

ACT #2019- 185

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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2 ENROLLED, An Act,

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

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12 Section 2. Section 28-3A-17.1 of the Code of Alabama
13 1975 is amended to read as follows:

14 "\$28-3A-17.1.

15 "~~(a) The provisions of this section shall only apply~~
16 ~~to Class 1, Class 2, Class 3, Class 4, and Class 5~~
17 ~~municipalities and municipalities with an incorporated arts~~
18 ~~council, main street program, or downtown development entity.~~

19 "~~(b)~~ (a) (1) Upon compliance of the applicant with the
20 provisions of this chapter, and the regulations made
21 thereunder which are not in conflict with the provisions of
22 this section, the Alabama Alcoholic Beverage Control Board may
23 issue an entertainment district designation for any retail
24 license authorized in this chapter which allows the licensee
25 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.

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Mac McClatchey

Speaker of the House of Representatives

[Signature]

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 04-APR-19.

Jeff Woodard
Clerk

Senate

07-MAY-19

Passed

APPROVED 5/15/19

TIME 4:01pm

Kay Ivey
GOVERNOR

Alabama Secretary Of State

Act Num.....: 2019-185
Bill Num....: H-224

1 Chip Brown

CO-SPONSORS

105

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DATE: 3-19-2019

RD 1 RFD

EDAJ

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on Economic Development was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed w/amend(s) w/sub

this 3rd day of April 2019 Chairperson

DATE: 4-3-2019

RD 2 CAL

DATE: 20

RE-REFERRED

RE-COMMITTED

Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB EDAJ

YEAS 67 NAYS 0

JEFF WOODARD, Clerk

FURTHER SENATE ACTION (OVER)

DATE:

RD 1 RFD

This Bill was referred to the Standing Committee on the Senate on Discussion and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amd(s) w/sub w/eng sub by a vote of 9 nays abstain this 10th day of April 2019

Chairperson

DATE: 20

RF

RD 2 CAL

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB

YEAS NAYS

PATRICK HARRIS, Secretary

DATE:

PASSED

RD 3 at length

PASSED AS AMENDED

YEAS

NAYS

And was ordered returned forthwith to the House.

PATRICK HARRIS, Secretary

DATE:

INDEFINITELY POSTPONED

YEAS

NAYS

DATE:

RECONSIDERED

YEAS

NAYS