

1 HB474
2 198785-1
3 By Representative Rafferty
4 RFD: Economic Development and Tourism
5 First Read: 18-APR-19

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8 SYNOPSIS: Under existing law, the governing bodies of
9 certain municipalities may establish entertainment
10 districts, in which alcoholic beverages may be
11 consumed. Under this law, an establishment licensed
12 to sell alcoholic beverages for off-premises
13 consumption located within an entertainment
14 district may sell alcoholic beverages for
15 consumption outside the premises and within the
16 entertainment district.

17 This bill would authorize licensed
18 manufacturers of alcoholic beverages that conduct
19 tastings and samplings to sell alcoholic beverages
20 for consumption outside the premises and within the
21 entertainment district.

22 Also under existing law, Class 1, Class 2,
23 Class 3, and Class 4 municipalities and
24 municipalities within 15 miles of the Gulf of
25 Mexico may establish up to five entertainment
26 districts within the municipality in geographical
27 areas where there are situated four licensees

1 holding certain types of alcoholic beverages
2 licenses.

3 This bill would add a manufacturer license
4 that conducts tastings or samplings to the types of
5 alcoholic beverage licenses that must be situated
6 in an area where a municipality seeks to establish
7 an entertainment district.

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to entertainment districts; to amend
14 Section 28-3A-17.1 of the Code of Alabama 1975, to authorize
15 wineries, distilleries, and breweries that conduct tastings
16 and samplings and that are located within an entertainment
17 district to sell alcoholic beverages for consumption within
18 the entertainment district; and to revise the requirements for
19 certain types of municipalities to establish entertainment
20 districts.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

24 "§28-3A-17.1.

25 "(a) The provisions of this section shall ~~only~~ apply
26 to Class 1, Class 2, Class 3, Class 4, and Class 5

1 municipalities and municipalities with an incorporated arts
2 council, main street program, or downtown development entity.

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

1 "(c) The permission granted by subsection (b)
2 permitting the consumption of alcoholic beverages anywhere
3 within the confines of the entertainment district shall not
4 extend the confines of the licensed premises.

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

14 "(e) The governing body of a Class 1 municipality,
15 Class 2 municipality, Class ~~4~~ 3 municipality, Class ~~3~~ 4
16 municipality, or any municipality which is located 15 miles
17 north of the Gulf of Mexico, may establish up to five
18 entertainment districts within the corporate limits, each of
19 which must have not fewer than four licensees holding a
20 manufacturer's license that conducts tastings or samplings on
21 the licensed premises, a restaurant retail liquor license, an
22 on-premises alcoholic beverage license, or other retail liquor
23 license in that area, and each district may not exceed
24 one-half mile by one-half mile in area, but may be irregularly
25 shaped.

26 "The governing body of a Class 8 municipality which
27 is located in a county with a Class 3 municipality may

1 establish two entertainment districts within its corporate
2 limits which may not have fewer than four licensees holding a
3 retail liquor license in that area and may not exceed one-half
4 mile by one-half mile in area, but may be irregularly shaped.

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

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

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

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