

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

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H2/14/13

A Bill

HOUSE BILL 1109

By: Representative Broadway

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING SPECIFIC ALCOHOLIC BEVERAGE CONTROL DIVISION PERMITS RELATED TO RESTAURANTS; TO MAKE TECHNICAL CORRECTIONS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING SPECIFIC ALCOHOLIC BEVERAGE CONTROL DIVISION PERMITS RELATED TO RESTAURANTS; TO DECLARE AN EMERGENCY AND MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. Arkansas Code § 3-9-202(14)(A), concerning the definition of "restaurant" related to on-premises consumption of alcoholic beverages, is amended to read as follows:

(14) "Restaurant" means any public or private place:

~~(A)(i) Kept, used, maintained, advertised, and held out to the public or to a private or restricted membership as a place where complete meals are served and where complete meals are actually and regularly served, without sleeping accommodations, such a place being provided with adequate and sanitary kitchen and dining equipment and a seating capacity of at least fifty (50) people and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests or members.~~

~~(ii) At least one (1) meal per day shall be served,~~



~~and the place shall be open a minimum of five (5) days per week, with the exception of holidays, vacations, and periods of redecorating; or~~

(A)(i) That is primarily engaged in the business of serving a meal for consumption on the premises to a guest and has a suitable kitchen facility to serve the entire menu approved by the Alcoholic Beverage Control Division.

(ii) The menu shall contain a selection of food and shall not be limited to sandwiches or salads.

(iii) The kitchen shall:

(a) Have adequate refrigeration to preserve the food on the menu;

(b) Be kept in a sanitary condition; and

(c) Comply with the regulations of the Department of Health; and

(iv) Food from the menu shall be available from opening time until two (2) hours before closing time; or

SECTION 2. Arkansas Code § 3-9-202, concerning the definitions of "guest" and "meal" related to on-premises consumption of alcoholic beverages, is amended to add additional subdivisions to read as follows:

(15) "Guest" means a person who orders and is served a meal inside a restaurant during regular hours; and

(16) "Meal" means the usual assortment of food commonly ordered at various hours of the day;

SECTION 3. Arkansas Code § 3-9-301(4), concerning the definition of "restaurant" related to on-premises consumption of alcoholic beverages, is amended to read as follows:

(4)(A) "Restaurant" or "cafe" means a place of business ~~servicing~~ food to the public prepared for consumption on the premises at an established eating place, as defined by reasonable rules and regulations promulgated by the Alcoholic Beverage Control Board; that is regularly used to serve a meal to a guest for compensation and has a suitable kitchen facility to serve an entire menu approved by the Alcoholic Beverage Control Division.

(B) The menu shall contain a selection of food and shall not be limited to sandwiches or salads.

(C) The kitchen shall:

(i) Have adequate refrigeration to preserve the food on the menu;

(ii) Be kept in a sanitary condition; and

(iii) Comply with the regulations of the Department of Health;

~~(B)(i)~~(D)(i) The ~~board~~ Alcoholic Beverage Control Board is authorized and directed to establish appropriate rules and regulations defining "established eating places" to the extent that licenses granted under the provisions of this subchapter shall be issued only to those business establishments whose principal business is serving food for consumption on the premises.

(ii) However, a drive-in shall not be classified as an established eating place; and

SECTION 4. Arkansas Code § 3-9-301, concerning the definitions of "guest" and "meal" related to on-premises consumption of alcoholic beverages, is amended to add additional subdivisions to read as follows:

(6) "Guest" means a person who orders and is served a meal inside a restaurant during regular hours; and

(7) "Meal" means food commonly ordered at various hours of the day;

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the law regarding the definition of "restaurant" is necessary to avoid ambiguity in state law and the Arkansas Beverage Control Division's rules. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Broadaway