

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H2/28/23

A Bill

HOUSE BILL 1432

By: Representatives Fortner, Painter

By: Senator Flippo

For An Act To Be Entitled

AN ACT TO AMEND THE LAW REGARDING ALCOHOLIC BEVERAGES; TO AMEND THE LAW RELATED TO THE SELLING OF ALCOHOLIC BEVERAGES WITH FOOD PURCHASE FOR DELIVERY OR TO BE CONSUMED OFF-PREMISES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW REGARDING ALCOHOLIC BEVERAGES; AND TO AMEND THE LAW RELATED TO THE SELLING OF ALCOHOLIC BEVERAGES WITH FOOD PURCHASE FOR DELIVERY OR TO BE CONSUMED OFF-PREMISES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 3-4-108 is amended to read as follows:

3-4-108. Alcoholic beverages with food purchase – Definitions.

(a) A restaurant holding a valid alcoholic beverage permit may sell alcoholic beverages in a sealed container during legal operating hours directly to a consumer twenty-one (21) years of age or older along with the purchase of a meal as defined in § 3-9-202:

- (1) At the point of sale to be consumed off-premises;*
- (2) At the drive-through to be consumed off-premises;*
- (3) At the curbside to be consumed off-premises; or*
- (4) Delivered to a consumer at a location off-premises.*

(b) A private club holding a valid alcoholic beverage permit may serve



alcoholic beverages in a sealed container during legal operating hours directly to a member or guest of a member of the private club who is twenty-one (21) years of age or older along with the purchase of a meal as defined in § 3-9-202:

- (1) At the point of sale to be consumed off-premises;
- (2) At the drive-through to be consumed off-premises;
- (3) At the curbside to be consumed off-premises; or
- (4) Delivered to a consumer at a location off-premises.

(c) A permit holder authorized to deliver alcoholic beverages under this section shall deliver the alcoholic beverages by an employee of the permit holder and not through a third-party delivery system.

~~(e)~~(d) A permit holder authorized to deliver alcoholic beverages under this section may deliver alcoholic beverages directly to a consumer only in a wet county or area and shall only be allowed to deliver in cities and counties, or portions of cities and counties, in which the:

- (1) Manufacture or sale of intoxicating liquor is not prohibited as a result of a local option election held under Initiated Act No. 1 of 1942, §§ 3-8-201 – 3-8-203 and 3-8-205 – 3-8-209; and
- (2) Sale of alcoholic beverages for on-premises consumption has been approved by a majority vote at a referendum election as provided in § 3-9-201 et seq.

~~(d)~~(e) This section does not apply to a:

- (1) Private club located in a dry area; or
- (2) Restaurant located in a dry area.

~~(e)~~(f) A permit holder authorized to sell or serve alcoholic beverages with the purchase of a meal under this section is limited to the following quantities per sale or service:

- (1) Seventy-two ounces (72 oz.) of beer, malt beverages, or hard cider, or the equivalent of one (1) standard six-pack;
- (2) Seven hundred fifty milliliters (750 ml) of wine, or the equivalent of one (1) bottle; and
- (3) Thirty-two ounces (32 oz.) of spirituous liquors as defined in subdivision (h)(3) of this section, or the equivalent of four (4) eight-ounce drinks.

~~(f)~~(g) Unless authorized by local election under § 3-3-210, a permit holder shall not sell or serve alcoholic beverages under this section on a

Sunday.

~~(g)~~(h) The Director of the Alcoholic Beverage Control Division shall adopt rules to implement and administer this section.

~~(h)~~(i) As used in this section:

(1) "Alcoholic beverages" means beer, malt beverages, hard ciders, vinous liquors, or spirituous liquors;

(2) "Restaurant" means a public or private place that:

(A) Is kept, used, maintained, advertised, and held out to the public or to a private or restricted membership as a place where complete meals are actually and regularly served;

(B) Provides adequate and sanitary kitchen and dining equipment;

(C) Has a seating capacity of at least twenty-five (25) persons;

(D) Employs a sufficient number and variety of employees to prepare, cook, and serve suitable food for its guests or members;

(E) Serves at least one (1) meal per day; and

(F) Is open a minimum of five (5) days per week, with the exception of holidays, vacations, and periods of redecorating; and

(3)(A) "Spirituous liquors" includes mixed drinks or specialty drinks that are made by the permit holder at the premises.

(B) "Spirituous liquors" does not include unmixed spirits or spirits in the manufacturer's original containers.

/s/Fortner

APPROVED: 4/11/23