

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 2123

5 By: Representative Hammer
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For An Act To Be Entitled

8 AN ACT TO REVOKE THE PERMIT OF AN ON-PREMISES
9 CONSUMPTION PERMIT HOLDER UPON THE PERMIT HOLDER'S
10 THIRD VIOLATION OF THE RULES OF THE ALCOHOLIC
11 BEVERAGE CONTROL DIVISION OR STATE LAW AND FOR OTHER
12 PURPOSES.
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Subtitle

15 TO REVOKE THE PERMIT OF AN ON-PREMISES
16 CONSUMPTION PERMIT HOLDER UPON THE PERMIT
17 HOLDER'S THIRD VIOLATION OF THE RULES OF
18 THE ALCOHOLIC BEVERAGE CONTROL DIVISION
19 OR STATE LAW.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Title 3, Chapter 9, Subchapter 1, is amended
26 to add an additional section to read as follows:

27 3-9-102. Revocation of on-premises consumption permit for alcoholic
28 beverages, wine, or beer.

29 (a) As used in this chapter:

30 (1) "Alcoholic beverages" means all intoxicating liquors of any
31 sort, other than beer and wine;

32 (2) "Beer" means a fermented liquor made from malt or a malt
33 substitute and having an alcoholic content not in excess of five percent (5%)
34 by weight; and

35 (3) "Wine" means a port wine, sherry wine, vermouth wine, or
36 other wines, the alcoholic content of which does not exceed twenty-one



1 percent (21%), regardless of where the wine is manufactured.

2 (b)(1) A permit issued pursuant to this act for on-premises
3 consumption of alcoholic beverages, wine, or beer shall be revoked for cause
4 for one (1) year upon the third violation in a calendar year of the rules of
5 the Alcoholic Beverage Control Division or state law.

6 (2) The finding of a violation is to be made after a hearing
7 under §§ 3-2-212-3-2-217, and the rules of the division.

8 (c) A holder of a permit authorizing the sale of alcoholic beverages,
9 wine, or beer for consumption on-premises or a servant, agent, or employee of
10 the permit holder shall not do the following upon the permitted premises,
11 including without limitation:

12 (1) Sell or serve alcoholic beverages, beer, or wine to a person
13 less than twenty-one (21) years of age;

14 (2) Sell or serve alcoholic beverages, beer, or wine to a person
15 while the person is in an intoxicated condition;

16 (3) Sell or serve alcoholic beverages, beer, or wine upon the
17 permitted premises or permit alcoholic beverages, beer, or wine to be
18 consumed thereon, on a day or at a time when the sale or consumption is
19 prohibited by law;

20 (4) Permit a prostitute to frequent the licensed premises;

21 (5)(A) Permit gambling or games of chance upon the permitted
22 premises.

23 (B) Permitting gambling or games of chance under
24 subdivision (5)(A) of this section does not include:

25 (i) Charitable bingo and raffles under the
26 Charitable Bingo and Raffles Enabling Act, § 23-114-101 et seq.; or

27 (ii) A lottery under the Arkansas Scholarship
28 Lottery Act, § 23-115-101 et seq.;

29 (6) Permit on the permitted premises any disorderly conduct,
30 breach of the peace, or lewd, immoral, or improper entertainment, conduct, or
31 practices;

32 (7) Permit the handling of alcoholic beverages, wine, or beer by
33 a minor under § 3-3-204;

34 (8) Place a sign on the exterior of the permitted premises
35 indicating that alcoholic beverages, beer, or wine are sold for consumption
36 therein;

1 (9) Misrepresent the brand of alcoholic beverages, beer, or wine
2 offered for sale;

3 (10) Keep alcoholic beverages, beer, or wine in a container
4 other than in the container in which it was purchased;

5 (11) Refill or partly refill a container of alcoholic beverages,
6 beer, or wine;

7 (12) Dilute or otherwise tamper with the contents of a container
8 of alcoholic beverages, beer, or wine;

9 (13) Remove or obliterate a label, mark, or stamp affixed to a
10 container of alcoholic beverages, beer, or wine offered for sale; and

11 (14) Deliver or sell the contents of a container, the label,
12 mark, or stamp upon which has been removed or obliterated.

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