

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S3/30/23 S4/4/23
A Bill

SENATE BILL 523

By: Senator C. Tucker
By: Representative A. Collins

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING ALCOHOLIC BEVERAGES; TO AMEND THE LAW CONCERNING THE EXPANSION OF OUTDOOR DINING AT RESTAURANTS TO INCLUDE BARS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING ALCOHOLIC BEVERAGES; AND TO AMEND THE LAW CONCERNING THE EXPANSION OF OUTDOOR DINING AT RESTAURANTS TO INCLUDE BARS.

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

SECTION 1. Arkansas Code § 3-4-109 is amended to read as follows:

3-4-109. Expansion of outdoor dining at restaurants and bars.

(a)(1) Except as provided in subsection (b) of this section, a restaurant or bar with a valid alcoholic beverage permit from the Alcoholic Beverage Control Division may expand its outdoor dining availability at the restaurant or bar with approval from the local government zoning authority of the municipality or county in which it is located without obtaining prior approval from the division.

(2) A restaurant or bar seeking approval to expand outdoor dining under subdivision (a)(1) of this section shall provide notice to the division of the expansion and change in floor plan.

(b) If the expansion in outdoor dining increases the seating capacity in a way that could result in a change in permit type, the restaurant or bar



shall obtain division approval prior to expanding the outdoor dining area at the restaurant or bar.

(c) A restaurant or bar that expands outdoor dining under this section shall comply with division rules regarding outdoor dining.

(d) As used in this section:

(1) "Bar" means an establishment that is:

(A) Licensed by the division to sell alcoholic beverages for on-premises consumption; and

(B) Not a restaurant; and

(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 for 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.

/s/C. Tucker

APPROVED: 4/13/23