

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 87th General Assembly  
3 Regular Session, 2009

# A Bill

HOUSE BILL 2229

4  
5 By: Representative Dunn  
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## For An Act To Be Entitled

8  
9 AN ACT TO PROVIDE THAT A WHOLESALER OF BEER MAY  
10 ENGAGE IN COMPETITIVE PRICING WITHIN HIS OR HER  
11 SALES TERRITORY; AND FOR OTHER PURPOSES.  
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## Subtitle

14  
15 TO PROVIDE THAT A WHOLESALER OF BEER MAY  
16 ENGAGE IN COMPETITIVE PRICING WITHIN HIS  
17 OR HER SALES TERRITORY.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 3-5-1109 is amended to read as follows:  
23 3-5-1109. Prohibited acts by wholesaler.

24 (a) A wholesaler shall not do any of the following:

25 (1) Fail to devote such efforts and resources to the sale and  
26 distribution of all the supplier's brands of beer which the wholesaler has  
27 been granted the right to sell or distribute as are required in the  
28 wholesaler's agreement with the supplier;

29 (2)(A) Sell or deliver beer to a retail licensee located outside  
30 the sales territory designated to the wholesaler by the supplier of a  
31 particular brand or brands of beer.

32 (B)(i) Provided, however, during periods of temporary  
33 service interruptions impacting a particular sales territory, a supplier may  
34 appoint another wholesaler to service the sales territory during the period  
35 of temporary service interruption.

36 (ii) A wholesaler who is designated to service the



1 impacted sales territory during the period of temporary service interruption  
2 shall not be in violation of this subchapter and shall not have any of the  
3 rights provided under §§ 3-5-1108 and 3-5-1111 with respect to the temporary  
4 service territory.

5 (3)(A) Transfer the wholesaler’s business without giving the  
6 supplier written notice of intent to transfer the wholesaler’s business and,  
7 where required by this subchapter, receiving the supplier’s approval for the  
8 proposed transfer.

9 (B) Provided, consent or approval of the supplier shall  
10 not be required of any transfer of the wholesaler’s business to a designated  
11 member, or of any transfer of less than ten percent (10%) of the wholesaler’s  
12 business unless such transfer results in a change in control.

13 (C) Provided, however, that the wholesaler shall give the  
14 supplier written notice of any change in ownership of the wholesaler.

15 (b) A wholesaler may engage in competitive variable pricing to  
16 individual retail dealers or individual retail channels within the  
17 wholesaler’s sales territory.

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