

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 763 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 923

4
5 By: Senator R. Thompson
6
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND VARIOUS LAWS CONCERNING ALCOHOLIC
10 BEVERAGES; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO AMEND VARIOUS LAWS CONCERNING
14 ALCOHOLIC BEVERAGES.
15
16

17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 3-3-210(a), as amended by Section 2 of Act
21 294 of 2009 and concerning the sale of alcoholic beverages on Sundays and
22 early weekday mornings, is amended to add new subdivisions to read as
23 follows:

24 (4)(A) A city, town, or county may establish by ordinance a
25 lesser period of time than provided in subdivision (a)(3) of this section
26 during which on-premises consumption of alcoholic beverages may occur at on-
27 premises outlets.

28 (B) The city, town, or county ordinance shall specify the
29 on-premises outlets that are subject to the more restrictive hours of
30 operation on a Sunday.

31 (5) A violation of a more restrictive city, town, or county
32 ordinance is not an administrative violation against the Alcoholic Beverage
33 Control Division on-premises consumption permit and shall be treated and
34 disposed of under § 3-4-407.

35 (6) The hours of operation of private club permitted



1 establishments shall continue to be controlled by Alcoholic Beverage Control
 2 Division rules.

3
 4 SECTION 2. Arkansas Code Title 3, Chapter 4, Subchapter 6 is amended
 5 to add a new section to read as follows:

6 3-4-608. Small restaurant permit.

7 (a) A restaurant that purchases five hundred sixty (560) liters of
 8 spirituous liquors or less from an entity holding a wholesale liquor permit
 9 may apply to the Director of the Alcoholic Beverage Control Division for a
 10 small restaurant permit.

11 (b)(1) If the small restaurant permit holder purchases more than five
 12 hundred sixty (560) liters of spirituous liquors in a fiscal year, the small
 13 restaurant permit holder shall apply for a permit under § 3-9-212.

14 (2) A small restaurant permit holder shall pay the difference
 15 between the small restaurant permit fee and the permit fee authorized under §
 16 3-9-212 for the current fiscal year.

17 (3) The small restaurant permit holder shall submit
 18 documentation from the wholesalers itemizing the amount of spirituous liquors
 19 purchased from each wholesaler.

20 (c) The annual fee for the small restaurant permit is three hundred
 21 dollars (\$300) per fiscal year.

22
 23 SECTION 3. Arkansas Code § 3-4-1001(a)(1), as created by Section 11 of
 24 Act 294 of 2009 and concerning restaurant and wine permits, is amended to
 25 read as follows:

26 (a)(1) In addition to all other existing alcoholic beverage permits
 27 authorized to be issued by the Alcoholic Beverage Control Division for the
 28 retail sale of alcoholic beverages, there is hereby created a restaurant beer
 29 and wine permit, which authorizes the sale of ~~light~~ beer, and wine as defined
 30 in § 3-9-301(2) at restaurants as defined in § 3-9-301(4).

31
 32 SECTION 4. Arkansas Code § 3-5-1605(a)(3)(B), as amended by Section 18
 33 of Act 294 of 2009 and concerning the license fees for manufacturing and
 34 selling wine, is amended to read as follows:

35 (B)(i) This subdivision (a)(3) applies to all retail
 36 licenses for grocery stores, ~~and~~ convenience stores, liquor stores, and

1 package stores that sell malt beverages and wine.

2 (ii) A retail liquor store may sell small farm
3 winery wine without the small farm winery wine retail permit;

4
5 SECTION 5. Arkansas Code § 3-9-222(b)(3), as amended by Section 22 of
6 Act 294 of 2009 and concerning permit fees for private clubs, is amended to
7 read as follows:

8 (3) In ~~a county~~ an area in which the sale of intoxicating liquor
9 has not been authorized by local option as provided under § 3-8-201 et seq.,
10 the application for a private club permit shall be accompanied by an ~~annual~~
11 ~~permit~~ additional application fee of one thousand five hundred dollars
12 (\$1,500).

13
14 SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined that
15 Act 294 of 2009 became effective, by emergency clause, on March 3, 2009, and
16 that it has been found that there are some technical corrections that need to
17 be placed into immediate operation. It is further determined that these
18 technical corrections are necessary to give full force and effect to the
19 provisions of Act 294 of 2009 and that if this technical corrections bill is
20 not passed with an emergency clause then unnecessary confusion concerning the
21 provisions of Act 294 of 2009 may arise. Therefore, an emergency is declared
22 to exist and this act being immediately necessary for the preservation of the
23 public peace, health, and safety shall become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

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31 **APPROVED: 4/1/2009**