

State of Arkansas

86th General Assembly

Regular Session, 2007

A Bill

HOUSE BILL 2397

By: Representative Moore

For An Act To Be Entitled

AN ACT TO ALLOW WINE, BEER, AND SPIRITS TASTING
EVENTS; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW WINE, BEER, AND SPIRITS TASTING
EVENTS.

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

3-5-104. Wine tasting events.

(a)(1) Native wineries and licensed wine and spirits wholesalers, upon prior approval by the Alcoholic Beverage Control Division, shall be allowed to conduct wine tasting events for educational and promotional purposes at any location in this state without obtaining a wine sampling permit under this section if written notice is given to the division at least ten (10) days prior to the event.

(2) Requests for approval to conduct wine tasting events must be received by the division at least ten (10) days prior to the event.

(b)(1) A person, other than a native winery, licensed to sell wine, beer, or spirits under a retail liquor permit as defined in § 3-4-604 may conduct ~~wine~~ tasting events for educational and promotional purposes on the person's premises after obtaining a ~~wine~~ sampling permit from the division as provided in subsection (f) of this section.

(2)(A) Wine, beer, or spirits purchased by the person permitted under this section to conduct a ~~wine~~ tasting event shall not be exempt from the gross receipts and use ~~tax~~ taxes.

(B) If the person removes wine, beer, or spirits from his



1 or her inventory for use in a ~~wine~~ wine, beer, or spirits
 2 shall be subject to the gross receipts ~~tax~~ taxes as a withdrawal from stock.

3 (3) A wholesaler may not:

4 (A) Offer special discounts on wine, beer, or spirits sold
 5 for the purpose of a wine tasting event; or

6 (B) Provide wine, beer, or spirits without charge to a
 7 person licensed to sell wine at retail for the purpose of a ~~wine~~ wine tasting
 8 event.

9 (c) No ~~wine~~ wine tasting event may be held pursuant to this section in any
 10 facility licensed by the division.

11 (d) No motor vehicle in which supplies for ~~wine~~ wine tasting events are
 12 carried and no person ~~in possession of supplies for wine tasting events~~
 13 ~~approved pursuant to this section~~ shall be subject to arrest nor shall the
 14 supplies be subject to seizure for ~~overpossession~~ over possession in a dry
 15 area.

16 (e) The criminal penalties for drinking in public as prescribed by §
 17 5-71-212(c) are not applicable to any ~~wine~~ wine tasting event approved by the
 18 division pursuant to this section.

19 (f)(1) The Director of the Alcoholic Beverage Control Division may
 20 issue a ~~wine~~ wine sampling permit if the applicant:

21 (A) Is licensed by the director to sell wine, beer,
 22 spirits, or any combination, at retail; and

23 (B) Pays a license fee of:

24 (1) Five hundred dollars (\$500) for either a wine
 25 license, beer license, or spirits license; or

26 (2) ~~one~~ One thousand dollars (\$1,000) for a combined
 27 wine, beer, and spirits license.

28 (2)(A) The ~~wine~~ wine sampling permit allows the person to conduct
 29 ~~wine~~ wine tasting events on the person's premises during regular hours of
 30 operation. A ~~wine~~ wine sampling permit shall expire on June 30 of each year.

31 (B) The ~~wine~~ wine samples shall be limited to a total of:

32 (A) ~~three~~ Three (3) one-half ounce (0.5 oz.) wine
 33 servings per customer each day for on-premises consumption;

34 (B) Two (2) two ounce (2 oz.) beer servings per
 35 customer each day for on-premises consumption; and

36 (C) Two (2) one-half ounce (0.5 oz.) spirit servings

1 per customer each day for on-premises consumption.

2 (3) The director may promulgate rules to administer and enforce
3 this section.