

ARKANSAS SENATE
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of Senate Bill No. 121

"TO INCREASE THE PERMIT FEES FOR THE MANUFACTURE, SALE, AND
DISTRIBUTION OF ALCOHOLIC BEVERAGES AND TO AMEND THE PENALTY
PROVISIONS RELATED TO ALCOHOLIC BEVERAGES."

Amendment No. 1 to Senate Bill No. 121.

Amend Senate Bill No. 121 as originally introduced:

Page 2, line 24, delete "resolution adopted by" and replace with "a"

AND

Page 3, line 30, delete "or this" and replace with "of this"

AND

Page 4, line 3, delete "One hundred dollars (\$100)" and replace with "Fifty dollars (\$50.00)"

AND

Page 4, line 5, delete "One hundred dollars (\$100)" and replace with "Fifty dollars (\$50.00)"

AND

Page 4, line 7, delete "One hundred dollars (\$100)" and replace with "Fifty dollars (\$50.00)"

AND

Immediately following SECTION 5, add additional sections to read as follows:

"SECTION 6. Arkansas Code § 3-4-605 is amended to read as follows:
3-4-605. Wholesalers.

(a) Any person other than a distiller, manufacturer, rectifier, or importer may apply to the Director of the Alcoholic Beverage Control Division for a permit to sell spirituous liquor, ~~vinous (except wines)~~ wine as defined in § 3-9-301(2), beer, or malt liquors at wholesale.

(b) The application shall be in writing and shall set forth in detail



such information concerning the applicant for the permit and the premises to be used by the applicant as the director may require.

(c) The application shall be accompanied by a certified check, cash, or postal money order for the amount required by this act for the permit.

(d) If the director ~~shall grant~~ grants the application, he or she shall issue a permit in ~~such form as shall be a form as~~ as determined by the rules of the Alcoholic Beverage Control Division.

(e) The permit shall contain a description of the premises permitted and in form and substance shall be a permit to the person ~~therein~~ specifically designated in the permit to sell spirituous liquor, vinous wine as defined in § 3-9-301(2), beer, or malt liquors for beverage purposes.

(f) A person holding a distiller's or rectifier's permit need not obtain a wholesaler's permit in order to sell at wholesale spirituous or ~~vinous liquors~~ wine as defined in § 3-9-301(2).

(g)(1)(A) ~~No~~ A person other than a person holding a distiller's, manufacturer's, or rectifier's, ~~or wholesaler's~~ permit shall not sell spirituous liquor, vinous (except wines) wine as defined in § 3-9-301(2), or malt liquors at wholesale.

(B) A person other than a person holding a wholesaler's permit shall not sell spirituous liquor, wine as defined in § 3-9-301(2), or malt liquors at wholesale.

(2) No A wholesaler holding a permit shall not sell or buy from another unless he or she holds a permit, but a wholesaler may export from or import into this state ~~such~~ liquors under rules ~~and regulations~~ promulgated by the Alcoholic Beverage Control Division.

(h) ~~No~~ A wholesaler shall not sell or contract to sell any spirituous liquor, vinous wine as defined in § 3-9-301(2), beer, or malt liquors to any a dispensary, hotel, restaurant, or club if the dispensary, hotel, restaurant, or club is not duly authorized under this act to receive, possess, transport, distribute, or sell spirituous liquor, vinous wine as defined in § 3-9-301(2), beer, or malt liquors.

(i) Further, a licensed wholesaler of any spirituous liquor, beer, or vinous liquors wine as defined in § 3-9-301(2) in Arkansas can may only purchase spirituous liquor, beer, or vinous liquors wine as defined in § 3-9-301(2) from a distiller, importer, rectifier, or a domestic wine producer, provided that. However, this restriction shall does not apply to the purchase of native wines.

(j)(1) For the privilege of storing, transporting, and selling spirituous liquor, vinous wine as defined in § 3-9-301(2), beer, or malt liquors at wholesale, there is assessed and there shall be paid an annual permit fee of and by every person engaged therein. The permit fee shall be in the sum of seven hundred dollars (\$700) for each separate and distinct establishment.

(2) However, this section ~~shall~~ does not apply to residents of Arkansas who store, transport, and sell wine at wholesale manufactured by them in this state.

