

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.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: S3/2/09  
**A Bill**

SENATE BILL 338

5 By: Senators Bryles, *Madison*  
6 By: Representative J. Roebuck  
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8  
9 **For An Act To Be Entitled**

10 AN ACT TO PROHIBIT CERTAIN ADVERTISING OF  
11 ALCOHOLIC BEVERAGES; AND FOR OTHER PURPOSES.  
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13 **Subtitle**

14 TO PROHIBIT CERTAIN ADVERTISING OF  
15 ALCOHOLIC BEVERAGES.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code Title 3, Chapter 3, is amended to add an  
21 additional subchapter to read as follows:

22 Subchapter 5 – Advertising.

23 3-3-501. Prohibited advertising.

24 (a) A manufacturer or distributor of alcoholic beverages shall not  
25 display, place, sell, or donate for display any sign bearing a word, mark,  
26 description, or other device used for advertisement of any alcoholic beverage  
27 if the sign is displayed outside the walls or enclosure of a building or  
28 structure but on the land where a retail license or permit to sell an  
29 alcoholic beverage is held.

30 (b) A holder of a retail license or permit may advertise alcoholic  
31 beverages outside the walls or enclosure of a building or structure but on  
32 the land where a retail license or permit to sell an alcoholic beverage is  
33 held if the advertisement is in no way paid for or produced by the  
34 manufacturer or distributor of an alcoholic beverage.  
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1           3-3-502. Permitted advertising.

2           A manufacturer or distributor of alcoholic beverages may  
3 advertise:

4           (1) On billboards that hold a current state billboard permit if  
5 the billboard makes no reference to any retail establishment;

6           (2) On radio or television;

7           (3) On a vehicle for hire;

8           (4) On a race car while participating at a professional racing  
9 event or a permanent motorized racetrack facility;

10          (5) On a boat participating in a racing event or boat show;

11          (6) On an aircraft;

12          (7) On a bicycle or on the clothing of a member of a bicycle  
13 team participating in an organized bicycle race;

14          (8) In a newspaper, magazine, or other literary publication  
15 published periodically;

16          (9) On the property of the permitted location of a manufacturer  
17 or distributor of alcoholic beverages; or

18          (10) On vehicles used to deliver or sell alcoholic beverages.

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20           3-3-503. Rules.

21          The Director of the Alcoholic Beverage Control Board shall promulgate  
22 rules allowing outdoor advertising of alcoholic beverages under this  
23 subchapter at events of a temporary nature, including without limitation  
24 charitable or civic events, fairs, or rodeos.

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26           3-3-504. Violations.

27          (a) Advertising that does not comply with this subchapter is subject  
28 to seizure and forfeiture.

29          (b) A manufacturer or distributor of alcoholic beverages that violates  
30 this subchapter:

31           (1) Shall receive a warning for a first offense; and

32           (2) Upon conviction, is guilty of a violation for a subsequent  
33 offense of violating this subchapter and shall be fined one thousand dollars  
34 (\$1,000).

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36          SECTION 2. EMERGENCY CLAUSE. It is found and determined by the

1 General Assembly of the State of Arkansas that certain advertising of  
2 alcoholic beverages contributes to an unnecessary influence on underage  
3 drinkers and to the negative perception that members of the public may have  
4 regarding alcohol; that steps have been taken to remove this advertising to  
5 no avail; and that this act is necessary because it will force the removal of  
6 certain alcoholic beverage advertising. Therefore, an emergency is declared  
7 to exist, and this act being necessary for the preservation of the public  
8 peace, health, and safety shall become effective on July 1, 2009.

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11 */s/ Bryles*  
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