

2 State of Arkansas
3 90th General Assembly
4 Regular Session, 2015

A Bill

HOUSE BILL 1416

5
6 By: Representative Hammer

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

9 For An Act To Be Entitled

10 AN ACT TO LIMIT THE ISSUANCE OF PERMITS FOR THE OFF-
11 PREMISES SALE OF BEER AND WINE IN PROXIMITY TO
12 CHURCHES AND SCHOOLS; AND FOR OTHER PURPOSES.

13 14 15 Subtitle

16 TO LIMIT THE ISSUANCE OF PERMITS FOR THE
17 OFF-PREMISES SALE OF BEER AND WINE IN
18 PROXIMITY TO CHURCHES AND SCHOOLS.

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

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23 SECTION 1. Arkansas Code § 3-5-207(a), concerning the scope of state
24 permits for the sale of beer and light wines is amended to read as follows:

25 (a)(1) Except as provided in subsection (b) of this section, any permit
26 issued under the provisions of § 3-5-206 authorizing the sale of light wines
27 or beer for consumption under the provisions prescribed in the permit shall
28 be construed to authorize the sale of such liquor by the bottle, by the glass
29 or draught, and in or from the original package.

30 (2) A new permit under this subchapter shall not be issued by
31 the Director of the Alcoholic Beverage Control Division for a business
32 located within one thousand feet (1,000') of the property line of a church or
33 schoolhouse; and

34 (3)(A) An existing permit under this subchapter shall not be
35 transferred to a location within one thousand feet (1,000') of the property
36 line of any church or schoolhouse.

1 (B) As an exception to subdivision (a)(3)(A) of this
2 section, if a business permitted for under this subchapter already exists
3 within one thousand feet (1,000') of the property line of one (1) or more
4 churches or schoolhouses, that the permit may be transferred to a new
5 location that is within one thousand feet (1,000') of the property line of
6 the closest church or schoolhouse to the present business location if the new
7 location is determined by the Alcoholic Beverage Control Division to serve
8 the public convenience and advantage.

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10 SECTION 2. Arkansas Code § 3-5-226, concerning the on-premises sale of
11 beer by breweries, is amended to add an additional subsection to read as
12 follows:

13 (c)(1) A new permit under this subchapter shall not be issued by the
14 Director of the Alcoholic Beverage Control Division for the location of a
15 business situated within one thousand feet (1,000') of the property line of a
16 church or schoolhouse; and

17 (2)(A) An existing permit under this subchapter shall not be
18 transferred to a location within one thousand feet (1,000') of the property
19 line of any church or schoolhouse.

20 (B) As an exception to subdivision (c)(2)(A) of this
21 section, if a business permitted under this subchapter already exists within
22 one thousand feet (1,000') of the property line of one (1) or more churches
23 or schoolhouses, that the permit may be transferred to a new location that is
24 within one thousand feet (1,000') of the property line of the closest church
25 or schoolhouse to the present business location if the new location is
26 determined by the Alcoholic Beverage Control Division to serve the public
27 convenience and advantage.

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29 SECTION 3. Arkansas Code § 3-5-1204, concerning licenses for
30 microbrewery-restaurants, is amended to add an additional subsection to read
31 as follows:

32 (d)(1) A new permit under this subchapter shall not be issued by the
33 director for the location of a business situated within one thousand feet
34 (1,000') of the property line of a church or schoolhouse; and

1 (2)(A) An existing permit under this subchapter shall not be
2 transferred to a location within one thousand feet (1,000') of the property
3 line of any church or schoolhouse.

4 (B) As an exception to subdivision (d)(2)(A) of this
5 section, if a business permitted under this subchapter already exists within
6 one thousand feet (1,000') of the property line of one (1) or more churches
7 or schoolhouses, that the permit may be transferred to a new location that is
8 within one thousand feet (1,000') of the property line of the closest church
9 or schoolhouse to the present business location if the new location is
10 determined by the Alcoholic Beverage Control Division to serve the public
11 convenience and advantage.

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13 SECTION 4. Arkansas Code § 3-5-1405, concerning licenses for small
14 breweries, is amended to add an additional subsection to read as follows:

15 (e)(1) A new permit under this subchapter shall not be issued by the
16 director for the location of a business situated within one thousand feet
17 (1,000') of the property line of a church or schoolhouse; and

18 (2)(A) An existing permit under this subchapter shall not be
19 transferred to a location within one thousand feet (1,000') of the property
20 line of any church or schoolhouse.

21 (B) As an exception to subdivision (e)(2)(A) of this
22 section, if a business permitted under this subchapter already exists within
23 one thousand feet (1,000') of the property line of one (1) or more churches
24 or schoolhouses, that the permit may be transferred to a new location that is
25 within one thousand feet (1,000') of the property line of the closest church
26 or schoolhouse to the present business location if the new location is
27 determined by the Alcoholic Beverage Control Division to serve the public
28 convenience and advantage.

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30 SECTION 5. Arkansas Code § 3-5-1602, concerning licensing of small
31 farm wineries, is amended to add an additional subsection to read as follows:

32 (e)(1) A new permit under this subchapter shall not be issued by the
33 Director of the Alcoholic Beverage Control Division for the location of a
34 business situated within one thousand feet (1,000') of the property line of a
35 church or schoolhouse; and

1 (2)(A) An existing permit under this subchapter shall not be
2 transferred to a location within one thousand feet (1,000') of the property
3 line of any church or schoolhouse.

4 (B) As an exception to subdivision (c)(2)(A) of this
5 section, if a business permitted under this subchapter already exists within
6 one thousand feet (1,000') of the property line of one (1) or more churches
7 or schoolhouses, that the permit may be transferred to a new location that is
8 within one thousand feet (1,000') of the property line of the closest church
9 or schoolhouse to the present business location if the new location is
10 determined by the Alcoholic Beverage Control Division to serve the public
11 convenience and advantage.

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14 Referred by the Arkansas House of Representatives

15 Prepared by: VJF
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