

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

A Bill

ACT 173 OF 1993
SENATE BILL 181

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**
15 **ARKANSAS RESPONSIBLE PERMITTEE ACT."**

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

SECTION 1. Legislative Intent and Purpose.

19
20 **The legislative intent and purpose of this act is to eliminate the sale of alcoholic**
21 **beverages to, and consumption of alcoholic beverages by underaged persons; to reduce**
22 **intoxication and to reduce accidents, injuries, and deaths in the state which are related to**
23 **intoxication; and to encourage alcoholic beverage permit holders to be prudent in the sale and**
24 **service of alcoholic beverages.**

SECTION 2. Definitions.

25
26
27 **The following words or phrases, or the plural thereof, whenever they appear in this act,**
28 **unless the context clearly requires otherwise, shall have the meaning ascribed to them in this**
29 **section:**

30
31 **(1) "Board" means the Alcoholic Beverage Control Board of the State of Arkansas.**

32 **(2) "Permittee" means a person who is licensed by the Alcoholic Beverage Control**
33 **Board to sell or dispense alcoholic beverages for on-premises consumption or for off-premises**
34 **consumption, or both.**

SECTION 3. The Alcoholic Beverage Control Board shall oversee a server training

1 program designed to encourage permittees and their employees to treat the sale and service of
2 alcoholic beverages in a responsible manner and, to that end, shall adopt rules and regulations
3 which shall implement the intent of this act. The program shall be entitled "The Responsible
4 Permittee Program."

5

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

11 (b) The board may revoke or suspend a permittee_s certification for noncompliance
12 with this act.

13

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

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

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

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

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

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

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

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

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

32

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

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

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

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

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

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

APPROVED: 2/19/93