

**Hall of the House of Representatives**  
84th General Assembly - Regular Session, 2003  
**Amendment Form**

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**Subtitle of House Bill No. 2311**

"AN ACT TO REVISE THE PROVISIONS CONCERNING THE DUTY OF CARE OF  
LICENSE HOLDERS FOR THE SALE OR DISPENSING OF ALCOHOLIC BEVERAGES."

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**Amendment No. 1 to House Bill No. 2311.**

Amend House Bill No. 2311 as originally introduced:

Delete SECTION 1 and substitute the following:

“SECTION 1. Arkansas Code § 3-3-218 is amended to read as follows:  
3-3-218. Duty of care of privilege license holders - Enforcement.

(a) It is the specifically declared policy of the General Assembly that all licenses issued to establishments for the sale or dispensing of alcoholic beverages are privilege licenses, and the holder of such privilege license is to be held to a high duty of care in the operation of the licensed establishment.

(b) It is the duty of every holder of an alcoholic beverage permit issued by the State of Arkansas to operate the business wherein alcoholic beverages are sold or dispensed in a manner which is in the public interest, and does not endanger the public health, welfare, or safety. Failure to maintain this duty of care shall be a violation of this section and grounds for administrative sanctions being taken against the holder of such permit or permits.

(c)(1) The standard of review for the director and the Alcoholic Beverage Control Board in matters arising herein shall be:

(A) Whether or not the permitted outlet, as it has been operated, promotes the public convenience and advantage;

(B) Whether or not the continuation of the outlet would promote the public interest; and

(C) Whether or not the outlet's business operation endangers the public health, welfare, or safety of the area or community in which it is located.

(2) It is specifically granted to the director and the board the power to review the outlet and its operation as if it were a new application, taking into consideration all factors involved in the review of an application as initially filed before the agency.

(d)(1) As to all violations occurring inside the permitted premises, the standard of proof shall be by substantial evidence.

(2) As to all violations occurring outside the permitted



premises, the standard of proof shall be by clear and convincing evidence.

~~(d)~~(e) The Alcoholic Beverage Control Division and its board are hereby authorized to adopt regulations to implement each and every provision of this section.

~~(e)~~(f) The director and the board are empowered by this section to administer the full range of penalties available for other administrative proceedings before it, including, but not limited to, fines, suspension, cancellation, or revocation of such permits which have been found to endanger the public health, welfare, or safety.”

The Amendment was read \_\_\_\_\_

By: Representative Mathis  
LDH/MHF - 032620031403  
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Chief Clerk