SECTION 7. Arkansas Code Title 3, Chapter 4, Subchapter 6 is amended to add a new section to read as follows:

3-4-607. Minimum wholesale liquor permit.

(a)(1) Any person other than a distiller, manufacturer, rectifier, or importer may apply to the Director of the Alcoholic Beverage Control Division

for a minimum wholesale liquor permit that allows the person to sell spirituous liquors, wine as defined in § 3-9-301(2), and malt liquors at wholesale.

(2) A minimum wholesale liquor permit holder shall not sell more than a combined total of twenty thousand (20,000) cases of spirituous liquors, wine as defined in § 3-9-301(2), or malt liquors.

(3) A case is a container that holds nine (9) liters of beverages.

(b) The application shall be in writing and shall provide information concerning the applicant for the minimum wholesale liquor permit and the premises to be used by the applicant as the director requires.

(c) The application shall be accompanied by a certified check, cash, or postal money order for the amount required by this section for the minimum wholesale liquor permit.

(d) If the director grants the application, he or she shall issue a minimum wholesale liquor permit in a form as determined by the rules of the Alcoholic Beverage Control Division.

(e) The minimum wholesale liquor permit shall contain a description of the premises permitted and in form and substance shall be a minimum wholesale liquor permit to the person specifically designated to sell spirituous liquors, wine as defined in § 3-9-301(2), and malt liquors for beverage purposes.

(f)(1) A person other than a person holding a distiller's, manufacturer's, rectifier's, or minimum wholesale liquor permit shall not sell spirituous liquors, wine as defined in § 3-9-301(2), and malt liquors at wholesale.

(2) A wholesaler holding a minimum wholesale liquor permit shall not sell or buy from another person unless the other person holds a minimum wholesale liquor permit, but a wholesaler may export from or import into this state spirituous liquors, wine as defined in § 3-9-301(2), and malt liquors under rules promulgated by the Alcoholic Beverage Control Division.

(g) A wholesaler holding a minimum wholesale liquor permit shall not sell or contract to sell any spirituous liquors, wine as defined in § 3-9-301(2), and malt liquors to a dispensary, hotel, restaurant, or club if the dispensary, hotel, restaurant, or club is not authorized under § 3-4-601 to receive, possess, transport, distribute, or sell spirituous liquors, wine as defined in § 3-9-301(2), and malt liquors.

(h) A minimum wholesale liquor permittee of any spirituous liquors, wine as defined in § 3-9-301(2), and malt liquors in Arkansas shall purchase spirituous liquors, wine as defined in § 3-9-301(2), and malt liquors only from a distiller, importer, rectifier, or a domestic wine producer. However, this restriction does not apply to the purchase of native wines.

(i)(1) The minimum wholesale liquor permit fee is two thousand five hundred dollars (\$2,500) for each separate establishment.

(2) This section does not apply to residents of Arkansas who store, transport, and sell wine at wholesale manufactured by them in this state.

(j) The provisions of § 3-4-606 shall apply to a wholesaler who has a minimum wholesale liquor permit."

AND

Appropriately renumber the sections of the bill

AND

Page 6, line 23, delete "malt beverages,"

AND

Page 6, line 24, delete "§ 3-9-302" and replace with "§ 3-9-301(4)"

AND

Page 6, line 27, delete "shall" and replace with "may"

AND

Page 6, line 35, delete "the"

AND

Delete SECTION 16 in its entirety

AND

Appropriately renumber the sections of the bill

AND

Page 10, delete line 17 and replace with "~~(\$15.00)~~ one hundred dollars (\$100)."

AND

Page 10, line 19, delete "grocery stores, convenience stores, liquor stores, and package stores" and replace with "grocery stores, and convenience stores, ~~liquor stores, and package stores~~"

AND

Page 11, delete line 11 and replace with "~~dollars (\$300)~~ nine thousand three hundred dollars (\$9,300)."

AND

Page 13, delete lines 12 and 13 and replace with "be accompanied by an annual permit fee of seventy-five dollars (\$75.00)."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator R. Thompson

MAG/CDS - 01-30-2009 09:10

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Secretary