

1 HB224  
2 197361-2  
3 By Representative Brown (C)  
4 RFD: Economic Development and Tourism  
5 First Read: 19-MAR-19

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ENROLLED, An Act,

Relating to entertainment districts; to amend Section 28-3A-17.1 of the Code of Alabama 1975; to authorize the governing body of certain municipalities to establish three entertainment districts within its corporate limits that meet certain qualifications.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

Section 2. Section 28-3A-17.1 of the 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)~~ (a) (1) 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 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

1 premises and which licensed premises is located in an  
2 entertainment district established as provided in ~~subsection~~  
3 ~~(d)~~ this section.

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

14 "~~(c)~~ (3) The permission granted by subsection ~~(b)~~ (a)  
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 "~~(d)~~ (b) The governing body of any Class 5  
19 municipality covered by Act 2013-382, or a municipality with  
20 an 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 "~~(e)~~ (c) The governing body of a Class 1  
4 municipality, Class 2 municipality, Class 3 municipality,  
5 Class 4 municipality, ~~Class 3 municipality,~~ or any  
6 municipality which is located 15 miles north of the Gulf of  
7 Mexico, may establish up to five entertainment districts  
8 within the corporate limits, each of which must have not fewer  
9 than four licensees holding a restaurant retail liquor  
10 license, an on-premises alcoholic beverage license, or other  
11 retail liquor license in that area, and each district may not  
12 exceed one-half mile by one-half mile in area, but may be  
13 irregularly shaped.

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

21 "(e) For the purposes of ~~this~~ subsection (c), the  
22 term on-premises as applied to consumption within ~~such~~ the  
23 entertainment district shall include anywhere within the  
24 district, regardless of the terms or 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 town council; and one district may be established on property  
16 owned by the Dauphin Island Property Owners Association and  
17 known as the Isle Dauphine Complex. Each district may not  
18 exceed one-half mile by one-half mile in area, but may be  
19 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, the licensed  
25 premises in an entertainment district of a holder of a retail

1 liquor license shall include the area on a deck, boardwalk, or  
2 municipal sidewalk immediately adjacent or connected to the  
3 premises and, during special events, directly outside the  
4 entrance to the premises.

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

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

