

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

SENATE BILL 702

4  
5 By: Senator Jeffries, Harriman and Walters

## For An Act To Be Entitled

9 "AN ACT TO AUTHORIZE THE CONSUMPTION AND SALE OF BEER AT  
10 BEER GARDENS OR BEER TASTING ROOMS IN CONNECTION WITH A  
11 TOUR OF A BREWERY OR BEER MANUFACTURING FACILITY; TO  
12 AUTHORIZE BEER TASTING EVENTS AND BEER BREWING  
13 COMPETITIONS FOR PROMOTIONAL PURPOSES; AND FOR OTHER  
14 PURPOSES."

## Subtitle

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17 "TO AUTHORIZE THE CONSUMPTION OF BEER AT  
18 BEER GARDENS OR BEER TASTING ROOMS IN  
19 CONNECTION WITH BREWERY TOURS AND  
20 AUTHORIZE BEER TASTING EVENTS AND  
21 COMPETITIONS."

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

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25 SECTION 1. (a) Notwithstanding the provisions of § 3-5-301 through 3-  
26 5-307, regarding retail beer sales, or any other law to the contrary, beer may  
27 be sold at any brewery or beer manufacturing facility located in this state  
28 for on-premises or off-premises consumption on any day of the week when sold  
29 in connection with a brewery tour or tourist shop.

30 (b) The Alcohol Beverage Control Board is hereby authorized to  
31 promulgate reasonable rules and regulations for the on-premises sale with  
32 foods, and the off-premises package sale, labeling, and identification, of  
33 beer sold at beer gardens, brewery tasting rooms, or at shop outlets  
34 maintained on the premises and operated in connection with tours of a brewery  
35 or beer manufacturing facility in this state throughout the week, and such  
36 regulations shall include the following minimum requirements:

1           (1) The brewery shall provide tours through their brewing  
2 facilities related to the tourist or to the promotional and cultural aspects  
3 of the brewing and manufacture of beer;

4           (2) Provide for sales of beer only in sealed containers when it  
5 may be removed from the brewery or facility premises;

6           (3)(A) That packages sold on Sundays for off-premises consumption  
7 shall have attached around the central seam of each such package a tape or  
8 other seal approved by the Alcoholic Beverage Control Board to seal such  
9 package.

10           (B) Said tape or seal shall be affixed in such manner as  
11 directed by the Alcoholic Beverage Control Board which shall prohibit the  
12 opening thereof without breaking such tape or seal.

13           (C) On each such package shall be stamped in ink the words  
14 "Not to be opened on date of sale by order of the Arkansas Alcoholic Beverage  
15 Control Board", and stating the penalty for violating such order in letters of  
16 such minimum height and size as may be prescribed by the Alcoholic Beverage  
17 Control Board.

18           (c) Breaking the seal required by subdivision (b)(3) of this section on  
19 the date of sale shall be a Class C misdemeanor.

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21           SECTION 2. (a)(1) Breweries located in Arkansas shall, upon prior  
22 approval by the Alcoholic Beverage Control Division, be allowed to conduct  
23 beer tasting events or beer brewing competitions for educational and  
24 promotional purposes at any location in this state provided that written  
25 notice is given to the Alcoholic Beverage Control Division at least five (5)  
26 days prior to the event.

27           (2) Requests for approval to conduct beer tasting events or beer  
28 brewing competitions must be received by the Alcoholic Beverage Control  
29 Division at least two (2) weeks prior to the event.

30           (b) No beer tasting event or beer brewing competition may be held  
31 pursuant to this section in any facility licensed by the Alcoholic Beverage  
32 Control Division.

33           (c) No motor vehicle in which supplies for beer tasting events or beer  
34 brewing competitions are carried and no person in possession of supplies for  
35 beer tasting events or beer brewing competitions approved pursuant to this  
36 section shall be subject to arrest, nor shall the supplies be subject to

1 seizure for overpossession in a dry area.

2 (d) The criminal penalties for drinking in public as prescribed by § 5-  
3 71-212(c) are not applicable to any beer tasting events or beer brewing  
4 competitions approved by the Alcoholic Beverage Control Division pursuant to  
5 this section.

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7 SECTION 3. All provisions of this act of general and permanent nature  
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 4. If any provisions of this act or the application thereof to  
12 any person or circumstance is held invalid, the invalidity shall not affect  
13 other provisions or applications of the act which can be given effect without  
14 the invalid provisions or application, and to this end the provisions of this  
15 act are declared to be severable.

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17 SECTION 5. All laws and parts of laws in conflict with this act are  
18 hereby repealed.

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