

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/17/15

A Bill

HOUSE BILL 1795

5 By: Representative Gossage
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE NUMBER OF
9 LIQUOR SALES PERMITS THAT MAY BE ISSUED REGARDING
10 SMALL FARM WINES, BEER, AND LIGHT WINES; AND FOR
11 OTHER PURPOSES.
12
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Subtitle

14 TO AMEND THE LAW CONCERNING THE NUMBER OF
15 LIQUOR SALES PERMITS THAT MAY BE ISSUED
16 REGARDING SMALL FARM WINES, BEER, AND
17 LIGHT WINES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 *SECTION 1. Arkansas Code § 3-4-201(a), concerning restrictions on the*
24 *number of alcoholic beverage permits in the state, is amended to read as*
25 *follows:*

26 *(a) The public policy of the state is to restrict the number of*
27 *permits in this state to dispense vinous liquor, ~~(except small farm wines)~~,*
28 *spirituous liquor, beer, or malt liquor.*
29

30 *SECTION 2. Arkansas Code § 3-4-201(c)(1)(A), concerning the discretion*
31 *of the Alcoholic Beverage Control Board regarding restrictions on the number*
32 *of alcoholic beverage permits in the state, is amended to read as follows:*

33 *(1)(A)(i) The number of permits allowing the off-premises sale*
34 *of vinous (except small farm wines), spirituous, or malt liquor in a county*
35 *or political subdivision of the county ~~which~~ that permits the sale shall not*
36 *exceed a ratio of one (1) permit for every five thousand (5,000) population*



1 *residing in that county or political subdivision of the county.*

2 *(ii) The number of permits allowing the off-premises*
3 *sale of small farm wines or beer and light wine in a county or political*
4 *subdivision of the county that permits the sale shall not exceed a ratio of*
5 *one (1) permit for every two thousand five hundred (2,500) population*
6 *residing in that county or political subdivision of the county.*

7
8 *SECTION 3. Arkansas Code § 3-4-201(c)(2)(A), concerning the discretion*
9 *of the Alcoholic Beverage Control Board regarding restrictions on the number*
10 *of alcoholic beverage permits in the state, is amended to read as follows:*

11 *(A)(i) Additional permits allowing the off-premises sale*
12 *of vinous (except small farm wines), spirituous, or malt liquor may be issued*
13 *on a ratio of one (1) for every additional five thousand (5,000) population*
14 *within the county or political subdivision of the county*

15 *(ii) Additional permits allowing the off-premises*
16 *sale of small farm wines or beer and light wine may be issued on a ratio of*
17 *one (1) for every additional two thousand five hundred (2,500) population*
18 *within the county or political subdivision of the county;*

19
20 *SECTION 4. Arkansas Code § 3-4-201(c)(3)(B)(ii), concerning the*
21 *discretion of the Alcoholic Beverage Control Board regarding restrictions on*
22 *the number of alcoholic beverage permits in the state, is amended to read as*
23 *follows:*

24 *(ii) The quota ratio shall not be applied to the*
25 *county or political subdivision of the county until the population in the*
26 *county or political subdivision of the county reaches a number equaling ~~one~~*
27 *~~(1) permit to every five thousand (5,000) population~~ the number in*
28 *subdivision (c)(2)(A)(i) or (c)(2)(A)(ii) of this section; and*

29
30 *SECTION 5. Arkansas Code § 3-4-201(c)(3)(D), concerning the discretion*
31 *of the Alcoholic Beverage Control Board regarding restrictions on the number*
32 *of alcoholic beverage permits in the state, is amended to read as follows:*

33 *(D) If a holder of a permit for the sale of vinous liquor,*
34 *~~(except small farm wines), spirituous liquor, beer and light wine,~~ or malt*
35 *liquor surrenders the permit in a county or political subdivision of the*
36 *county where the ratio no longer meets the one-to-five-thousand-population*

1 requirement, new applications ~~will~~ shall not be accepted until that ratio is
2 reestablished at a subsequent federal decennial census;

3
4 SECTION 6. Arkansas Code § 3-4-201(c)(5), concerning the discretion of
5 the Alcoholic Beverage Control Board regarding restrictions on the number of
6 alcoholic beverage permits in the state, is amended to read as follows:

7 (5)(A) This section and §§ 3-4-202 and 3-4-208, except a permit
8 on inactive status for more than eighteen (18) months after ~~the provisions of~~
9 subdivision (c)(4) of this section ~~become~~ became effective or ~~which that~~ that has
10 expired ~~in accordance with~~ under subdivision (c)(4) of this section, do not
11 divest any permit holder holding the permit on ~~July 1, 1991~~ August 1, 2015,
12 regardless of the quota ratio, of his or her permit.

13 (B) In a county or political subdivision of the county
14 ~~which that~~ that has a ratio lower than the permit quota ratio ~~of one to five-~~
15 ~~thousand population~~ under this section, the permit holder shall be allowed to
16 continue under subdivision (a)(3)(B) of this section.

17
18 SECTION 7. Arkansas Code § 3-4-201(d), concerning the applicability of
19 the section regarding restrictions on the number of alcoholic beverage
20 permits in the state, is repealed.

21 ~~(d) This section shall apply only to applications for permits to~~
22 ~~dispense vinous (except small farm wines), spirituous, or malt liquor filed~~
23 ~~with the board after July 1, 1991.~~

24
25 SECTION 8. Arkansas Code § 3-5-102 is amended to read as follows:

26 3-5-102. Additional license to sell ~~native~~ beer and small farm wines
27 not required.

28 ~~Any A licensed~~ retail liquor dealer ~~who has been duly licensed as such~~
29 ~~shall have the right~~ may without any additional license fee ~~to sell native~~
30 ~~wines manufactured from fruits, vegetables, and other products grown in the~~
31 ~~State of Arkansas~~ beer and small farm wines.

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33 /s/Gossage
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