

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

7 **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

12  
13 **Subtitle**

14 TO CREATE A LAYOUT CENTER PERMIT PROGRAM  
15 FOR ALCOHOLIC BEVERAGE MERCHANDISE  
16 PLANNING.  
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18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

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.  
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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*

**APPROVED: 03/28/2017**