

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 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S2/9/11
A Bill

HOUSE BILL 1282

5 By: Representative Dale
6 By: Senator M. Lamoureux
7

For An Act To Be Entitled

9 AN ACT TO CLARIFY THAT A LIQUOR PERMIT APPLIES TO ONE
10 LOCATION AND A PERSON, FIRM, OR CORPORATION SHALL NOT
11 USE A LIQUOR PERMIT FOR MULTIPLE *LOCATIONS*; TO
12 *DECLARE AN EMERGENCY*; AND FOR OTHER PURPOSES.
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Subtitle

15 *TO CLARIFY THAT A LIQUOR PERMIT APPLIES*
16 *TO ONE LOCATION AND A PERSON, FIRM, OR*
17 *CORPORATION SHALL NOT USE A LIQUOR PERMIT*
18 *FOR MULTIPLE LOCATIONS AND TO DECLARE AN*
19 *EMERGENCY.*
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 3-4-205(b), concerning the prohibition of
26 interest in multiple retail liquor permits, is amended to read as follows:

27 (b)(1)(A) No retail liquor permit shall be issued, either as a new
28 permit or as a replacement of an existing permit, to any person, firm, or
29 corporation if the person, firm, or corporation has any interest in another
30 retail liquor permit, regardless of the degree of interest.

31 (B) A retail liquor permit shall apply only to one (1)
32 location, and a person, firm, or corporation shall not be permitted to
33 receive any direct or indirect financial benefit from the sale of liquor at
34 any location other than the permitted location.

35 (2) However, notwithstanding this prohibition, any retail liquor
36 permits held by any person, firm, or corporation on July 19, 1971, which



1 continue to be held by any person, firm, or corporation having ~~such an~~ an
2 interest in more than one (1) ~~such~~ retail liquor permit on August 13, 1993,
3 shall be vested permits.

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5 SECTION 2. Arkansas Code § 3-4-218 is amended to add a new subsection
6 to read as follows:

7 (e)(1) A retail liquor permit issued under this subchapter is
8 restricted to the location identified in the application required under § 3-
9 4-209(3).

10 (2) A retail liquor permit shall not be used for multiple
11 locations.

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13 SECTION 3. Arkansas Code § 3-4-301(a), concerning the revocation of
14 permits, is amended to add the following new subdivisions:

15 (8) Subsequent to March 1, 2011, if a retail liquor permittee
16 directly or indirectly remunerates any person, firm, or corporation that has
17 a direct or indirect pecuniary, proprietary, or financial interest in the
18 creation, establishment, operation, or contractual branding of another
19 permitted liquor establishment;

20 (9) Subsequent to March 1, 2011, if a retail liquor permittee
21 directly or indirectly receives remuneration from any other retail liquor
22 permittee relating to the creation, establishment, operation, or contractual
23 branding of another permitted liquor establishment; or

24 (10) Subsequent to March 1, 2011, if a retail liquor permittee
25 brands the permitted location with the same name or logo as another retail
26 liquor permittee.

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28 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
29 General Assembly of the State of Arkansas that this act is necessary to
30 prevent unfair competition; that this act is also necessary to ensure that
31 those persons receiving retail liquor permits continue to abide by the spirit
32 and intent of the law; and that this act is immediately necessary to ensure
33 that, through the permitting process, citizens are protected from the illegal
34 sale of alcoholic beverages. Therefore, an emergency is declared to exist and
35 this act being immediately necessary for the preservation of the public
36 peace, health, and safety shall become effective on:

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

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

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

/s/Dale