

1 HB215  
2 216404-2  
3 By Representative Ball  
4 RFD: Economic Development and Tourism  
5 First Read: 02-FEB-22

1  
2 ENROLLED, An Act,

3           Relating to entertainment districts, to amend  
4 Section 28-3A-17.1, Code of Alabama 1975, as amended by Act  
5 2021-350 of the 2021 Regular Session, relating to the  
6 establishment of entertainment districts, to further provide  
7 for entertainment districts in Class 3 municipalities; and to  
8 make nonsubstantive, technical revisions to update the  
9 existing code language to current style.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11           Section 1. Section 28-3A-17.1, Code of Alabama 1975,  
12 as amended by Act 2021-350 of the 2021 Regular Session, is  
13 amended to read as follows:

14           "§28-3A-17.1.

15           "(a) (1) Notwithstanding any rule adopted by the  
16 board, the board may issue an entertainment district  
17 designation to any retailer licensee that is licensed to sell  
18 alcoholic beverages for on-premises consumption and to any  
19 manufacturer licensee that conducts tastings or samplings on  
20 the licensed premises, provided the licensees are located in  
21 an entertainment district established pursuant to this  
22 section.

23           "(2) A licensee who receives an entertainment  
24 district designation under this subsection shall comply with  
25 all laws and rules governing its license type, except that the

1 patrons, guests, or members of that licensee may exit that  
2 licensed premises with open containers of alcoholic beverages  
3 and consume alcoholic beverages anywhere within the confines  
4 of the entertainment district, which shall be permitted, but  
5 may not enter another licensed premises with open containers  
6 or closed containers of alcoholic beverages acquired  
7 elsewhere.

8 "(3) The permission granted by this subsection  
9 permitting the consumption of alcoholic beverages anywhere  
10 within the confines of the entertainment district shall not  
11 extend the confines of the licensed premises.

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

21 "(c) The governing body of a Class 1 municipality,  
22 Class 2 municipality, Class 3 municipality, Class 4  
23 municipality, or any municipality that is located 15 miles  
24 north of the Gulf of Mexico, may establish up to ~~five~~ nine  
25 entertainment districts within the corporate limits, each of

1 which must have not fewer than four licensees holding a  
2 manufacturer's license that conducts tastings or samplings on  
3 the licensed premises, a restaurant retail liquor license, an  
4 on-premises alcoholic beverage license, or other retail liquor  
5 license in that area, and each district may not exceed  
6 one-half mile by one-half mile in area, but may be irregularly  
7 shaped.

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

15 "(e) For the purposes of subsection (c), the term  
16 on-premises as applied to consumption within the entertainment  
17 district shall include anywhere within the district,  
18 regardless of the terms and conditions of licensure.

19 "(f) In a Class 2 municipality, the licensed  
20 premises in an entertainment district of a holder of a retail  
21 liquor license shall include the area on a municipal sidewalk  
22 or deck immediately adjacent or connected to the premises and,  
23 during special events, directly outside the entrance to the  
24 premises.

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

14           "(1) For purposes of this subsection, the term  
15 on-premises as applied to consumption within the entertainment  
16 district shall include anywhere within the district,  
17 regardless of the terms or conditions of licensure.

18           "(2) For purposes of this subsection, with the  
19 approval of the local governing body and the board, the  
20 licensed premises in an entertainment district of a holder of  
21 a retail liquor license shall include the area on a deck,  
22 boardwalk, or municipal sidewalk immediately adjacent or  
23 connected to the premises and, during special events, directly  
24 outside the entrance to the premises. The licensee must

1 possess legal control over all property that is included in  
2 the premises licensed by the board.

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

10 "a. The municipality is not in a county with a Class  
11 2 municipality.

12 "b. The municipality abuts or spans the Intracoastal  
13 Waterway and abuts the Gulf of Mexico.

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

16 "(2) For purposes of this subsection, the term  
17 on-premises as applied to consumption within the entertainment  
18 district shall include anywhere within the district regardless  
19 of the terms or conditions of licensure.

20 "(3) For purposes of this subsection, with the  
21 approval of the local governing body and the board, the  
22 licensed premises in an entertainment district of a holder of  
23 a retail liquor license shall include the area on a deck,  
24 boardwalk, or municipal sidewalk immediately adjacent or  
25 connected to the premises and, during special events, directly

1 adjacent to the entrance of the premises. The licensee must  
2 possess legal control over all property that is included in  
3 the premises licensed by the board.

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

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

