

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.

**Act 1544 of the Regular Session**

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

*As Engrossed: H3/3/05*

**A Bill**

HOUSE BILL 1875

5 By: Representatives Wells, Mathis  
6  
7

**For An Act To Be Entitled**

9 AN ACT TO AUTHORIZE RETAIL SELLERS OF WINE TO  
10 CONDUCT WINE TASTING EVENTS FOR EDUCATIONAL AND  
11 PROMOTIONAL PURPOSES; TO AUTHORIZE THE DIRECTOR  
12 OF THE ALCOHOLIC BEVERAGE CONTROL DIVISION TO  
13 ISSUE A WINE SAMPLING PERMIT; AND FOR OTHER  
14 PURPOSES.

**Subtitle**

15  
16 AN ACT TO AUTHORIZE RETAIL SELLERS OF  
17 WINE TO CONDUCT WINE TASTING EVENTS FOR  
18 EDUCATIONAL AND PROMOTIONAL PURPOSES AND  
19 TO AUTHORIZE THE DIRECTOR OF THE  
20 ALCOHOLIC BEVERAGE CONTROL DIVISION TO  
21 ISSUE A WINE SAMPLING PERMIT.  
22  
23  
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 SECTION 1. Arkansas Code 3-5-104 is amended to read as follows:

28 3-5-104. Wine tasting events.

29 (a)(1) Native wineries and licensed ~~and~~ wine and spirits wholesalers  
30 shall, upon prior approval by the Alcoholic Beverage Control Division, be  
31 allowed to conduct wine tasting events for educational and promotional  
32 purposes at any location in this state without obtaining a wine sampling  
33 permit under this section if ~~provided that~~ written notice is given to the  
34 Alcoholic Beverage Control Division at least ~~five (5)~~ ten (10) days prior to  
35 the event.



1           (2) Requests for approval to conduct wine tasting events must be  
2 received by the Alcoholic Beverage Control Division at least ~~two (2) weeks~~  
3 ten (10) days prior to the event.

4           **(b)(1) A person licensed to sell wine under a retail liquor permit as**  
5 **defined in § 3-4-604, other than a native winery, may conduct wine tasting**  
6 **events for educational and promotional purposes on the premises of the person**  
7 **after obtaining a wine sampling permit from the Alcoholic Beverage Control**  
8 **Division as provided in subsection (f) of this section.**

9           **(2)(A) Wine purchased by the person permitted under this section**  
10 **to conduct a wine tasting event shall not be exempt from the gross receipts**  
11 **and use tax.**

12           **(B) If the person removes wine from his or her inventory**  
13 **for use in a wine tasting event, the wine shall be subject to the gross**  
14 **receipts tax as a withdrawal from stock.**

15           **(3) A wholesaler may not:**

16           **(A) Offer special discounts on wine sold for the purpose**  
17 **of a wine tasting event; or**

18           **(B) Provide wine without charge to a person licensed to**  
19 **sell wine at retail for the purpose of a wine tasting event.**

20           ~~(b)(c)~~ No wine tasting event may be held pursuant to this section in  
21 any facility licensed by the Alcoholic Beverage Control Division.

22           ~~(e)(d)~~ No motor vehicle in which supplies for wine tasting events are  
23 carried and no person in possession of supplies for wine tasting events  
24 approved pursuant to this section shall be subject to arrest, nor shall the  
25 supplies be subject to seizure for overpossession in a dry area.

26           ~~(d)(e)~~ The criminal penalties for drinking in public as prescribed by  
27 § 5-71-212(c) are not applicable to any wine tasting event approved by the  
28 Alcoholic Beverage Control Division pursuant to this section.

29           **(f)(1) The Director of the Alcoholic Beverage Control Division may**  
30 **issue a wine sampling permit if the applicant:**

31           **(A) Is licensed by the director to sell wine at retail;**  
32 **and**

33           **(B) Pays a license fee of one thousand dollars (\$1,000).**

34           **(2)(A) The wine sampling permit allows the person to conduct**  
35 **wine tasting events on the person's premises during regular hours of**  
36 **operation. A wine sampling permit shall expire on June 30 of each year.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

(B) The wine samples shall be limited to a total of three (3) one-half ounce (0.5 oz.) servings per customer each day for on-premises consumption.

(3) The director may promulgate rules to administer and enforce this section.

*/s/ Wells, et al*

**APPROVED: 4/05/2005**

1