

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
4

A Bill

SENATE BILL 338

5 By: Senator Bryles
6 By: Representative J. Roebuck
7

For An Act To Be Entitled

8
9
10 AN ACT TO PROHIBIT CERTAIN ADVERTISING OF
11 ALCOHOLIC BEVERAGES; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 TO PROHIBIT CERTAIN ADVERTISING OF
15 ALCOHOLIC BEVERAGES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code Title 3, Chapter 3, is amended to add an
21 additional subchapter to read as follows:

22 Subchapter 5 – Advertising.

23 3-3-501. Prohibited advertising.

24 (a) A manufacturer or distributor of alcoholic beverages shall not
25 display, place, sell, or donate for display any sign bearing a word, mark,
26 description, or other device used for advertisement of any alcoholic beverage
27 if the sign is displayed:

28 (1) Outside the walls or enclosure of a building or structure
29 but on the land where a retail license or permit to sell an alcoholic
30 beverage is held; or

31 (2) Facing outward within six inches (6") of an outwardly facing
32 window or opening and inside a building or structure where a retail license
33 or permit to sell an alcoholic beverage is held unless the sign is an
34 electronic sign that bears no reference to the retail establishment,
35 including without limitation the name of the establishment and pricing of any
36 alcoholic beverage.



1 (b) A holder of a retail license or permit may advertise pricing of
2 alcoholic beverages outside the walls or enclosure of a building or structure
3 but on the land where a retail license or permit to sell an alcoholic
4 beverage is held if the advertisement is in no way paid for or produced by
5 the manufacturer or distributor of an alcoholic beverage, and:

6 (1) The advertisement is an electronic sign or marquee using
7 slide-in or snap-in alpha-numeric characters and the alpha-numeric characters
8 are mass produced and generally available to the public; and

9 (2) The advertisement contains a brand name in plain text but
10 not a trademark or logo of an alcoholic beverage brand.

11
12 3-3-502. Permitted advertising.

13 (a) A holder of a retail license or permit to sell alcoholic beverages
14 may advertise the business itself inside and outside of the building or
15 structure where the license or permit is held.

16 (b) A manufacturer or distributor of alcoholic beverages may
17 advertise:

18 (1) On billboards that hold a current state billboard permit if
19 the billboard makes no reference to any retail establishment;

20 (2) On radio or television;

21 (3) On a vehicle for hire;

22 (4) On a race car while participating at a professional racing
23 event or a permanent motorized racetrack facility;

24 (5) On a boat participating in a racing event or boat show;

25 (6) On an aircraft;

26 (7) On a bicycle or on the clothing of a member of a bicycle
27 team participating in an organized bicycle race;

28 (8) In a newspaper, magazine, or other literary publication
29 published periodically;

30 (9) On the property of the permitted location of a manufacturer
31 or distributor of alcoholic beverages; or

32 (10) On vehicles used to deliver or sell alcoholic beverages.

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34 3-3-503. Local control.

35 This subchapter does not preempt more restrictive local control of
36 outdoor advertising.

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2 3-3-504. Rules.

3 The Director of the Alcoholic Beverage Control Board shall promulgate
4 rules allowing outdoor advertising of alcoholic beverages under this
5 subchapter at events of a temporary nature, including without limitation
6 charitable or civic events, fairs, or rodeos, unless preempted by a local
7 ordinance.

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9 3-3-505. Violations.

10 (a) Advertising that does not comply with this subchapter is subject
11 to seizure and forfeiture.

12 (b) A manufacturer or distributor of alcoholic beverages that violates
13 this subchapter:

14 (1) Shall receive a warning for a first offense; and

15 (2) Upon conviction, is guilty of a violation for a subsequent
16 offense of violating this subchapter and shall be fined one thousand dollars
17 (\$1,000).

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19 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
20 General Assembly of the State of Arkansas that certain advertising of
21 alcoholic beverages contributes to an unnecessary influence on underage
22 drinkers and to the negative perception that members of the public may have
23 regarding alcohol; that steps have been taken to remove this advertising to
24 no avail; and that this act is necessary because it will force the removal of
25 certain alcoholic beverage advertising. Therefore, an emergency is declared
26 to exist, and this act being necessary for the preservation of the public
27 peace, health, and safety shall become effective on July 1, 2009.