

# Hall of the House of Representatives

## 94th General Assembly - Regular Session, 2023

### Amendment Form

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#### Subtitle of House Bill No. 1432

TO AMEND THE LAW REGARDING ALCOHOLIC BEVERAGES; AND TO AMEND THE LAW RELATED TO THE SELLING OF ALCOHOLIC BEVERAGES WITH FOOD PURCHASE FOR DELIVERY OR TO BE CONSUMED OFF-PREMISES.

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#### Amendment No. 1 to House Bill 1432

Amend House Bill No. 1432 as originally introduced:

Delete everything after the enacting clause, and substitute the following:

"SECTION 1. Arkansas Code § 3-4-108 is amended to read as follows:

3-4-108. Alcoholic beverages with food purchase – Definitions.

(a) A restaurant holding a valid alcoholic beverage permit may sell alcoholic beverages in a sealed container during legal operating hours directly to a consumer twenty-one (21) years of age or older along with the purchase of a meal as defined in § 3-9-202:

- (1) At the point of sale to be consumed off-premises;
- (2) At the drive-through to be consumed off-premises;
- (3) At the curbside to be consumed off-premises; or
- (4) Delivered to a consumer at a location off-premises.

(b) A private club holding a valid alcoholic beverage permit may serve alcoholic beverages in a sealed container during legal operating hours directly to a member or guest of a member of the private club who is twenty-one (21) years of age or older along with the purchase of a meal as defined in § 3-9-202:

- (1) At the point of sale to be consumed off-premises;
- (2) At the drive-through to be consumed off-premises;
- (3) At the curbside to be consumed off-premises; or
- (4) Delivered to a consumer at a location off-premises.

(c) A permit holder authorized to deliver alcoholic beverages under this section shall deliver the alcoholic beverages by an employee of the permit holder and not through a third-party delivery system.

~~(e)~~(d) A permit holder authorized to deliver alcoholic beverages under this section may deliver alcoholic beverages directly to a consumer only in a wet county or area and shall only be allowed to deliver in cities and counties, or portions of cities and counties, in which the:

(1) Manufacture or sale of intoxicating liquor is not prohibited as a result of a local option election held under Initiated Act No. 1 of 1942, §§ 3-8-201 – 3-8-203 and 3-8-205 – 3-8-209; and



(2) Sale of alcoholic beverages for on-premises consumption has been approved by a majority vote at a referendum election as provided in § 3-9-201 et seq.

~~(d)~~(e) This section does not apply to a:

- (1) Private club located in a dry area; or
- (2) Restaurant located in a dry area.

~~(e)~~(f) A permit holder authorized to sell or serve alcoholic beverages with the purchase of a meal under this section is limited to the following quantities per sale or service:

- (1) Seventy-two ounces (72 oz.) of beer, malt beverages, or hard cider, or the equivalent of one (1) standard six-pack;
- (2) Seven hundred fifty milliliters (750 ml) of wine, or the equivalent of one (1) bottle; and
- (3) Thirty-two ounces (32 oz.) of spirituous liquors as defined in subdivision (h)(3) of this section, or the equivalent of four (4) eight-ounce drinks.

~~(f)~~(g) Unless authorized by local election under § 3-3-210, a permit holder shall not sell or serve alcoholic beverages under this section on a Sunday.

~~(g)~~(h) The Director of the Alcoholic Beverage Control Division shall adopt rules to implement and administer this section.

~~(h)~~(i) As used in this section:

- (1) "Alcoholic beverages" means beer, malt beverages, hard ciders, vinous liquors, or spirituous liquors;
- (2) "Restaurant" means a public or private place that:
  - (A) Is kept, used, maintained, advertised, and held out to the public or to a private or restricted membership as a place where complete meals are actually and regularly served;
  - (B) Provides adequate and sanitary kitchen and dining equipment;
  - (C) Has a seating capacity of at least twenty-five (25) persons;
  - (D) Employs a sufficient number and variety of employees to prepare, cook, and serve suitable food for its guests or members;
  - (E) Serves at least one (1) meal per day; and
  - (F) Is open a minimum of five (5) days per week, with the exception of holidays, vacations, and periods of redecorating; and
- (3)(A) "Spirituous liquors" includes mixed drinks or specialty drinks that are made by the permit holder at the premises.
  - (B) "Spirituous liquors" does not include unmixed spirits or spirits in the manufacturer's original containers."

The Amendment was read \_\_\_\_\_  
By: Representative Fortner  
CRH/CRH - 02-24-2023 09:49:49  
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Chief Clerk