

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senators Dowd and Todd**

A Bill

SENATE BILL 171

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 3, CHAPTER 4,
9 SUBCHAPTER 2 TO ADD A NEW SECTION TO IMPOSE REASONABLE
10 RESTRICTIONS ON THE ISSUANCE OF PERMITS FOR THE SALE OF
11 BEER FOR OFF-PREMISES CONSUMPTION; AND FOR OTHER
12 PURPOSES."

Subtitle

15 "AN ACT TO IMPOSE REASONABLE RESTRICTIONS ON THE ISSUANCE
16 OF PERMITS FOR THE SALE OF BEER FOR OFF-PREMISES
17 CONSUMPTION."

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

21 SECTION 1. Arkansas Code Title 3, Chapter 4, Subchapter 2 is amended to
22 add a new section to read as follows:

23 "3-4-221 (a). No permit allowing the sale of beer for off-premises
24 consumption shall be issued for any premises from which is derived annual
25 gross sales of five hundred thousand dollars (\$500,000) *excluding revenues*
26 *derived from gasoline products* or more unless at least fifty percent (50%) of
27 the gross sales are derived from the sale of food items.

28 (b) This section shall not apply to any applicant who holds a permit
29 for the same premises to dispense intoxicating liquor, *as defined by Arkansas*
30 *Code 3-5-202(9)*, for off-premises consumption.

31 (c) *This section shall not apply to any permit allowing the sales of*
32 *beer for off-premises consumption which was issued prior to the effective date*
33 *of this section.'*"

34 SECTION 2. All provisions of this act of a general and permanent
35 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas

1 Code Revision Commission shall incorporate the same in the Code.

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3 SECTION 3. If any provision of this act or the application thereof to
4 any person or circumstance is held invalid, such invalidity shall not affect
5 other provisions or applications of the act which can be given effect without
6 the invalid provision or application, and to this end the provisions of this
7 act are declared to be severable.

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10 hereby repealed.

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12 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the
13 General Assembly that an increasing number of permits allowing off-premises
14 sale of beer and wine hampers the state_s ability to effectively monitor and
15 enforce the state_s laws concerning the sale of beer and wine; that this act
16 provides for reasonable restrictions which are immediately necessary to
17 maintain effective enforcement of Arkansas laws concerning the sale of beer
18 and wine. Therefore, an emergency is hereby declared to exist and this act
19 being necessary for the immediate preservation of the public peace, health and
20 safety shall be in full force and effect from and after its passage and
21 approval.

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/s/Senators Dowd and Todd

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