

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: H3/17/15 H3/24/15*
2 90th General Assembly **A Bill**
3 Regular Session, 2015

HOUSE BILL 1959

4
5 By: Representative Wardlaw
6

7 **For An Act To Be Entitled**

8 *AN ACT TO AMEND THE LAW REGARDING THE SCOPE OF A*
9 *STATE PERMIT AUTHORIZING THE SALE OF BEER AND LIGHT*
10 *WINE; AND FOR OTHER PURPOSES.*

11
12
13 **Subtitle**

14 *TO AMEND THE LAW REGARDING THE SCOPE OF A*
15 *STATE PERMIT AUTHORIZING THE SALE OF BEER*
16 *AND LIGHT WINE.*

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18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 *SECTION 1. Arkansas Code § 3-4-201(a), concerning restrictions on the*
22 *number of permits that may issued by the Alcoholic Beverage Control Board, is*
23 *amended to read as follows:*

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

27
28 *SECTION 2. Arkansas Code § 3-4-201(c)(1)(A), concerning restrictions*
29 *on the number of permits that may issued by the Alcoholic Beverage Control*
30 *Board, is amended to read as follows:*

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

36 *(ii) The number of permits allowing the off-premises*



1 sale of small farm wines or beer and light wine in a county or political
2 subdivision of the county which permits the sale shall not exceed a ratio of
3 one (1) permit for every two thousand five hundred (2,500) population
4 residing in that county or political subdivision of the county.

5
6 SECTION 3. Arkansas Code § 3-4-201(c)(2) and (3), concerning
7 restrictions on the number of permits that may issued by the Alcoholic
8 Beverage Control Board, are amended to read as follows:

9 (2) A new permit that is issued in a county or political
10 subdivision following the most recent federal decennial census shall be
11 issued under the following restrictions:

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

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

20 (B)(i) A qualified applicant may apply for a permit.

21 (ii) Qualifications are to be set by the board and
22 its determination of the public convenience and advantage;

23 (3)(A) If it is determined that a county or political
24 subdivision of the county is entitled to additional permits when warranted by
25 the most recent federal decennial census, the board will announce before the
26 last date for applications the number of new permits, if any, which may be
27 issued in the county or political subdivision of the county.

28 (B) In the event that the most recent federal decennial
29 census population figures decline in a county or political subdivision of the
30 county:

31 (i) Existing permits shall not be cancelled or
32 revoked for the decline in population;

33 (ii) The quota ratio shall not be applied to the
34 county or political subdivision of the county until the population in the
35 county or political subdivision of the county reaches:

36 (a) For a permit issued under subdivision

1 (c)(2)(A)(i) of this section, a number equaling one (1) permit to every five
 2 thousand (5,000) population; and

3 (b) For a permit issued under subdivision
 4 (c)(2)(A)(ii) of this section, a number equaling one (1) permit to every two
 5 thousand five hundred (2,500) population; and

6 (iii) A new permit shall not be issued in the county
 7 or political subdivision of the county until the population warrants.

8 (C) A transfer of locations from one county to another
 9 county is not allowed.

10 (D) If a holder of a permit sells the business at which a
 11 permit is held, the entity purchasing the business may apply to the Alcoholic
 12 Beverage Control Board to be substituted as the permittee for the existing
 13 permit at the business.

14 ~~(D)(E)~~ (E) If a holder of a permit for the sale of vinous
 15 liquor, ~~(except small farm wines),~~ spirituous liquor, beer, or malt liquor
 16 surrenders the permit in a county or political subdivision of the county
 17 where the permit-to-population ratio no longer meets the ~~one-to-five-~~
 18 ~~thousand-population-requirement~~ requirements under subdivision (c)(2)(A)(i)
 19 or under subdivision (c)(2)(A)(ii) of this section, new applications ~~will~~
 20 shall not be accepted until that ratio is reestablished at a subsequent
 21 federal decennial census;

22
 23 SECTION 4. Arkansas Code § 3-4-201(c)(5), concerning restrictions on
 24 the number of permits that may issued by the Alcoholic Beverage Control
 25 Board, is amended to read as follows:

26 (5)(A) This section and §§ 3-4-202 and 3-4-208, except a permit
 27 on inactive status for more than eighteen (18) months after the provisions of
 28 subdivision (c)(4) of this section become effective or which has expired in
 29 accordance with subdivision (c)(4) of this section, do not divest any permit
 30 holder holding the permit on ~~July 1, 1991~~ August 15, 2015, regardless of the
 31 quota ratio, of his or her permit.

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

36

1 SECTION 5. Arkansas Code § 3-4-201(d), concerning restrictions on the
2 number of permits that may issued by the Alcoholic Beverage Control Board, is
3 repealed.

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

7
8 SECTION 6. Arkansas Code § 3-5-102 is amended to read as follows:

9 3-5-102. Additional license to sell native beer and small farm wines
10 not required.

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

15
16 SECTION 7. Arkansas Code § 3-5-207(a), concerning the scope of a state
17 permit authorizing the sale of beer and light wine, is amended to read as
18 follows:

19 (a)(1) Except as provided in subsection (b) of this section, any
20 permit issued under ~~the provisions of~~ § 3-5-206 authorizing the sale of light
21 wines or beer for consumption under the provisions prescribed in the permit
22 shall ~~be construed to~~ authorize the sale of such liquor by the bottle, by the
23 glass or draught, and in or from the original package.

24 (2) The Director of Alcoholic Beverage Control Division shall not
25 issue a new beer permit, including a native beer and light wine permit, for
26 off-premises consumption issued under § 3-5-206 or a small farm wine permit
27 for off-premises consumption issued under § 3-5-1602 to a business that is
28 within one thousand feet (1,000') of a gas pump located on property:

29 (A) That the applicant controls;

30 (B) In which the applicant holds an interest directly or
31 indirectly, individually, as a member of a partnership, or as a shareholder
32 of a corporation; or

33 (C) For which the applicant receives compensation or
34 profit.

35 (3) The director shall not transfer an existing beer permit issued
36 under § 3-5-206,, including a native beer and light wine permit, or a small

1 farm winery license issued under § 3-5-1602, for off-premise consumption to a
2 business that is within one thousand feet (1,000') of a gas pump located on
3 property:

4 (A) That the applicant controls;

5 (B) In which the applicant holds an interest directly or
6 indirectly, individually, as a member of a partnership, or as a shareholder
7 of a corporation; or

8 (C) For which the applicant receives compensation or
9 profit.

10
11 SECTION 8. Arkansas Code § 3-5-207, concerning the scope of a state
12 permit authorizing the sale of beer and light wine, is amended to add an
13 additional subsection to read as follows:

14 (d) This section applies only to an application for a new permit or a
15 transfer of an existing permit filed with the Director of the Alcoholic
16 Beverage Control Division after August 1, 2015.

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18 /s/Wardlaw
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