

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 2123

By: Representative Hammer

For An Act To Be Entitled

AN ACT TO REVOKE THE PERMIT OF AN ON-PREMISES
CONSUMPTION PERMIT HOLDER UPON THE PERMIT HOLDER'S
THIRD VIOLATION OF THE RULES OF THE ALCOHOLIC
BEVERAGE CONTROL DIVISION OR STATE LAW AND FOR OTHER
PURPOSES.

Subtitle

TO REVOKE THE PERMIT OF AN ON-PREMISES
CONSUMPTION PERMIT HOLDER UPON THE PERMIT
HOLDER'S THIRD VIOLATION OF THE RULES OF
THE ALCOHOLIC BEVERAGE CONTROL DIVISION
OR STATE LAW.

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

SECTION 1. Arkansas Code Title 3, Chapter 9, Subchapter 1, is amended to add an additional section to read as follows:

3-9-102. Revocation of on-premises consumption permit for alcoholic beverages, wine, or beer.

(a) As used in this chapter:

(1) "Alcoholic beverages" means all intoxicating liquors of any sort, other than beer and wine;

(2) "Beer" means a fermented liquor made from malt or a malt substitute and having an alcoholic content not in excess of five percent (5%) by weight; and

(3) "Wine" means a port wine, sherry wine, vermouth wine, or other wines, the alcoholic content of which does not exceed twenty-one



percent (21%), regardless of where the wine is manufactured.

(b)(1) A permit issued pursuant to this act for on-premises consumption of alcoholic beverages, wine, or beer shall be revoked for cause for one (1) year upon the third violation in a calendar year of the rules of the Alcoholic Beverage Control Division or state law.

(2) The finding of a violation is to be made after a hearing under §§ 3-2-212-3-2-217, and the rules of the division.

(c) A holder of a permit authorizing the sale of alcoholic beverages, wine, or beer for consumption on-premises or a servant, agent, or employee of the permit holder shall not do the following upon the permitted premises, including without limitation:

(1) Sell or serve alcoholic beverages, beer, or wine to a person less than twenty-one (21) years of age;

(2) Sell or serve alcoholic beverages, beer, or wine to a person while the person is in an intoxicated condition;

(3) Sell or serve alcoholic beverages, beer, or wine upon the permitted premises or permit alcoholic beverages, beer, or wine to be consumed thereon, on a day or at a time when the sale or consumption is prohibited by law;

(4) Permit a prostitute to frequent the licensed premises;

(5)(A) Permit gambling or games of chance upon the permitted premises.

(B) Permitting gambling or games of chance under subdivision (5)(A) of this section does not include:

(i) Charitable bingo and raffles under the Charitable Bingo and Raffles Enabling Act, § 23-114-101 et seq.; or

(ii) A lottery under the Arkansas Scholarship Lottery Act, § 23-115-101 et seq.;

(6) Permit on the permitted premises any disorderly conduct, breach of the peace, or lewd, immoral, or improper entertainment, conduct, or practices;

(7) Permit the handling of alcoholic beverages, wine, or beer by a minor under § 3-3-204;

(8) Place a sign on the exterior of the permitted premises indicating that alcoholic beverages, beer, or wine are sold for consumption therein;

(9) Misrepresent the brand of alcoholic beverages, beer, or wine offered for sale;

(10) Keep alcoholic beverages, beer, or wine in a container other than in the container in which it was purchased;

(11) Refill or partly refill a container of alcoholic beverages, beer, or wine;

(12) Dilute or otherwise tamper with the contents of a container of alcoholic beverages, beer, or wine;

(13) Remove or obliterate a label, mark, or stamp affixed to a container of alcoholic beverages, beer, or wine offered for sale; and

(14) Deliver or sell the contents of a container, the label, mark, or stamp upon which has been removed or obliterated.