1	State of Arkansas	A Bill	
2	93rd General Assembly		SENATE BILL 339
3	Regular Session, 2021		SENATE BILL 339
4 5	By: Senator J. English		
6	By: Representative Pilkington		
7	By. Representative I fixington		
8		For An Act To Be Entitled	
9	AN ACT TO AU	THORIZE CERTAIN PERMIT HOLDERS	S TO SELL
10		VERAGES DIRECTLY TO CONSUMERS	
11		-PREMISES OR DELIVERED TO THE	
12		FF-PREMISES; AND FOR OTHER PUR	
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14			
15		Subtitle	
16	TO AUTH	ORIZE CERTAIN PERMIT HOLDERS	го
17	SELL AL	COHOLIC BEVERAGES DIRECTLY TO	
18	CONSUME	RS TO BE CONSUMED OFF-PREMISES	S OR
19	DELIVER	ED TO THE CONSUMER AT A LOCAT	ION
20	OFF-PRE	MISES.	
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23	BE IT ENACTED BY THE GEN	ERAL ASSEMBLY OF THE STATE OF	ARKANSAS:
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25	SECTION 1. DO NOT	CODIFY. Legislative findings	<u>3.</u>
26	The General Assemb	ly finds that:	
27	(1) The core	onavirus 2019 (COVID-19) pande	emic has disrupted the
28	economy and the lives of	millions of Americans;	
29	(2) Busines	ses across the country have sh	nifted operation models
30	in order to comply with	consumer demand and government	-imposed restrictions;
31	(3) The foo	<u>d service industry in particul</u>	ar has seen the most
32	disruption, with busines	s revenue diminished by both c	capacity limitations and
33	increased costs of compl	<u>iance with new health safety p</u>	protocols;
34	(4) With mo	re than one hundred twenty tho	ousand (120,000) food
35	service industry jobs in	this state, the food service	industry is a driving
36	force in Arkansas's econo	omv:	

1	(5) In this new economy, the food service industry can only		
2	survive through adaptation, including without limitation delivery and take-		
3	<pre>out models;</pre>		
4	(6) Current law prohibits business owners in the food service		
5	industry from selling and delivering certain products to their consumers;		
6	(7) The Governor's Executive Order eliminated restrictions to		
7	allow the food service industry to sell for take-out or to deliver food		
8	purchases that included alcoholic beverages with certain limitations;		
9	(8) This flexibility has allowed hundreds of restaurants to		
10	adapt in order to keep doors open for business and to keep employees working		
11	<u>and</u>		
12	(9) The Governor's Executive Order allowing this flexibility is		
13	temporary and could expire in the near future, leaving hundreds of business		
14	owners and thousands of employees with less income and security.		
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16	SECTION 2. Arkansas Code Title 3, Chapter 4, Subchapter 1, is amended		
17	to add an additional section to read as follows:		
18	3-4-107. Alcoholic beverages with food purchase - Definitions.		
19	(a) A restaurant holding a valid alcoholic beverage permit may sell		
20	alcoholic beverages in a sealed container during legal operating hours		
21	directly to a consumer twenty-one (21) years of age or older along with the		
22	purchase of food:		
23	(1) At the point of sale to be consumed off-premises;		
24	(2) At the drive-through to be consumed off-premises;		
25	(3) At the curbside to be consumed off-premises; or		
26	(4) Delivered to a consumer at a location off-premises.		
27	(b) A permit holder authorized to deliver alcoholic beverages under		
28	this section shall deliver the alcoholic beverages by an employee of the		
29	permit holder and not through a third-party delivery system.		
30	(c) A permit holder authorized to deliver alcoholic beverages under		
31	this section may deliver alcoholic beverages directly to a consumer only in a		
32	wet county or area.		
33	(d) The Director of the Alcoholic Beverage Control Division shall		
34	adopt rules to implement and administer this section.		
35	(e) As used in this section:		

(1) "Alcoholic beverages" means beers, malt beverages, hard

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1	ciders, vinous liquors, or spirituous liquors; and		
2	(2)(A) "Spirituous liquors" includes mixed drinks or specialty		
3	drinks that are made by the permit holder at the premises.		
4	(B) "Spirituous liquors" does not include unmixed spirits		
5	or spirits in the manufacturer's original containers.		
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7	SECTION 3. DO NOT CODIFY. Rules.		
8	(a) When adopting the initial rules required under this act, the		
9	Alcoholic Beverage Control Division shall file the final rules with the		
10	Secretary of State for adoption under § 25-15-204(f):		
11	(1) On or before January 1, 2022; or		
12	(2) If approval under $10-3-309$ has not occurred by January 1,		
13	2022, as soon as practicable after approval under § 10-3-309.		
14	(b) The division shall file the proposed rules with the Legislative		
15	Council under § 10-3-309(c) sufficiently in advance of January 1, 2022, so		
16	that the Legislative Council may consider the rules for approval before		
17	January 1, 2022.		
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