

## **Title 3. Alcoholic Beverages**

### **Chapter I. Alcoholic Beverage Control Division, Department of Finance and Administration**

#### **Subchapter A. Generally**

#### **Part 3. Permits to Sell Controlled Beverages at Retail**

##### **Subpart 1. Scope — Definitions**

###### **3 CAR § 3-101. General.**

(a) This part applies to all permits issued by the authority of the Alcoholic Beverage Control Division of the State of Arkansas to sell controlled beverages at retail.

(b) This part should be regarded as being supplementary to, and not in replacement of, the code provisions of this state relating to the matters covered by this part.

(c) In addition to this part, other rules applicable to the matters covered by this part may be found under:

- (1) 3 CAR pt. 1;
- (2) 3 CAR pt. 4, in regard to hotel and motel, and restaurant permits; and
- (3) 3 CAR pt. 2, in regard to the transportation of native Arkansas beverages and small farm wines as defined within this part.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-15-07)"

###### **3 CAR § 3-102. Rules applicable to wine restaurant on-premises permit.**

In addition to the rules under 3 CAR pt. 1, the rules under this part shall be specifically applicable and shall govern activities and conduct under a wine restaurant on-premises permit as defined under 3 CAR § 1-201 et seq.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**3 CAR § 3-103. Definitions.**

(a) As used in this part:

(1) "Consumer" means any person who receives or in any way comes into the possession of controlled beverages for the purpose of consuming them, giving them away, or distributing them in any way other than by sale, barter, or exchange;

(2)(A) "On-premises wine restaurant or café" means a place of business:

(i) That is regularly used to serve a meal to a guest for compensation; and

(ii) Has a suitable kitchen facility to serve an entire menu approved by the Alcoholic Beverage Control Division.

(B) The menu shall:

(i) Contain a selection of food; and

(ii) 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 rules of the Department of Health.

(D) For purposes of this part:

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

(ii) "Meal" means food commonly ordered at various hours of the day.

(E) The principal business at a restaurant or café shall be the serving of food for consumption on the premises.

(F) A drive-in food service establishment shall not be considered a café or a restaurant for purposes of this section; and

(3) "Retailer" means any person who holds a permit under any alcoholic beverage control law of the State of Arkansas to sell at retail controlled beverages to consumers only.

(b) **Definition of other terms.** All other terms used in this part shall be defined in accordance with the:

- (1) Definitions under the parts of this chapter; and
- (2) Customs and usages of the trade and people of the State of Arkansas.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**Codification Notes.** Subdivision (a)(2) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-21-13)"

## **Subpart 2. Conduct of Business of Selling Controlled Beverages at Retail**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "Section 3.14 Sales of Malt Beverages for Consumption Off Premises to be in Containers of Certain Combinations and Size. Repealed 12-18-82"

### **3 CAR § 3-201. Retailer to purchase only from permitted wholesaler.**

(a) Persons holding a permit to sell controlled beverages at retail shall purchase such beverages allowed by the permit only from persons holding a permit to sell beverages at wholesale.

(b) Provided, persons holding a permit to sell controlled beverages at retail may purchase such beverages from a permitted manufacturer or distiller under the provisions of 3 CAR § 2-901(2) and Arkansas Code § 3-4-602.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

### **3 CAR § 3-202. Retailer to sell only to consumer — Exceptions.**

(a)(1) Persons holding a permit to sell controlled beverages at retail shall sell such controlled beverages to consumers only.

(2) Provided, that retailers who have been designated by the Director of the Alcoholic Beverage Control Division as a private club distributor under 3 CAR pt. 5 may sell to persons holding a private club permit in accordance with 3 CAR pt. 5.

(b) In addition, any retailer who has for any reason ceased to conduct business under the permit may, upon approval of the director as provided by this section, dispose of the stock of controlled beverages to:

(1) Another retailer; or

(2) Any other person permitted under this part or any alcoholic beverage control law of the State of Arkansas to purchase or receive such controlled beverages.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**3 CAR § 3-203. Types of sales authorized for on-premises permit.**

Any person holding a permit to sell any controlled beverages for consumption on the premises must sell such controlled beverages from the original container.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**3 CAR § 3-204. Dispensing faucet for draught beer must be labeled.**

(a) Every faucet or other dispensing apparatus from which draught beer is dispensed must be equipped with a sign clearly indicating the name or the brand of the particular product being dispensed at any time through the faucet or other apparatus.

(b) Such sign shall be in legible lettering and in full view of the purchaser.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**3 CAR § 3-205. Controlled beverages to be sold in original bottle or package and to be labeled.**

(a) All controlled beverages shall be sold or offered for sale in the original bottle or original package containing bottles bearing the original label and the full name of the manufacturer thereof upon the:

- (1) Label;
- (2) Bottle; and
- (3) Cap or cork of the bottle.

(b) All sales of draught beer shall be made from the original container or barrel which shall have stamped upon the ends thereof the full name of the manufacturer of the beer therein contained.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**3 CAR § 3-206. Retailers to keep and maintain certain records.**

(a) Each person holding a permit to sell controlled beverages at retail shall maintain written records of all:

(1) Controlled beverages purchased by or for the permittee or delivered to the permitted premises; and

(2) Sales of controlled beverages under the permit.

(b) Such records shall be maintained in a manner consistent with standard business bookkeeping practices.

