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	
2	84th General Assembly	A Bill	
3	Regular Session, 2003		HOUSE BILL 2311
4			
5	By: Representative Mathis		
6			
7			
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	PURPOSES.		
13			
14		Subtitle	
15	AN ACT	T TO REVISE THE PROVISIONS	
16	CONCER	RNING THE DUTY OF CARE OF LICENS	E
17	HOLDER	RS FOR THE SALE OR DISPENSING OF	
18	ALCOHO	DLIC BEVERAGES.	
19			
20			
21	BE IT ENACTED BY THE GE	NERAL ASSEMBLY OF THE STATE OF A	ARKANSAS:
22			
23	SECTION 1. Arkan	asas Code § 3-3-218 is amended to	o read as follows:
24	3-3-218. Duty of	care of privilege license holde	ers - Enforcement.
25	(a) It is the sp	pecifically declared policy of the	he General Assembly
26	that all licenses issue	ed to establishments for the sale	e or dispensing of
27	alcoholic beverages are	e privilege licenses, and the ho	lder of such privilege
28	license is to be held t	to a high duty of care in the ope	eration of the licensed
29	establishment.		
30	(b) It is the du	aty of every holder of an alcohol	lic beverage permit
31	issued by the State of	Arkansas to operate the business	s wherein alcoholic
32	beverages are sold or d	dispensed in a manner which is in	n the public interest,
33	and does not endanger t	the public health, welfare, or sa	afety. Failure to
34	maintain this duty of c	care shall be a violation of this	s section and grounds
35	for administrative sanc	tions being taken against the ho	older 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 th		
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	$\frac{(e)(f)}{(f)}$ 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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