entertainment districts within its corporate limits. One
7 district must have no fewer than two licensees holding a
8 retail liquor license in a business or commercial area; one
9 district may be established in a business or commercial area
10 at times when Special events are held as designated by the
11 governing body; and one district may be established on
12 property owned by the Dauphin Island Property Owners
13 Association and known as the Isle Dauphine Complex. Each
14 district may not exceed one-half mile by one-half mile in
15 area, but may be irregularly shaped.

16 ~~"(1) For purposes of this subsection, the term~~
17 ~~on-premises as applied to consumption within the entertainment~~
18 ~~district shall include anywhere within the district,~~
19 ~~regardless of the terms or conditions of licensure.~~

20 ~~"(2) For purposes of this subsection, the licensed~~
21 ~~premises in an entertainment district of a holder of a retail~~
22 ~~liquor license shall include the area on a deck, boardwalk, or~~
23 ~~municipal sidewalk immediately adjacent or connected to the~~
24 ~~premises and, during special events, directly outside the~~
25 ~~entrance to the premises.~~

26 "(h) The governing body of a Class 8 municipality
27 with an incorporated arts council, main street program, or

1 downtown development entity whose corporate limits touch the
2 high water mark of the Gulf of Mexico may establish three
3 entertainment districts within its corporate limits, each of
4 which must not have fewer than four licensees holding a retail
5 liquor license in that area, and each district may not exceed
6 one-half mile by one-half mile in area, but may be irregularly
7 shaped.

8 "For the purpose of this subsection, the licensed
9 premises in an entertainment district of a holder of a retail
10 liquor license shall include the area on a deck, boardwalk, or
11 municipal sidewalk immediately adjacent or connected to the
12 premises and, during special events, directly outside the
13 entrance of the premises.

14 ~~(h)~~ (i) All laws or parts of laws which conflict
15 with this section are repealed. All general, local, and
16 special laws or parts of such laws insofar as they designate
17 or restrict the boundaries, size, or area of such
18 entertainment districts are hereby repealed."

19 Section 3. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10

11
12
13
14
15
16
17

Senate

Read for the first time and referred to the Senate
committee on Governmental Affairs..... 04-FEB-20

Read for the second time and placed on the calen-
dar with 1 substitute and..... 11-FEB-20

Read for the third time and passed as amended 13-FEB-20

Yeas 34
Nays 0

Patrick Harris,
Secretary.