Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1	State of Arkansas	As Engrossed: H3/27/03 A Bill	A (1856 6000
2	84th General Assembly		Act 1756 of 2003
3	Regular Session, 2003		HOUSE BILL 2311
4			
5	By: Representative Mathis		
6			
7		For Ar A of To Do Endided	
8	For An Act To Be Entitled		
9	AN ACT TO REVISE THE PROVISIONS CONCERNING THE		
10	DUTY OF CARE OF LICENSE HOLDERS FOR THE SALE OR		
11	DISPENSING OF ALCOHOLIC BEVERAGES; AND FOR OTHER		
12	PURPOSE	28.	
13		S1-4:41	
14	Subtitle		
15		ACT TO REVISE THE PROVISIONS	_
16	CONCERNING THE DUTY OF CARE OF LICENSE		
17	HOLDERS FOR THE SALE OR DISPENSING OF		
18	ALCC	DHOLIC BEVERAGES.	
19			
20			
21	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF A	.RKANSAS:
22			1 (11
23	SECTION 1. Arkansas Code § 3-3-218 is amended to read as follows:		
24	•	of care of privilege license holde	
25		specifically declared policy of th	-
26		ued to establishments for the sale	
27	-	ere privilege licenses, and the hol	
28		l to a high duty of care in the ope	ration of the licensed
29 20	establishment.	duty of anony holder of an alashal	lia harranaa narmit
30		duty of every holder of an alcohol	
31	issued by the State of Arkansas to operate the business wherein alcoholic		
32 22	beverages are sold or dispensed in a manner which is in the public interest,		
33 24	and does not endanger the public health, welfare, or safety. Failure to		
34 25	maintain this duty of care shall be a violation of this section and grounds		
35	for administrative sanctions being taken against the holder of such permit or		
36	permits.		



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1	(c)(l) The standard of review for the director and the Alcoholic		
2	Beverage Control Board in matters arising herein shall be:		
3	(A) Whether or not the permitted outlet, as it has been		
4	operated, promotes the public convenience and advantage;		
5	(B) Whether or not the continuation of the outlet would		
6	promote the public interest; and		
7	(C) Whether or not the outlet's business operation		
8	endangers the public health, welfare, or safety of the area or community in		
9	which it is located.		
10	(2) It is specifically granted to the director and the board the		
11	power to review the outlet and its operation as if it were a new application,		
12	taking into consideration all factors involved in the review of an		
13	application as initially filed before the agency.		
14	(d)(1) As to all violations occurring inside the permitted premises,		
15	the standard of proof shall be by substantial evidence.		
16	(2) As to all violations occurring outside the permitted		
17	premises, the standard of proof shall be by clear and convincing evidence.		
18	(d)(e) The Alcoholic Beverage Control Division and its board are		
19	hereby authorized to adopt regulations to implement each and every provision		
20	of this section.		
21	(e)(f) The director and the board are empowered by this section to		
22	administer the full range of penalties available for other administrative		
23	proceedings before it, including, but not limited to, fines, suspension,		
24	cancellation, or revocation of such permits which have been found to endanger		
25	the public health, welfare, or safety.		
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27	/s/ Mathis		
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30	APPROVED: 4/22/2003		
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