

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

1 SB62

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4 ENROLLED, An Act,

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

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. The Legislature declares that this act
15 regulates the liquor traffic within the meaning and intent of
16 Section 104 of the Constitution of Alabama of 1901.

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

20 "§28-3A-17.1.

21 "(a) (1) Notwithstanding any rule adopted by the
22 board, the board may issue an entertainment district
23 designation to any retailer licensee that is licensed to sell
24 alcoholic beverages for on-premises consumption and to any
25 manufacturer licensee that conducts tastings or samplings on

1 the licensed premises, provided the licensees are located in
2 an entertainment district established pursuant to this
3 section.

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

14 "(3) The permission granted by this subsection
15 permitting the consumption of alcoholic beverages anywhere
16 within the confines of the entertainment district shall not
17 extend the confines of the licensed premises.

18 "(b) The governing body of any Class 5 municipality
19 covered by Act 2013-382, or a municipality with an
20 incorporated arts council, main street program, or downtown
21 development entity, may establish not more than two
22 entertainment districts within its corporate limits, each of
23 which must have not fewer than four licensees holding a retail
24 liquor license in that area, and each district may not exceed

1 one-half mile by one-half mile in area, but may be irregularly
2 shaped.

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

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

22 "(e) For the purposes of subsection (c), the term
23 on-premises as applied to consumption within the entertainment
24 district shall include anywhere within the district,
25 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) 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

1 Beverage Control Board, the licensed premises in an
2 entertainment district of a holder of a retail liquor license
3 shall include the area on a deck, boardwalk, or municipal
4 sidewalk immediately adjacent or connected to the premises
5 and, during special events, directly outside the entrance to
6 the premises. The licensee must possess legal control over all
7 property that is included in the premises licensed by the
8 board.

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

16 "a. The municipality is not in a county with a Class
17 2 municipality.

18 "b. The municipality abuts or spans the Intracoastal
19 Waterway and abuts the Gulf of Mexico.

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

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

1 "(3) For purposes of this subsection, with the
2 approval of the local governing body and the Alabama Alcoholic
3 Beverage Control Board, the licensed premises in an
4 entertainment district of a holder of a retail liquor license
5 shall include the area on a deck, boardwalk, or municipal
6 sidewalk immediately adjacent or connected to the premises
7 and, during special events, directly adjacent to the entrance
8 of the premises. The licensee must possess legal control over
9 all property that is included in the premises licensed by the
10 board.

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

16 Section 3. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB62
Senate 16-MAR-21
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 27-APR-21

Senate concurred in House amendment 29-APR-21

By: Senator Elliott