

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1378

5 By: Representative G. Hodges
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For An Act To Be Entitled

8 AN ACT TO ALLOW QUALIFIED CORPORATIONS THAT HAVE
9 OFFICES IN ARKANSAS AND ARE IN THE BUSINESS OF
10 SELLING ALCOHOLIC BEVERAGES IN OTHER STATES TO
11 CONDUCT SAMPLING ACTIVITIES; TO ALLOW FOR THE
12 DONATION OF ALCOHOLIC BEVERAGES TO A CHARITABLE EVENT
13 FOR A SAMPLING ACTIVITY; AND FOR OTHER PURPOSES.
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Subtitle

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16 AN ACT TO ALLOW CERTAIN TYPES OF
17 CORPORATIONS TO CONDUCT SAMPLING
18 ACTIVITIES; AND TO ALLOW FOR THE DONATION
19 OF ALCOHOLIC BEVERAGES TO A CHARITABLE
20 EVENT FOR A SAMPLING ACTIVITY.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 3, Chapter 4, Subchapter 1, is amended
27 to add an additional section to read as follows:

28 3-4-106. Alcoholic beverage sampling authorized – Definition.

29 (a) As used in this section, "selling unit" means the configuration of
30 an alcoholic beverage intended for sale to consumers, including without
31 limitation:

32 (1) A bottle of wine holding seven hundred fifty milliliters
33 (750 ml); and

34 (2) A case of beer containing thirty six (36) cans holding
35 twelve ounces (12 oz) per can.

36 (b) A corporation that is publicly traded on a nationally recognized



1 stock exchange that has its principal place of business in Arkansas and is
2 permitted to sell alcoholic beverages for on-premises or off-premises
3 consumption in Arkansas and other states may conduct sampling activities in
4 accordance with this section.

5 (c)(1) A manufacturer or wholesaler may provide and deliver alcoholic
6 beverages of any type directly to a qualified corporation for the purpose of
7 allowing the corporation to sample the alcoholic beverages to determine
8 whether to offer the alcoholic beverages for sale at one (1) or more of the
9 qualified corporation's business locations either within or outside the
10 state.

11 (2) A manufacturer or wholesaler that provides alcoholic
12 beverages under this section is not required to:

13 (A) Be authorized to do business in this state; or

14 (B) Have any type of license or permit to operate in this
15 state.

16 (3) A manufacturer and wholesaler shall not charge the qualified
17 corporation for the alcoholic beverages provided under this section.

18 (4) Provision of an alcoholic beverage by a manufacturer or
19 wholesaler under this section is not a gift, gratuity, or inducement to the
20 qualified corporation or any of the qualified corporation's affiliates.

21 (5) An alcoholic beverage provided and delivered under this
22 section need not:

23 (A) Be available for sale in Arkansas; or

24 (B) Possess a brand label approved for sale in this state.

25 (6) An alcoholic beverage provided and delivered under this
26 section shall be delivered to an office of the qualified corporation.

27 (7) Except for a facility hosting a charitable event, the
28 location to which an alcoholic beverage is provided and delivered under this
29 section shall not be a part of a facility permitted for the on-premises or
30 off-premises consumption of alcoholic beverages.

31 (d) Except as provided in subsection (e) of this section, an alcoholic
32 beverage provided and delivered under this section shall:

33 (1) Be stored in a locked container when not being used for
34 sampling; and

35 (2) Not be served to, available to, or handled by a person under
36 twenty-one (21) years of age.

1 (e) An employee of a qualified corporation may transport an alcoholic
2 beverage provided under this section to the employee's personal residence or
3 to a facility hosting a charitable event for the purpose of sampling the
4 alcoholic beverage if:

5 (1) Sampling of the alcoholic beverage occurs within the
6 employee's personal residence or within a facility hosting a charitable
7 event;

8 (2) No person under twenty-one (21) years of age is served, has
9 access to, or handles the alcoholic beverage;

10 (3) The alcoholic beverage is not sold; and

11 (4) For alcoholic beverages transported to a private residence,
12 no more than one (1) selling unit of each stock-keeping unit of each
13 alcoholic beverage is present at the same time.

14 (f) An alcoholic beverage provided and delivered under this subsection
15 shall be sampled only by an employee, a contractor, an immediate family
16 member of the employee or a contractor, an agent of the qualified
17 corporation, a guest visiting the facility of the qualified corporation, or a
18 guest at a charitable event.

19 (g) No more than thirty-six (36) selling units of each stock-keeping
20 unit of an alcoholic beverage may be held at the same time by a qualified
21 corporation for sampling purposes or charitable events.

22 (h) A qualified corporation shall:

23 (1) Not sell an alcoholic beverage provided and delivered under
24 this section; and

25 (2) Destroy or safely store any alcoholic beverage remaining at
26 the conclusion of the sampling.

27 (i) An alcoholic beverage provided and delivered by a manufacturer or
28 wholesaler under this section is exempt from taxation.

29 (j) Providing alcoholic beverages to a qualified corporation in
30 accordance with this section is not a violation of any statute or rule,
31 including a rule requiring a manufacturer or wholesaler to provide the same
32 services to all retailers.

33 (k) Owning, possessing, or transporting an alcoholic beverage
34 furnished, or being furnished, to a qualified corporation under this section
35 is not an offense under § 3-3-401 et seq.