

1 SB276  
2 198785-1  
3 By Senator Smitherman  
4 RFD: Transportation and Energy  
5 First Read: 11-APR-19

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8 SYNOPSIS: Under existing law, the governing bodies of  
9 certain municipalities may establish entertainment  
10 districts, in which alcoholic beverages may be  
11 consumed. Under this law, an establishment licensed  
12 to sell alcoholic beverages for off-premises  
13 consumption located within an entertainment  
14 district may sell alcoholic beverages for  
15 consumption outside the premises and within the  
16 entertainment district.

17 This bill would authorize licensed  
18 manufacturers of alcoholic beverages that conduct  
19 tastings and samplings to sell alcoholic beverages  
20 for consumption outside the premises and within the  
21 entertainment district.

22 Also under existing law, Class 1, Class 2,  
23 Class 3, and Class 4 municipalities and  
24 municipalities within 15 miles of the Gulf of  
25 Mexico may establish up to five entertainment  
26 districts within the municipality in geographical  
27 areas where there are situated four licensees

1 holding certain types of alcoholic beverages  
2 licenses.

3 This bill would add a manufacturer license  
4 that conducts tastings or samplings to the types of  
5 alcoholic beverage licenses that must be situated  
6 in an area where a municipality seeks to establish  
7 an entertainment district.

8  
9 A BILL  
10 TO BE ENTITLED  
11 AN ACT

12  
13 Relating to entertainment districts; to amend  
14 Section 28-3A-17.1 of the Code of Alabama 1975, to authorize  
15 wineries, distilleries, and breweries that conduct tastings  
16 and samplings and that are located within an entertainment  
17 district to sell alcoholic beverages for consumption within  
18 the entertainment district; and to revise the requirements for  
19 certain types of municipalities to establish entertainment  
20 districts.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

24 "§28-3A-17.1.

25 "(a) The provisions of this section shall ~~only~~ apply  
26 to Class 1, Class 2, Class 3, Class 4, and Class 5

1 municipalities and municipalities with an incorporated arts  
2 council, main street program, or downtown development entity.

3 " (b) ~~Upon compliance of the applicant with the~~  
4 ~~provisions of this chapter, and the regulations made~~  
5 ~~thereunder which are not in conflict with the provisions of~~  
6 ~~this section, the Alabama Alcoholic Beverage Control Board~~  
7 Notwithstanding any rule adopted by the board, the board may  
8 issue an entertainment district designation ~~for any retail~~  
9 ~~license authorized in this chapter which allows the licensee~~  
10 ~~to sell alcoholic beverages for consumption on the licensed~~  
11 ~~premises and which licensed premises is to any retailer~~  
12 licensee that is licensed to sell alcoholic beverages for  
13 on-premises consumption and to any manufacturer licensee that  
14 conducts tastings or samplings on the licensed premises,  
15 provided the licensees are located in an entertainment  
16 district established as provided in subsection (d) pursuant to  
17 this section. A licensee who receives an entertainment  
18 district designation ~~for an on-premises retail license~~ under  
19 this subsection shall comply with all laws, and rules, ~~and~~  
20 ~~regulations which govern~~ governing its license type, except  
21 that the patrons, guests, or members of that licensee may exit  
22 that licensed premises with open containers of alcoholic  
23 beverages and consume alcoholic beverages anywhere within the  
24 confines of the entertainment district, which shall be  
25 permitted, but may not enter another licensed premises with  
26 open containers or closed containers of alcoholic beverages  
27 acquired elsewhere.

1           "(c) The permission granted by subsection (b)  
2     permitting the consumption of alcoholic beverages anywhere  
3     within the confines of the entertainment district shall not  
4     extend the confines of the licensed premises.

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

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

26           "The governing body of a Class 8 municipality which  
27    is located in a county with a Class 3 municipality may

1 establish two entertainment districts within its corporate  
2 limits which may not have fewer than four licensees holding a  
3 retail liquor license in that area and may not exceed one-half  
4 mile by one-half mile in area, but may be irregularly shaped.

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

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

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

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