

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

1 SB276

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4 ENROLLED, An Act,

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

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

16 "§28-3A-17.1.

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

21 "~~(b) Upon compliance of the applicant with the~~
22 ~~provisions of this chapter, and the regulations made~~
23 ~~thereunder which are not in conflict with the provisions of~~
24 ~~this section, the Alabama Alcoholic Beverage Control Board~~
25 Notwithstanding any rule adopted by the board, the board may

1 issue an entertainment district designation ~~for any retail~~
2 ~~license authorized in this chapter which allows the licensee~~
3 ~~to sell alcoholic beverages for consumption on the licensed~~
4 ~~premises and which licensed premises is~~ to any retailer
5 licensee that is licensed to sell alcoholic beverages for
6 on-premises consumption and to any manufacturer licensee that
7 conducts tastings or samplings on the licensed premises,
8 provided the licensees are located in an entertainment
9 district established as provided in subsection (d) pursuant to
10 this section. A licensee who receives an entertainment
11 district designation ~~for an on-premises retail license~~ under
12 this subsection shall comply with all laws, and rules, ~~and~~
13 ~~regulations which govern~~ governing its license type, except
14 that the patrons, guests, or members of that licensee may exit
15 that licensed premises with open containers of alcoholic
16 beverages and consume alcoholic beverages anywhere within the
17 confines of the entertainment district, which shall be
18 permitted, but may not enter another licensed premises with
19 open containers or closed containers of alcoholic beverages
20 acquired elsewhere.

21 "(c) The permission granted by subsection (b)
22 permitting the consumption of alcoholic beverages anywhere
23 within the confines of the entertainment district shall not
24 extend the confines of the licensed premises.

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

10 "(e) The governing body of a Class 1 municipality,
11 Class 2 municipality, Class ~~4~~ 3 municipality, Class ~~3~~ 4
12 municipality, or any municipality which is located 15 miles
13 north of the Gulf of Mexico, may establish up to five
14 entertainment districts within the corporate limits, each of
15 which must have not fewer than four licensees holding a
16 manufacturer's license that conducts tastings or samplings on
17 the licensed premises, a restaurant retail liquor license, an
18 on-premises alcoholic beverage license, or other retail liquor
19 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 "The governing body of a Class 8 municipality which
23 is located in a county with a Class 3 municipality may
24 establish two entertainment districts within its corporate
25 limits which may not have fewer than four licensees holding a

1 retail liquor license in that area and may not exceed one-half
2 mile by one-half mile in area, but may be irregularly shaped.

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

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

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

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

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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