SB276

198785-2

By Senator Smitherman

RFD: Transportation and Energy

First Read: 11-APR-19
ENROLLED, An Act,

Relating to entertainment districts; to amend Section 28-3A-17.1 of the Code of Alabama 1975, to authorize wineries, distilleries, and breweries that conduct tastings and samplings and that are located within an entertainment district to sell alcoholic beverages for consumption within the entertainment district; and to revise the requirements for certain types of municipalities to establish entertainment districts.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§28-3A-17.1. 

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

(b) Upon compliance of the applicant with the provisions of this chapter, and the regulations made thereunder which are not in conflict with the provisions of this section, the Alabama Alcoholic Beverage Control Board Notwithstanding any rule adopted by the board, the board may
issue an entertainment district designation for any retail license authorized in this chapter which allows the licensee to sell alcoholic beverages for consumption on the licensed premises and which licensed premises is to any retailer licensee that is licensed to sell alcoholic beverages for on-premises consumption and to any manufacturer licensee that conducts tastings or samplings on the licensed premises, provided the licensees are located in an entertainment district established as provided in subsection (d) pursuant to this section. A licensee who receives an entertainment district designation for an on-premises retail license under this subsection shall comply with all laws and rules, and regulations which govern its license type, except that the patrons, guests, or members of that licensee may exit that licensed premises with open containers of alcoholic beverages and consume alcoholic beverages anywhere within the confines of the entertainment district, which shall be permitted, but may not enter another licensed premises with open containers or closed containers of alcoholic beverages acquired elsewhere.

"(c) The permission granted by subsection (b) permitting the consumption of alcoholic beverages anywhere within the confines of the entertainment district shall not extend the confines of the licensed premises.
"(d) The governing body of any Class 5 municipality covered by Act 2013-382, or a municipality with an incorporated arts council, main street program, or downtown development entity may establish not more than two entertainment districts within its corporate limits, each of which must have not fewer than four licensees holding a retail liquor license in that area, and each district may not exceed one-half mile by one-half mile in area, but may be irregularly shaped.

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

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

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

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

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

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

Speaker of the House of Representatives

SB276
Senate 15-MAY-19
I hereby certify that the within Act originated in and passed the Senate.
Patrick Harris,
Secretary.

House of Representatives
Passed: 29-MAY-19

By: Senator Smitherman