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Section 1.79(27) *Allowing Alcoholic Beverages to be Carried From Any On Premises Alcoholic Beverage Outlet or Private Club.* The permittee allowed any patron to exit the permitted premises carrying any open container of alcoholic beverages or allowed any patron to exit any on premises retail beer outlet carrying sealed alcoholic beverages in any combination not authorized by the Director for off premises sales. Private clubs and hotel-motel-restaurant mixed drink permitted outlets are not allowed to sell any alcoholic beverages to be taken off the permitted premises. **Provided,** (1) those establishments holding an on premises wine restaurant or café permit, a combined restaurant beer and wine permit, hotel-motel-restaurant mixed drink permit, or private club permit, may allow a customer, who purchases an unsealed package of wine in conjunction with a food purchase and consumes a portion of the wine on the premises with the meal, to replace the cork and remove the partially filled package from the premises and (2) patrons may walk back and forth with an alcoholic beverage between a private club permitted premises and another contiguous permitted premises when both premises are a part of the same business operation and the alcoholic beverage is a type permitted by both premises; (Amended 8-19-09)

It is further provided that any on-premises outlet in a valid Entertainment District may allow patrons to leave the permitted premises with alcoholic beverages. A city, municipality, or incorporated town that has designated an Entertainment District shall notify the ABC within ten (10) days of issuance or removal of a district. Notification for issuance of an Entertainment District shall include: whether the district is temporary or permanent, the days and hours of operation of the Entertainment District, any other regulations within the Entertainment District, as well as any on-premises outlets that elect to opt out of the Entertainment District. Any on-premise permit within an Entertainment District that opts out of the Entertainment District may not permit patrons to leave the premises with alcoholic beverages.

SUMMARY OF SUBSTANTIVE CHANGES

Act 812 of 2019 created Entertainment Districts. Rule 1.79 (27) is amended to allow on-premises retailers to allow patrons to leave their permitted premises with alcohol and establishes the guidelines for cities that notify ABC of creation and removal of Entertainment Districts.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/28/19

A Bill

SENATE BILL 492

5 By: Senators T. Garner, Bond, B. Sample, G. Leding, L. Chesterfield, Elliott
6 By: Representatives Barker, A. Collins, McCullough, Scott
7

For An Act To Be Entitled

9 AN ACT TO PROMOTE HOSPITALITY AND TOURISM; TO
10 ESTABLISH AREAS OF A CITY OR TOWN THAT HIGHLIGHT
11 RESTAURANT, ENTERTAINMENT, AND HOSPITALITY OPTIONS;
12 TO ESTABLISH TEMPORARY OR *PERMANENT* DESIGNATED
13 ENTERTAINMENT DISTRICTS; AND FOR OTHER PURPOSES.
14
15

Subtitle

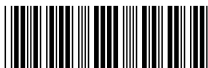
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17 *TO PROMOTE HOSPITALITY AND TOURISM; TO*
18 *ESTABLISH AREAS OF A CITY OR TOWN THAT*
19 *HIGHLIGHT RESTAURANT, ENTERTAINMENT, AND*
20 *HOSPITALITY OPTIONS; TO ESTABLISH*
21 *TEMPORARY OR PERMANENT DESIGNATED*
22 *ENTERTAINMENT DISTRICTS.*
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code § 3-2-206, concerning the rulemaking
28 authority of the Alcoholic Beverage Control Division, is amended to add an
29 additional subsection to read as follows:

30 (f) A rule promulgated under this title that prohibits a person from
31 possessing an alcoholic beverage outside of an establishment that holds a
32 permit for on-premises consumption and from which the alcoholic beverage was
33 purchased does not apply within a designated entertainment district as
34 defined in § 14-54-1412.
35

36 SECTION 2. Arkansas Code § 5-71-212(e), concerning the exceptions to



1 consuming alcohol in public, is amended to read as follows:

2 (e) ~~The provisions of this~~ This section shall does not be construed to
3 prohibit or restrict the consumption of an alcoholic beverage when consumed:

4 (1) as As a part of a recognized religious ceremony or ritual; or

5 (2) Within the physical boundaries of a designated entertainment
6 district as defined in § 14-54-1412.

7
8 SECTION 3. Arkansas Code Title 14, Chapter 54, Subchapter 14, is
9 amended to add an additional section to read as follows:

10 14-54-1412. Designated entertainment districts.

11 (a) As used in this section, "designated entertainment district" means
12 a contiguous area located in a part of a city, a municipality, or an
13 incorporated town that:

14 (1) Is zoned for or customarily used for commercial purposes;

15 and

16 (2) Contains any number and any combination of restaurants,
17 taprooms, taverns, entertainment establishments, hospitality establishments,
18 music venues, theaters, bars, art galleries, art studios, tourist
19 destinations, distilleries, dance clubs, cinemas, or concert halls.

20 (b)(1) A city, a municipality, or an incorporated town collecting a
21 gross receipts tax on prepared food or hotel and motel accommodations under
22 §§ 26-75-602 – 26-75-613 and located in a county authorized to sell alcoholic
23 beverages may by ordinance create a designated entertainment district.

24 (2) A designated entertainment district may be permanent or
25 temporary.

26 (3)(A) A city, a municipality, or an incorporated town that
27 creates a designated entertainment district under this section shall set by
28 ordinance reasonable standards for the regulation of alcohol possession
29 within the boundaries of the designated entertainment district.

30 (B) An ordinance enacted under this subsection does not
31 diminish the requirements of the Alcoholic Beverage Control Division
32 concerning permits issued within the designated entertainment district.

33 (4) A city, a municipality, or an incorporated town that creates
34 a designated entertainment district under this section shall notify the
35 division within ten (10) days of the issuance or removal of a permanent or
36 temporary designation as a designated entertainment district.

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/s/T. Garner

APPROVED: 4/9/19