

1 SB62
2 208015-4
3 By Senator Elliott
4 RFD: Tourism
5 First Read: 02-FEB-21
6 PFD: 01/22/2021

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to entertainment districts; to amend
12 Section 28-3A-17.1, Code of Alabama 1975, as last amended by
13 Act 2019-468, 2019 Regular Session, to authorize the governing
14 body of certain municipalities to establish three
15 entertainment districts within its corporate limits that meet
16 certain qualifications; and and to further provide for
17 entertainment districts in Class 8 municipalities in a county
18 with a Class 2 municipality.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. The Legislature declares that this act
21 regulates the liquor traffic within the meaning and intent of
22 Section 104 of the Constitution of Alabama of 1901.

23 Section 2. Section 28-3A-17.1, Code of Alabama 1975,
24 as last amended by Act 2019-468, 2019 Regular Session, is
25 amended to read as follows:

26 "§28-3A-17.1.

1 "(a) (1) Notwithstanding any rule adopted by the
2 board, the board may issue an entertainment district
3 designation to any retailer licensee that is licensed to sell
4 alcoholic beverages for on-premises consumption and to any
5 manufacturer licensee that conducts tastings or samplings on
6 the licensed premises, provided the licensees are located in
7 an entertainment district established pursuant to this
8 section.

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

19 "(3) The permission granted by this subsection
20 permitting the consumption of alcoholic beverages anywhere
21 within the confines of the entertainment district shall not
22 extend the confines of the licensed premises.

23 "(b) The governing body of any Class 5 municipality
24 covered by Act 2013-382, or a municipality with an
25 incorporated arts council, main street program, or downtown
26 development entity, may establish not more than two
27 entertainment districts within its corporate limits, each of

1 which must have not fewer than four licensees holding a retail
2 liquor license in that area, and each district may not exceed
3 one-half mile by one-half mile in area, but may be irregularly
4 shaped.

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

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

24 "(e) For the purposes of subsection (c), the term
25 on-premises as applied to consumption within the entertainment
26 district shall include anywhere within the district,
27 regardless of the terms and conditions of licensure.

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

7 "(g) (1) The governing body of a Class 8 municipality
8 that is located in a county with a Class 2 municipality and is
9 primarily located on an island may establish three
10 entertainment districts within its corporate limits. One
11 district must have no fewer than two licensees holding a
12 retail liquor license in a business or commercial area; one
13 district may be established in a business or commercial area
14 at times when special events are held as designated by the
15 governing body; and one district may be established on
16 property owned by the Dauphin Island Property Owners
17 Association and known as the Isle Dauphine Complex. Each
18 district may not exceed one-half mile by one-half mile in
19 area, but may be irregularly shaped.

20 ~~"(1) For purposes of this subsection, 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 or conditions of licensure.~~

24 "(2) For purposes of this subsection, with the
25 approval of the local governing body and the Alabama Alcoholic
26 Beverage Control Board, the licensed premises in an
27 entertainment district of a holder of a retail liquor license

1 shall include the area on a deck, boardwalk, or municipal
2 sidewalk immediately adjacent or connected to the premises
3 and, during special events, directly outside the entrance to
4 the premises. The licensee must possess legal control over all
5 property that is included in the premises licensed by the
6 board.

7 "(h) (1) The governing body of a Class 8 municipality
8 that meets all of the following qualifications may establish
9 three entertainment districts within its corporate limits,
10 provided that each district has no fewer than four licensees
11 holding a retail liquor license in that area, and each
12 district does not exceed one-half mile by one-half mile in
13 area, but may be irregularly shaped:

14 "a. The municipality is not in a county with a Class
15 2 municipality.

16 "b. The municipality abuts or spans the Intracoastal
17 Waterway and abuts the Gulf of Mexico.

18 "c. The municipality has an incorporated arts
19 council, main street program, or downtown development entity.

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

24 "(3) For purposes of this subsection, with the
25 approval of the local governing body and the Alabama Alcoholic
26 Beverage Control Board, the licensed premises in an
27 entertainment district of a holder of a retail liquor license

1 shall include the area on a deck, boardwalk, or municipal
2 sidewalk immediately adjacent or connected to the premises
3 and, during special events, directly adjacent to the entrance
4 of the premises. The licensee must possess legal control over
5 all property that is included in the premises licensed by the
6 board.

7 "~~(h)~~ (i) All laws or parts of laws which conflict
8 with this section are repealed. All general, local, and
9 special laws or parts of such laws insofar as they designate
10 or restrict the boundaries, size, or area of such
11 entertainment districts are hereby repealed."

12 Section 3. This act shall become effective
13 immediately following its passage and approval by the
14 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Tourism..... 02-FEB-21

Reported from Tourism as Favorable with 1 substi-
tute..... 24-FEB-21

Read for the third time and passed as amended 16-MAR-21

Yeas 28
Nays 0

Patrick Harris,
Secretary.