

1 SB352
2 183114-2
3 By Senator Marsh
4 RFD: Tourism and Marketing
5 First Read: 04-APR-17

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8 SYNOPSIS: Under existing law, a retail Alcoholic
9 Beverage Control Board licensee within an
10 entertainment district is authorized to serve
11 alcoholic beverages within the main licensed
12 premises and on patios or swimming pool areas
13 adjacent to or connected with the main licensed
14 premises. The patrons, guests, or members of the
15 retail licensee may exit the licensed premises with
16 open containers of alcoholic beverages acquired
17 from the licensee and may consume alcoholic
18 beverages anywhere within the entertainment
19 district. The patrons, guests, or members may not
20 enter licensed premises of another licensee with
21 open or closed containers of alcoholic beverages
22 acquired elsewhere.

23 This bill would allow the governing body of
24 a Class 5 municipality to authorize a retail
25 Alcoholic Beverage Control Board licensee to sell
26 alcoholic beverages in a designated area of the
27 public sidewalk, right-of-way, street, alley or

1 parking area within an established entertainment
2 district for consumption in the designated area
3 including a designated area that is not adjacent to
4 or connected with the main licensed premises.

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6 A BILL
7 TO BE ENTITLED
8 AN ACT

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10 To amend Section 28-3A-17.1, Code of Alabama 1975,
11 to allow the governing body of a Class 5 municipality to
12 designate an area of the public sidewalk, right-of-way,
13 street, alley, or parking area within an established
14 entertainment district and grant to any retail licensee within
15 the entertainment district the right to sell alcoholic
16 beverages for consumption in the designated area including a
17 designated area that is not adjacent to or connected with the
18 main licensed premises.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

22 "§28-3A-17.1.

23 "(a) The provisions of this section shall only apply
24 to Class 1, Class 2, Class 3, Class 4, and Class 5
25 municipalities and municipalities with an incorporated arts
26 council, main street program, or downtown development entity.

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

20 "(c) (1) The Subject to subdivision (2), the
21 permission granted by subsection (b) permitting the
22 consumption of alcoholic beverages anywhere within the
23 confines of the entertainment district shall not extend the
24 confines of the licensed premises.

25 "(2) Notwithstanding subdivision (1) or any rule of
26 the board to the contrary, the governing body of a Class 5
27 municipality, by ordinance, may designate an area of the

1 public sidewalk, right-of-way, street, alley, or parking area
2 within an established entertainment district and grant to any
3 retail licensee with an entertainment district designation the
4 right to sell alcoholic beverages for consumption in the
5 designated area. In those cases, the licensee may serve
6 alcoholic beverages within the designated area as though it
7 were within the confines of the licensee's main licensed
8 premises, regardless of the terms and conditions of licensure,
9 and the designated area is not required to be adjacent to or
10 connected with the licensee's main licensed premises.

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

20 "(e) The governing body of a Class 1 municipality,
21 Class 4 municipality, Class 3 municipality, or any
22 municipality which is located 15 miles north of the Gulf of
23 Mexico, may establish up to five entertainment districts
24 within the corporate limits, each of which must have not fewer
25 than four licensees holding a restaurant retail liquor
26 license, an on-premises alcoholic beverage license, or other
27 retail liquor license in that area and each district may not

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

3 "The governing body of a Class 8 municipality which
4 is located in a county with a Class 3 municipality may
5 establish two entertainment districts within its corporate
6 limits which may not have fewer than four licensees holding a
7 retail liquor license in that area and may not exceed one-half
8 mile by one-half mile in area, but may be irregularly shaped.

9 "For the purposes of this subsection, the term
10 on-premises as applied to consumption within such
11 entertainment district shall include anywhere within the
12 district, regardless of the terms and conditions of licensure.

13 "(f) 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
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.