

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/9/17

A Bill

HOUSE BILL 1379

5 By: Representative G. Hodges
6

For An Act To Be Entitled

8 AN ACT TO CREATE A LAYOUT CENTER PERMIT PROGRAM FOR
9 ALCOHOLIC BEVERAGE MERCHANDISE PLANNING; AND FOR
10 OTHER PURPOSES.
11

Subtitle

12
13 TO CREATE A LAYOUT CENTER PERMIT PROGRAM
14 FOR ALCOHOLIC BEVERAGE MERCHANDISE
15 PLANNING.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 3-4-601 is amended to read as follows:

22 3-4-601. Kinds of permits generally.

23 There shall be ~~six (6)~~ seven (7) kinds of permits, each of which shall
24 be distinctive in color and design so as to be readily distinguishable from
25 each other, to wit:

- 26 (1) Distiller's permit;
- 27 (2) Brewer's permit;
- 28 (3) Rectifier's permit;
- 29 (4) Wholesaler's permit;
- 30 (5) Dispenser's permit; ~~and~~
- 31 (6) Hotel, restaurant, or club permit; and
- 32 (7) Layout Center permit.
33

34 SECTION 2. Arkansas Code Title 3, Chapter 4, Subchapter 6, is amended
35 to add an additional section to read as follows:

36 3-4-610. Layout Center permit.



1 (a) A corporation that is publicly traded on a nationally recognized
2 stock exchange that has its principal place of business in Arkansas and is
3 permitted to sell alcoholic beverages for on-premises or off-premises
4 consumption in Arkansas and other states may apply for a Layout Center
5 permit.

6 (b)(1) The application shall be in writing and shall provide
7 information concerning the applicant for the Layout Center permit and the
8 premises to be used by the applicant as the Director of the Alcoholic
9 Beverage Control Division requires.

10 (2) The permitted premises shall:

11 (A) Be closed to the general public; and

12 (B) Not be used for retail sales of alcoholic beverages.

13 (3) A manufacturer or wholesaler may provide alcoholic beverages
14 of any type directly to a layout center permittee at the permitted premises.

15 (4) A manufacturer or wholesaler that provides alcoholic
16 beverages under this section need not:

17 (A) Be authorized to do business in this state; or

18 (B) Have any type of license or permit to operate in the
19 state.

20 (5) The layout center permittee may also temporarily transport
21 an alcoholic beverage to the permitted premises from a permitted retail
22 outlet operated by the layout center permittee or the affiliates of the
23 layout center permittee within the state.

24 (6) An alcoholic beverage provided under this section need not:

25 (A) Be available for sale in Arkansas; or

26 (B) Possess a brand label approved for sale in this state.

27 (7) A layout center permittee may:

28 (A) Pay a manufacturer or wholesaler for:

29 (i) The value of an alcoholic beverage; and

30 (ii) The cost of delivering the alcoholic beverage;

31 or

32 (B) Provide or deliver the alcoholic beverage to the
33 layout center permittee without charge.

34 (8) An alcoholic beverage provided under this section shall:

35 (A) Be used solely for the purpose of merchandise planning
36 within the permitted premises; and

1 (B) Not be consumed or sold on the permitted premises.

2 (9) When a layout center permittee is finished using the product
3 for merchandise planning, the layout center permittee:

4 (A) For an alcoholic beverage received from a
5 manufacturer, shall:

6 (i) Destroy the alcoholic beverage;

7 (ii) Return the alcoholic beverage to the
8 manufacturer; or

9 (iii) Donate the alcoholic beverage to a charitable
10 organization qualified under the Internal Revenue Code of 1986, 26 U.S.C. §
11 501(c)(3):

12 (B) For an alcoholic beverage received from a wholesaler,
13 shall:

14 (i) Destroy the alcoholic beverage; or

15 (ii) Donate the alcoholic beverage to a charitable
16 organization qualified under the Internal Revenue Code of 1986, 26 U.S.C. §
17 501(c)(3); or

18 (C) For an alcoholic beverage temporarily transported from
19 a permitted retail outlet operated by the layout center permittee or an
20 affiliate of the layout center permittee, may return the alcoholic beverages
21 to the retail outlet.

22 (10) The layout center permittee shall maintain documentation of
23 the receipt and disposition of all alcoholic beverages within the permitted
24 premises.

25 (c) Provision of alcoholic beverages by a manufacturer or wholesaler
26 under this section or otherwise assisting the layout center permittee with
27 merchandise planning at the permitted premises is not a gift, gratuity, or
28 inducement to the layout center permittee or an affiliate of the layout
29 center permittee.

30 (d) An alcoholic beverage provided by a manufacturer or wholesaler
31 under this section is exempt from taxation.

32 (e) The Alcoholic Beverage Control Division may conduct inspections of
33 the premises permitted under this section.

34 (f) The division shall assess an annual fee of one hundred dollars
35 (\$100) for a Layout Center permit.

36 (g) Providing alcoholic beverages to a layout center permittee under

1 this section is not a violation of any statute or regulation including a
2 regulation requiring a manufacturer or wholesaler to provide the same
3 services to all retailers.

4 (h) Owning, possessing or transporting alcoholic beverages furnished,
5 or being furnished, to a corporation under this section is not be an offense
6 under § 3-3-401 et seq.

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/s/G. Hodges