

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

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT RELATING TO THE SALE OF ALCOHOLIC BEVERAGES IN
9 THIS STATE; TO CREATE THE ARKANSAS RESPONSIBLE PERMITTEE
10 ACT; AND TO REQUIRE THE STATE ALCOHOLIC BEVERAGE CONTROL
11 BOARD TO ESTABLISH A RESPONSIBLE PERMITTEE PROGRAM; AND
12 FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO PROVIDE FOR THE CREATION OF THE ARKANSAS
15 RESPONSIBLE PERMITTEE ACT."
16

17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19
20 SECTION 1. Legislative Intent and Purpose.

21 The legislative intent and purpose of this act is to eliminate the sale
22 of alcoholic beverages to, and consumption of alcoholic beverages by underaged
23 persons; to reduce intoxication and to reduce accidents, injuries, and deaths
24 in the state which are related to intoxication; and to encourage alcoholic
25 beverage permit holders to be prudent in the sale and service of alcoholic
26 beverages.

27
28 SECTION 2. Definitions.

29 The following words or phrases, or the plural thereof, whenever they
30 appear in this act, unless the context clearly requires otherwise, shall have
31 the meaning ascribed to them in this section:

32 (1) "Board" means the Alcoholic Beverage Control Board of the State of
33 Arkansas.

34 (2) "Permittee" means a person who is licensed by the Alcoholic
35 Beverage Control Board to sell or dispense alcoholic beverages for on-premises

1 consumption or for off-premises consumption, or both.

2

3 SECTION 3. The Alcoholic Beverage Control Board shall oversee a server
4 training program designed to encourage permittees and their employees to treat
5 the sale and service of alcoholic beverages in a responsible manner and, to
6 that end, shall adopt rules and regulations which shall implement the intent
7 of this act. The program shall be entitled "The Responsible Permittee
8 Program."

9

10 SECTION 4. (a) A permittee who seeks to qualify as a Responsible
11 Permittee must provide to the board evidence of compliance with the
12 requirements of this act. Upon satisfactory proof that the permittee has
13 complied with the requirements, the board shall certify the permittee as a
14 Responsible Permittee. Certification as a Responsible Permittee shall be
15 renewed annually.

16 (b) The board may revoke or suspend a permittee's certification for
17 noncompliance with this act.

18

19 SECTION 5. In order to qualify for certification, the permittee shall
20 comply with the following requirements:

21 (1) Attend a course of instruction approved and certified by the board
22 which shall include subjects dealing with alcoholic beverages as follows:

23 (A) Education on the dangers of drinking and driving;

24 (B) State laws regarding the sale of alcoholic beverages for on-
25 premises consumption or for off-premises consumption, or both;

26 (C) Methods of recognizing and dealing with underage customers;

27 (D) The development of specific procedures for refusing to sell
28 alcoholic beverages to underage customers; for assisting employees in dealing
29 with underage customers; for dealing with intoxicated customers; and

30 (E) Such other matters as may be deemed appropriate by the
31 Alcoholic Beverage Control Board.

32 (2) Require each employee who is authorized to sell alcoholic beverages
33 in the normal course of his or her employment to complete the Responsible
34 Permittees training course set out in subsection (1) of this section within
35 thirty (30) days of commencing employment; and

1 (3) Maintain employment records of the training of its employees
2 required by this section.

3

4 SECTION 6. The board shall consider certification of a permittee in the
5 Responsible Permittee program in mitigation of administrative penalties or
6 fines for a permittee_s or employee_s violation of state laws and regulations
7 relating to the sale of alcoholic beverages.

8

9 SECTION 7. There is imposed on each permittee who applies and is
10 certified as a Responsible Permittee an annual fee of twenty-five dollars
11 (\$25.00). All monies collected under this act shall be used to fund such
12 server training program(s) as may be approved by the Alcoholic Beverage
13 Control Board. Permittees attending such approved program(s) shall not be
14 charged any additional fee by the program provider.

15

16 SECTION 8. All provisions of this act of a general and permanent
17 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
18 Code Revision Commission shall incorporate the same in the Code.

19

20 SECTION 9. If any provision of this act or the application thereof to
21 any person or circumstance is held invalid, such invalidity shall not affect
22 other provisions or applications of the act which can be given effect without
23 the invalid provision or application, and to this end the provisions of this
24 act are declared to be severable.

25

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

28

29

30

31

32

33

34

35

1

2

3