

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

# 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:  
19

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  
36 establishments shall continue to be controlled by Alcoholic Beverage Control



1 Division rules.

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

5 3-4-608. Small restaurant permit.

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

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

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

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

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

21  
 22 SECTION 3. Arkansas Code § 3-4-1001(a)(1), as created by Section 11 of  
 23 Act 294 of 2009 and concerning restaurant and wine permits, is amended to  
 24 read as follows:

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

30  
 31 SECTION 4. Arkansas Code § 3-5-1605(a)(3)(B), as amended by Section 18  
 32 of Act 294 of 2009 and concerning the license fees for manufacturing and  
 33 selling wine, is amended to read as follows:

34 (B)(i) This subdivision (a)(3) applies to all retail  
 35 licenses for grocery stores, ~~and~~ convenience stores, liquor stores, and  
 36 package stores that sell malt beverages and wine.

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

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

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

12  
13           SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined that  
14 Act 294 of 2009 became effective, by emergency clause, on March 3, 2009, and  
15 that it has been found that there are some technical corrections that need to  
16 be placed into immediate operation. It is further determined that these  
17 technical corrections are necessary to give full force and effect to the  
18 provisions of Act 294 of 2009 and that if this technical corrections bill is  
19 not passed with an emergency clause then unnecessary confusion concerning the  
20 provisions of Act 294 of 2009 may arise. Therefore, an emergency is declared  
21 to exist and this act being immediately necessary for the preservation of the  
22 public peace, health, and safety shall become effective on:

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

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

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