

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S2/23/05 S3/2/05

A Bill

SENATE BILL 428

5 By: Senator Hill
6 By: Representative Cowling
7

For An Act To Be Entitled

10 AN ACT TO AUTHORIZE THE ISSUANCE OF A TEMPORARY
11 WINE CHARITABLE AUCTION LICENSE; AND FOR OTHER
12 PURPOSES.
13

Subtitle

15 AN ACT TO AUTHORIZE THE ISSUANCE OF A
16 TEMPORARY WINE CHARITABLE AUCTION
17 LICENSE.
18
19

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

22 SECTION 1. Arkansas Code Title 3, Chapter 5 is amended to add an
23 additional subchapter to read as follows:

24 3-5-1501. Temporary wine charitable auction permit.

25 (a) There is established a temporary wine charitable auction permit.

26 (b) The Alcoholic Beverage Control Division shall issue the permit to
27 qualifying charitable nonprofit organizations that are exempt from taxation
28 under Section 501 of the Internal Revenue Code of 1986, as it existed on
29 January 1, 2005, and that have received tax exempt status from the Internal
30 Revenue Service pursuant to Section 501(c)(3) or (4) of the Internal Revenue
31 Code, as it existed on January 1, 2005.

32 (c) The permit shall authorize the qualifying charitable nonprofit
33 organization to sell wine for purposes of raising funds for the charitable
34 organization during a live or silent auction conducted by the charitable
35 organization.
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1 3-5-1502. Authorized location of auction.

2 (a) The holder of a temporary wine charitable auction permit may
3 conduct an auction in any area of the State of Arkansas where the sale of the
4 wine is authorized.

5 (b) The holder of a permit may conduct an auction at a premises of
6 another on-premises permit that is licensed to sell or dispense the wine if:

7 (1) The wine to be auctioned is kept separate from the wine
8 sold, stored, or served at the permitted premises; and

9 (2) The wine, whether sold or unsold, is removed from the
10 premises immediately following the auction.

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12 3-5-1503. Disposition of auction proceeds.

13 The proceeds from the sale of wine sold at a charitable auction as
14 authorized by this subchapter shall be deposited into the account of the
15 charitable organization that holds the temporary wine charitable auction
16 permit.

17
18 3-5-1504. Origination of wine to be auctioned.

19 (a) The wine to be auctioned shall be obtained by:

20 (1) Donation from any person or an out-of-state winery, if the
21 laws of the out-of-state winery allows the donation;

22 (2) Donation or purchase from a licensed winery within the
23 state; or

24 (3) Donation or purchase from a licensed Arkansas wholesaler.

25 (b) If wine to be auctioned is obtained as provided in this
26 subchapter, the provisions of § 3-3-216 shall not apply to any person who,
27 for purposes of sale of the wine at a charitable auction:

28 (1) Ships or transports the wine into Arkansas;

29 (2) Stores or possesses the wine in Arkansas; or

30 (3) Purchases the wine at a charitable auction as provided for
31 in this subchapter.

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33 3-5-1505. Prohibited activities.

34 The holder of a temporary wine charitable auction permit shall not:

35 (1) Auction any wine that has not been obtained as provided for
36 in this subchapter;

