

1 SB339
2 191656-1
3 By Senator Smitherman
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 22-FEB-18

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8 SYNOPSIS: Under existing law, the governing bodies of
9 certain municipalities may establish entertainment
10 districts for the purpose of consumption of
11 alcoholic beverages within the confines of the
12 entertainment district if certain requirements are
13 met.

14 Also under existing law, Class 1, Class 2,
15 Class 3, and Class 4 municipalities and
16 municipalities within 15 miles of the Gulf of
17 Mexico may establish up to five entertainment
18 districts within the municipality in geographical
19 areas where there are situated four licensees
20 holding certain types of alcoholic beverages
21 licenses.

22 This bill would add a manufacturers license
23 that conducts tastings or samplings to the types of
24 alcoholic beverage licenses that must be situated
25 in an area where a municipality seeks to establish
26 an entertainment district.

1 A BILL
2 TO BE ENTITLED
3 AN ACT

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5 Relating to entertainment districts; to amend
6 Section 28-3A-17.1 of the Code of Alabama 1975, to revise the
7 requirements for certain types of municipalities to establish
8 entertainment districts.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 28-3A-17.1, Code of Alabama 1975,
11 is amended to read as follows:

12 "§28-3A-17.1.

13 "(a) The provisions of this section shall only apply
14 to Class 1, Class 2, Class 3, Class 4, and Class 5
15 municipalities and municipalities with an incorporated arts
16 council, main street program, or downtown development entity.

17 "(b) Upon compliance of the applicant with the
18 provisions of this chapter, and the regulations made
19 thereunder which are not in conflict with the provisions of
20 this section, the Alabama Alcoholic Beverage Control Board may
21 issue an entertainment district designation for any retail
22 license authorized in this chapter which allows the licensee
23 to sell alcoholic beverages for consumption on the licensed
24 premises and which licensed premises is located in an
25 entertainment district established as provided in subsection
26 (d). A licensee who receives an entertainment district
27 designation for an on-premises retail license shall comply

1 with all laws, rules, and regulations which govern its license
2 type, except that the patrons, guests, or members of that
3 licensee may exit that licensed premises with open containers
4 of alcoholic beverages and consume alcoholic beverages
5 anywhere within the confines of the entertainment district,
6 which shall be permitted, but may not enter another licensed
7 premises with open containers or closed containers of
8 alcoholic beverages acquired elsewhere.

9 "(c) The permission granted by subsection (b)
10 permitting the consumption of alcoholic beverages anywhere
11 within the confines of the entertainment district shall not
12 extend the confines of the licensed premises.

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

22 "(e) The governing body of a Class 1 municipality,
23 Class 2 municipality, Class ~~4~~ 3 municipality, Class ~~3~~ 4
24 municipality, or any municipality which is located 15 miles
25 north of the Gulf of Mexico, may establish up to five
26 entertainment districts within the corporate limits, each of
27 which must have not fewer than four licensees holding a a

1 manufacturers license that conducts tastings or samplings on
2 the licensed premises, a restaurant retail liquor license, an
3 on-premises alcoholic beverage license, or other retail liquor
4 license in that area, and each district may not exceed
5 one-half mile by one-half mile in area, but may be irregularly
6 shaped.

7 "The governing body of a Class 8 municipality which
8 is located in a county with a Class 3 municipality may
9 establish two entertainment districts within its corporate
10 limits which may not have fewer than four licensees holding a
11 retail liquor license in that area and may not exceed one-half
12 mile by one-half mile in area, but may be irregularly shaped.

13 "For the purposes of this subsection, the term
14 on-premises as applied to consumption within such
15 entertainment district shall include anywhere within the
16 district, regardless of the terms and conditions of licensure.

17 "(f) In a Class 2 municipality, the licensed
18 premises in an entertainment district of a holder of a retail
19 liquor license shall include the area on a municipal sidewalk
20 or deck immediately adjacent or connected to the premises and,
21 during special events, directly outside the entrance to the
22 premises.

23 "(g) All laws or parts of laws which conflict with
24 this section are repealed. All general, local, and special
25 laws or parts of such laws insofar as they designate or
26 restrict the boundaries, size, or area of such entertainment
27 districts are hereby repealed."

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