

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: H2/14/13

# A Bill

HOUSE BILL 1109

5 By: Representative Broadway  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING SPECIFIC ALCOHOLIC  
9 BEVERAGE CONTROL DIVISION PERMITS RELATED TO  
10 RESTAURANTS; TO MAKE TECHNICAL CORRECTIONS; TO  
11 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.  
12  
13

### Subtitle

14 TO AMEND THE LAW CONCERNING SPECIFIC  
15 ALCOHOLIC BEVERAGE CONTROL DIVISION  
16 PERMITS RELATED TO RESTAURANTS; TO  
17 DECLARE AN EMERGENCY AND MAKE TECHNICAL  
18 CORRECTIONS.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 *SECTION 1. Arkansas Code § 3-9-202(14)(A), concerning the definition*  
25 *of "restaurant" related to on-premises consumption of alcoholic beverages, is*  
26 *amended to read as follows:*

27 *(14) "Restaurant" means any public or private place:*

28 ~~*(A)(i) Kept, used, maintained, advertised, and held out to*~~  
29 ~~*the public or to a private or restricted membership as a place where complete*~~  
30 ~~*meals are served and where complete meals are actually and regularly served,*~~  
31 ~~*without sleeping accommodations, such a place being provided with adequate*~~  
32 ~~*and sanitary kitchen and dining equipment and a seating capacity of at least*~~  
33 ~~*fifty (50) people and having employed therein a sufficient number and kind of*~~  
34 ~~*employees to prepare, cook, and serve suitable food for its guests or*~~  
35 ~~*members.*~~

36 ~~*(ii) At least one (1) meal per day shall be served,*~~



1 ~~and the place shall be open a minimum of five (5) days per week, with the~~  
 2 ~~exception of holidays, vacations, and periods of redecorating; or~~

3 (A)(i) That is primarily engaged in the business of  
 4 servicing a meal for consumption on the premises to a guest and has a suitable  
 5 kitchen facility to serve the entire menu approved by the Alcoholic Beverage  
 6 Control Division.

7 (ii) The menu shall contain a selection of food and  
 8 shall not be limited to sandwiches or salads.

9 (iii) The kitchen shall:

10 (a) Have adequate refrigeration to preserve  
 11 the food on the menu;

12 (b) Be kept in a sanitary condition; and

13 (c) Comply with the regulations of the  
 14 Department of Health; and

15 (iv) Food from the menu shall be available from  
 16 opening time until two (2) hours before closing time; or

17  
 18 SECTION 2. Arkansas Code § 3-9-202, concerning the definitions of  
 19 "guest" and "meal" related to on-premises consumption of alcoholic beverages,  
 20 is amended to add additional subdivisions to read as follows:

21 (15) "Guest" means a person who orders and is served a meal  
 22 inside a restaurant during regular hours; and

23 (16) "Meal" means the usual assortment of food commonly ordered  
 24 at various hours of the day;

25  
 26 SECTION 3. Arkansas Code § 3-9-301(4), concerning the definition of  
 27 "restaurant" related to on-premises consumption of alcoholic beverages, is  
 28 amended to read as follows:

29 (4)(A) "Restaurant" or "cafe" means a place of business ~~servicing~~  
 30 ~~food to the public prepared for consumption on the premises at an established~~  
 31 ~~eating place, as defined by reasonable rules and regulations promulgated by~~  
 32 ~~the Alcoholic Beverage Control Board; that is regularly used to serve a meal~~  
 33 to a guest for compensation and has a suitable kitchen facility to serve an  
 34 entire menu approved by the Alcoholic Beverage Control Division.

35 (B) The menu shall contain a selection of food and shall  
 36 not be limited to sandwiches or salads.

1 (C) The kitchen shall:

2 (i) Have adequate refrigeration to preserve the food  
3 on the menu;

4 (ii) Be kept in a sanitary condition; and

5 (iii) Comply with the regulations of the Department  
6 of Health;

7 ~~(B)(i)~~ (D)(i) The ~~board~~ Alcoholic Beverage Control Board is  
8 authorized and directed to establish appropriate rules and regulations  
9 defining "established eating places" to the extent that licenses granted  
10 under the provisions of this subchapter shall be issued only to those  
11 business establishments whose principal business is serving food for  
12 consumption on the premises.

13 (ii) However, a drive-in shall not be classified as  
14 an established eating place; and

15  
16 SECTION 4. Arkansas Code § 3-9-301, concerning the definitions of  
17 "guest" and "meal" related to on-premises consumption of alcoholic beverages,  
18 is amended to add additional subdivisions to read as follows:

19 (6) "Guest" means a person who orders and is served a meal  
20 inside a restaurant during regular hours; and

21 (7) "Meal" means food commonly ordered at various hours of the  
22 day;

23  
24 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the  
25 General Assembly of the State of Arkansas that the law regarding the  
26 definition of "restaurant" is necessary to avoid ambiguity in state law and  
27 the Arkansas Beverage Control Division's rules. Therefore, an emergency is  
28 declared to exist and this act being immediately necessary for the  
29 preservation of the public peace, health, and safety shall become effective  
30 on:

31 (1) The date of its approval by the Governor;

32 (2) If the bill is neither approved nor vetoed by the Governor,  
33 the expiration of the period of time during which the Governor may veto the  
34 bill; or

35 (3) If the bill is vetoed by the Governor and the veto is  
36 overridden, the date the last house overrides the veto.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

*/s/Broadaway*

**APPROVED: 04/11/2013**