

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1416

By: Representative Hammer

For An Act To Be Entitled

AN ACT TO LIMIT THE ISSUANCE OF PERMITS FOR THE OFF-
PREMISES SALE OF BEER AND WINE IN PROXIMITY TO
CHURCHES AND SCHOOLS; AND FOR OTHER PURPOSES.

Subtitle

TO LIMIT THE ISSUANCE OF PERMITS FOR THE
OFF-PREMISES SALE OF BEER AND WINE IN
PROXIMITY TO CHURCHES AND SCHOOLS.

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

SECTION 1. Arkansas Code § 3-5-207(a), concerning the scope of state permits for the sale of beer and light wines is amended to read as follows:

(a)(1) Except as provided in subsection (b) of this section, any permit issued under the provisions of § 3-5-206 authorizing the sale of light wines or beer for consumption under the provisions prescribed in the permit shall be construed to authorize the sale of such liquor by the bottle, by the glass or draught, and in or from the original package.

(2) A new permit under this subchapter shall not be issued by the Director of the Alcoholic Beverage Control Division for a business located within one thousand feet (1,000') of the property line of a church or schoolhouse; and

(3)(A) An existing permit under this subchapter shall not be transferred to a location within one thousand feet (1,000') of the property line of any church or schoolhouse.

(B) As an exception to subdivision (a)(3)(A) of this section, if a business permitted for under this subchapter already exists



within one thousand feet (1,000') of the property line of one (1) or more churches or schoolhouses, that the permit may be transferred to a new location that is within one thousand feet (1,000') of the property line of the closest church or schoolhouse to the present business location if the new location is determined by the Alcoholic Beverage Control Division to serve the public convenience and advantage.

SECTION 2. Arkansas Code § 3-5-226, concerning the on-premises sale of beer by breweries, is amended to add an additional subsection to read as follows:

(c)(1) A new permit under this subchapter shall not be issued by the Director of the Alcoholic Beverage Control Division for the location of a business situated within one thousand feet (1,000') of the property line of a church or schoolhouse; and

(2)(A) An existing permit under this subchapter shall not be transferred to a location within one thousand feet (1,000') of the property line of any church or schoolhouse.

(B) As an exception to subdivision (c)(2)(A) of this section, if a business permitted under this subchapter already exists within one thousand feet (1,000') of the property line of one (1) or more churches or schoolhouses, that the permit may be transferred to a new location that is within one thousand feet (1,000') of the property line of the closest church or schoolhouse to the present business location if the new location is determined by the Alcoholic Beverage Control Division to serve the public convenience and advantage.

SECTION 3. Arkansas Code § 3-5-1204, concerning licenses for microbrewery-restaurants, is amended to add an additional subsection to read as follows:

(d)(1) A new permit under this subchapter shall not be issued by the director for the location of a business situated within one thousand feet (1,000') of the property line of a church or schoolhouse; and

(2)(A) An existing permit under this subchapter shall not be transferred to a location within one thousand feet (1,000') of the property line of any church or schoolhouse.

(B) As an exception to subdivision (d)(2)(A) of this

section, if a business permitted under this subchapter already exists within one thousand feet (1,000') of the property line of one (1) or more churches or schoolhouses, that the permit may be transferred to a new location that is within one thousand feet (1,000') of the property line of the closest church or schoolhouse to the present business location if the new location is determined by the Alcoholic Beverage Control Division to serve the public convenience and advantage.

SECTION 4. Arkansas Code § 3-5-1405, concerning licenses for small breweries, is amended to add an additional subsection to read as follows:

(e)(1) A new permit under this subchapter shall not be issued by the director for the location of a business situated within one thousand feet (1,000') of the property line of a church or schoolhouse; and

(2)(A) An existing permit under this subchapter shall not be transferred to a location within one thousand feet (1,000') of the property line of any church or schoolhouse.

(B) As an exception to subdivision (e)(2)(A) of this section, if a business permitted under this subchapter already exists within one thousand feet (1,000') of the property line of one (1) or more churches or schoolhouses, that the permit may be transferred to a new location that is within one thousand feet (1,000') of the property line of the closest church or schoolhouse to the present business location if the new location is determined by the Alcoholic Beverage Control Division to serve the public convenience and advantage.

SECTION 5. Arkansas Code § 3-5-1602, concerning licensing of small farm wineries, is amended to add an additional subsection to read as follows:

(e)(1) A new permit under this subchapter shall not be issued by the Director of the Alcoholic Beverage Control Division for the location of a business situated within one thousand feet (1,000') of the property line of a church or schoolhouse; and

(2)(A) An existing permit under this subchapter shall not be transferred to a location within one thousand feet (1,000') of the property line of any church or schoolhouse.

(B) As an exception to subdivision (c)(2)(A) of this section, if a business permitted under this subchapter already exists within

one thousand feet (1,000') of the property line of one (1) or more churches or schoolhouses, that the permit may be transferred to a new location that is within one thousand feet (1,000') of the property line of the closest church or schoolhouse to the present business location if the new location is determined by the Alcoholic Beverage Control Division to serve the public convenience and advantage.