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Amendment to Section 1.23 Publication of Notice That Application Has Been Made for Permit. After filing an acceptable application with the Director, the applicant shall cause to be published at least once a week for two (2) consecutive weeks in a legal newspaper of general circulation in the city or locality where the business is to be located a notice that the applicant has applied for a permit to sell, manufacture or dispense controlled beverages, as applicable. The newspaper publishing the notice shall have a physical address within the county of the proposed location of the business identified in the application. If the county does not have a newspaper, then the publication shall be placed in a newspaper with the nearest physical address of the location of the business identified in the application. The notice shall be verified and shall give the name of the applicant and the name and address or location of the business, and shall state that the applicant is a resident of Arkansas, that he or she has good moral character, that he or she has never been convicted of a felony or had a permit revoked within the five (5) years preceding the date of notice. ***Provided***, that this requirement shall not apply under the following circumstances: 1) if If the applicant holds a restaurant mixed drink permit and subsequently makes application for a beer and/or wine permit only at the same location; and 2) If the applicant holds a small farm wine retail permit and subsequently makes application for a grocery store wine permit at the same location. ***It is further provided*** that applicants for a retail liquor permit or a private club permit shall be required to publish at least once a week for four (4) consecutive weeks in a legal newspaper as described above, per the authority of Act 735 of 2007.

SUMMARY

This rule is being amended to facilitate the application process for the Grocery Store Wine permit created by Act 508 of 2017. ABC waives the notice by publication requirement for current permittees who apply for permits to sell products with equal or lesser alcohol content as the products currently being sold by the business. Many of the applicants that qualify as grocery stores under Act 508 of 2017 are currently permitted to sell wine products within the same range allowed under the Grocer Store Wine permit. They are currently licensed to sell wine products not in excess of 21% alcohol by weight; therefore, the public has already been notified that this type of product is sold on the premises.

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