

Act 837 of the 1989 Regular Session.

Act 837

SB578

By: Senators Allen, Canada, Bradford

"AN ACT TO AMEND ARKANSAS CODE 3-9-202 AND 3-9-402, TO DEFINE THE WORD 'RESTAURANT' AS IT RELATES TO THE ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 3-9-202 (8) is hereby amended to read as follows:

"(8) 'Restaurant' means any public or private place kept, used, maintained, advertised, and held out to the public or to a private or restricted membership as a place where complete meals are served and where complete meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining equipment and a seating capacity of at least fifty (50) people and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests or members, at least one (1) meal per day shall be served, and the place shall be opened a minimum of five (5) days per week, with the exception of holidays, vacations and periods of redecorating; or qualifies as a 'large meeting or attendance facility' which is hereby defined, without limitation, as a facility housing convention center activity, or tourism activity, or trade show and product display and related meeting activity, or any other similar large meeting or attendance activity, and, either itself or through one or more independent contractors, complies with all of the following:

- (A) Actually serves full and complete meals and food on the premises;
- (B) Has one or more places for food service on premises with a seating capacity for not less than five hundred (500) people;
- (C) Employs a sufficient number and kind of employees to serve meals and food on the premises capable of handling at least five hundred (500) people; and
- (D) Serves alcoholic beverages on premises at one or more places only on days that meals and food are served at one or more places on premises."

SECTION 2. Arkansas Code 3-9-402 is hereby amended by adding a new subsection at the end thereof to read as follows:

"(10) 'Restaurant' means any place that qualifies as a restaurant under (8) above or any large meeting or attendance facility as defined in Arkansas Code 3-9-202 (8) which meets the requirements for a permit for on-premises consumption of alcoholic beverages under Arkansas Code 3-9-201 et seq. as a large meeting or attendance facility restaurant."

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 5. EMERGENCY. It is hereby found and determined by the General

Assembly that the term 'restaurant' as used in the laws relating to the service of alcoholic beverages for on premises consumption is in urgent need of clarification to assure the effective administration of such laws; that this act is designed to provide such clarification and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: March 22, 1989

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