

1 INTERIM STUDY PROPOSAL 2017-045

2 State of Arkansas As Engrossed: H3/14/17 H3/23/17 H3/29/17

3 91st General Assembly

# A Bill

4 Regular Session, 2017

HOUSE BILL 2151

5  
6 By: Representative Penzo

7 By: Senator J. Hutchinson

8 Filed with: House Select Committee on Rules  
9 pursuant to A.C.A. §10-3-217.

## For An Act To Be Entitled

11 AN ACT TO AMEND THE LAW REGARDING RETAIL LIQUOR STORE  
12 PERMITS; AND FOR OTHER PURPOSES.

### Subtitle

16 TO AMEND THE LAW REGARDING RETAIL LIQUOR  
17 STORE PERMITS.

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. Arkansas Code Title 3, Chapter 4, Subchapter 4, is amended  
23 to add an additional section to read as follows:

24 3-4-408. Wholesaler authorized to extend credit.

25 (a) A wholesaler may extend credit on distilled spirits and wine sold  
26 to a retail liquor permit holder for a period not to exceed thirty (30) days  
27 from the date of invoice, with the date of invoice included in the total  
28 number of days.

29 (b) When the thirty-day period under subsection (a) of this section  
30 has passed without payment in full, sales or deliveries of distilled spirits  
31 or wine shall not be made by a wholesaler to a retailer whose name appears on  
32 the list of credit extended under subsection (a) of this section.

33 (c) Once payment in full has been made by the delinquent retailer to  
34 the reporting wholesaler, the reporting wholesaler shall notify the Alcoholic  
35 Beverage Control Division within twenty-four (24) hours that payment has been  
36 made.

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SECTION 2. Arkansas Code § 3-5-1801, concerning definitions for wine sales in grocery stores, is amended to read as follows:

3-5-1801. Definitions.

As used in this subchapter:

(1) "Basic cost of wine" means the invoice cost of wine to the retailer in the quantity last purchased from the wholesaler at prices generally available in the marketplace, absent any cash or other discounts, incentives or concessions that are offered within or outside of this state, to which shall be added the full face value of any taxes, freight or delivery fees that may be required by any tax law of this state imposed upon wine supplied to retailers now in effect or hereafter enacted, and any other taxes or fees imposed by this title, if not already included by the wholesaler in this price;

(2) "Cost of doing business by the retailer" means forty percent (40%) of the basic cost of wine to the retailer;

(3) "Cost to the retailer" means the basic cost of wine to the retailer plus the cost of wine to the retailer;

~~(1)~~(4) "Grocery store" means a single physical establishment that:

- (A) Has an inventory of human-consumable items; and
- (B) Is located in a wet territory;

~~(2)~~(5) "Slotting allowance" means an allowance paid by a manufacturer to a grocery store for making room for a product on the grocery store's shelves; and

~~(3)~~(6) "Wine" means port, wine, sherry wine, vermouth wine, or other wines manufactured within or without the State of Arkansas, the alcoholic content of which does not exceed twenty-one percent (21%).

/s/Penzo

Referred by the Arkansas House of Representatives  
Prepared by: VJF