

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

State of Arkansas  
90th General Assembly  
Regular Session, 2015

As Engrossed: H3/17/15  
**A Bill**

HOUSE BILL 1795

By: Representative Gossage

### **For An Act To Be Entitled**

AN ACT TO AMEND THE LAW CONCERNING THE NUMBER OF LIQUOR SALES PERMITS THAT MAY BE ISSUED REGARDING SMALL FARM WINES, BEER, AND LIGHT WINES; AND FOR OTHER PURPOSES.

### **Subtitle**

TO AMEND THE LAW CONCERNING THE NUMBER OF LIQUOR SALES PERMITS THAT MAY BE ISSUED REGARDING SMALL FARM WINES, BEER, AND LIGHT WINES.

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

*SECTION 1. Arkansas Code § 3-4-201(a), concerning restrictions on the number of alcoholic beverage permits in the state, is amended to read as follows:*

*(a) The public policy of the state is to restrict the number of permits in this state to dispense vinous liquor, ~~(except small farm wines)~~, spirituous liquor, beer, or malt liquor.*

*SECTION 2. Arkansas Code § 3-4-201(c)(1)(A), concerning the discretion of the Alcoholic Beverage Control Board regarding restrictions on the number of alcoholic beverage permits in the state, is amended to read as follows:*

*(1)(A)(i) The number of permits allowing the off-premises sale of vinous (except small farm wines), spirituous, or malt liquor in a county or political subdivision of the county ~~which~~ that permits the sale shall not exceed a ratio of one (1) permit for every five thousand (5,000) population*



residing in that county or political subdivision of the county.

(ii) The number of permits allowing the off-premises sale of small farm wines or beer and light wine in a county or political subdivision of the county that permits the sale shall not exceed a ratio of one (1) permit for every two thousand five hundred (2,500) population residing in that county or political subdivision of the county.

SECTION 3. Arkansas Code § 3-4-201(c)(2)(A), concerning the discretion of the Alcoholic Beverage Control Board regarding restrictions on the number of alcoholic beverage permits in the state, is amended to read as follows:

(A)(i) Additional permits allowing the off-premises sale of vinous (except small farm wines), spirituous, or malt liquor may be issued on a ratio of one (1) for every additional five thousand (5,000) population within the county or political subdivision of the county

(ii) Additional permits allowing the off-premises sale of small farm wines or beer and light wine may be issued on a ratio of one (1) for every additional two thousand five hundred (2,500) population within the county or political subdivision of the county;

SECTION 4. Arkansas Code § 3-4-201(c)(3)(B)(ii), concerning the discretion of the Alcoholic Beverage Control Board regarding restrictions on the number of alcoholic beverage permits in the state, is amended to read as follows:

(ii) The quota ratio shall not be applied to the county or political subdivision of the county until the population in the county or political subdivision of the county reaches a number equaling ~~one (1) permit to every five thousand (5,000) population~~ the number in subdivision (c)(2)(A)(i) or (c)(2)(A)(ii) of this section; and

SECTION 5. Arkansas Code § 3-4-201(c)(3)(D), concerning the discretion of the Alcoholic Beverage Control Board regarding restrictions on the number of alcoholic beverage permits in the state, is amended to read as follows:

(D) If a holder of a permit for the sale of vinous liquor, ~~(except small farm wines)~~, spirituous liquor, beer and light wine, or malt liquor surrenders the permit in a county or political subdivision of the county where the ratio no longer meets the one-to-five-thousand-population

requirement, new applications ~~will~~ shall not be accepted until that ratio is reestablished at a subsequent federal decennial census;

SECTION 6. Arkansas Code § 3-4-201(c)(5), concerning the discretion of the Alcoholic Beverage Control Board regarding restrictions on the number of alcoholic beverage permits in the state, is amended to read as follows:

(5)(A) This section and §§ 3-4-202 and 3-4-208, except a permit on inactive status for more than eighteen (18) months after ~~the provisions of~~ subdivision (c)(4) of this section ~~become~~ became effective or ~~which that~~ that has expired ~~in accordance with~~ under subdivision (c)(4) of this section, do not divest any permit holder holding the permit on ~~July 1, 1991~~ August 1, 2015, regardless of the quota ratio, of his or her permit.

(B) In a county or political subdivision of the county ~~which that~~ that has a ratio lower than the permit quota ratio ~~of one to five thousand population~~ under this section, the permit holder shall be allowed to continue under subdivision (a)(3)(B) of this section.

SECTION 7. Arkansas Code § 3-4-201(d), concerning the applicability of the section regarding restrictions on the number of alcoholic beverage permits in the state, is repealed.

~~(d) This section shall apply only to applications for permits to dispense vinous (except small farm wines), spirituous, or malt liquor filed with the board after July 1, 1991.~~

SECTION 8. Arkansas Code § 3-5-102 is amended to read as follows:

3-5-102. Additional license to sell ~~native~~ beer and small farm wines not required.

~~Any A licensed~~ retail liquor dealer ~~who has been duly licensed as such shall have the right~~ may without any additional license fee ~~to sell native wines manufactured from fruits, vegetables, and other products grown in the State of Arkansas~~ beer and small farm wines.

/s/Gossage