(c) Such records shall be:

(1) Maintained by the permittee for a period of three (3) years; and

(2) Open for inspection upon reasonable notice by any:

(A) Authorized agent of the Alcoholic Beverage Control Enforcement Division; or

(B) Other duly authorized law enforcement officer or Department of Finance and Administration employee.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**3 CAR § 3-207. Sales of controlled beverages under off-premises permit to be from unbroken packages and containers only.**

All sales of controlled beverages pursuant to a permit to sell controlled beverages for consumption off premises shall be in unbroken packages or containers which shall not be opened or the contents or any part consumed on the premises where purchased.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**3 CAR § 3-208. Sale of controlled beverages by vending machine.**

(a) As used in this section, "spirituous liquors" means mixed drinks or specialty drinks that are made by the permit holder at the premises.

(b) Except as provided in Arkansas Code § 3-9-242, notwithstanding the provisions of Arkansas Code § 3-4-404(15) concerning vending machine sales, an on-premises consumption permit holder may sell controlled beverages via a dispensing machine located on the premises if:

- (1) The dispensing machine is not located at a customer's booth or table;
- (2) The customer activates the dispensing machine with a radio frequency identification device supplied by:
  - (A) The on-premises consumption permit holder; or
  - (B) A clerk, servant, agent, or employee of the on-premises consumption permit holder;
- (3) The radio frequency identification must be attached to the customer at all times;
- (4) The dispensing machine does not dispense more than the following before the radio frequency identification device requires reactivation by the on-premises consumption permit holder or a clerk, servant, agent, or employee of the on-premises consumption permit holder:
  - (A) Thirty-two ounces (32 oz.) of beer;
  - (B) Twelve ounces (12 oz.) of wine;
  - (C) Ten ounces (10 oz.) of mixed spirituous liquors; or

(D) Three ounces (3 oz.) of unmixed spirits;

(5) The on-premises consumption permit holder or a clerk, servant, agent, or employee of the on-premises consumption permit holder monitors the sale, service, and consumption of beer, wine, spirituous liquors, or unmixed spirits from the dispensing machine to ensure compliance with this Alcoholic Beverage Control Division rule; and

(6) An on-premises consumption permit holder or a clerk, servant, agent, or employee of the on-premises consumption permit holder that supplies a radio frequency identification device under subdivision (b)(2) of this section or reactivates a radio frequency identification device under subdivision (b)(4) of this section shall comply with Arkansas Code § 3-9-236.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

### **Subpart 3. Advertising**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section 3.15 Advertising by Billboard or Sign Off Premises Prohibited. Repealed 12-17-80

Section 3.16 Price Advertising of Controlled Beverages Prohibited. Repealed 12-17-80"

#### **3 CAR § 3-301. Advertising discount sales prohibited.**

(a)(1) Except as provided in subsections (b) and (c) of this section, no person holding any permit to sell any controlled beverages, nor any manufacturer, importer, or distributor of such controlled beverages, shall:

(A) Advertise, by any means, that such controlled beverages are available for purchase in conjunction with a monetary rebate or cash discount; or

(B) Give the impression that upon purchase of a controlled beverage the consumer will be entitled to a monetary refund or direct cash rebate upon purchase.

(2) Further, no such person named above shall distribute or offer any coupon or other inducement to purchase alcoholic beverages to the consumer unless specifically authorized to do so by this part.

**(b) Advertising or providing refunds or rebates or other inducement by Arkansas wholesalers and retailers.**

(1)(A) No person holding any permit to sell any controlled beverages at retail or wholesale shall:

(i) Advertise that such controlled beverages are available for purchase in conjunction with a monetary rebate; or

(ii) Give the impression that upon purchase of a controlled beverage the consumer will be entitled to a monetary refund, cash rebate, or merchandising discount from said retailer or wholesaler.

(B) Likewise, no such person shall allow or give any such refund, rebate, or merchandise discount to any consumer in conjunction with the purchase of any alcoholic beverages.

(C) Further, no such person named above shall distribute or offer any coupon or other inducement to purchase alcoholic beverages to the consumer.

(2) Exceptions to these provisions are as set forth in subsection (c) of this section.

**(c) Consumer promotion offers allowed by manufacturers or importers.**

(1)(A) A manufacturer or importer of beer, wine, or distilled spirits products may offer certain consumer promotional programs that are tied to the purchase of an alcoholic beverage.

(B) However, no manufacturer or importer of alcoholic beverages shall offer any coupon or other promotion incentive which entitles the consumer, in conjunction with the purchase of an alcoholic beverage, to any type of cash discount, rebate, or merchandise redemption from an Arkansas wholesaler or retailer.

(2) A manufacturer or importer or their agent, not to include any Arkansas wholesaler or retailer, shall be allowed to offer the following types of consumer programs:

(A) A manufacturer or importer of wine or distilled spirits may offer a form, conditioned upon the purchase of an alcoholic beverage, which entitles the consumer to a monetary rebate from said:

- (i) Manufacturer;
- (ii) Importer; or
- (iii) Designated third party;

(B)(i) A manufacturer or importer may offer merchandise programs to consumers with the merchandise price being discounted upon proof of purchase.

(ii) Provided, that no discount program may be offered based upon multiple purchases by the consumer;

(C) A manufacturer or importer may offer merchandise to a consumer that is:

- (i) Part of a combination package; or
- (ii) Sealed inside or contained within an alcoholic beverage carton;

and

(D)(i) A manufacturer or importer may offer consumers the ability to enter sweepstakes events based upon proof of purchase of an alcoholic beverage.

(ii) Provided, if a manufacturer or importer offers a sweepstakes event based upon proof of purchase of an alcoholic beverage, they will also be required to offer an alternative means of entry by way of freestanding point-of-sale items that are not attached to or packaged with the alcoholic beverage product.

(3) The cost of any such authorized rebate program, merchandise program, or sweepstakes shall:

(A) Be an expense to the manufacturer or importer offering such promotional programs; and

(B) Not be recouped in whole or part from any Arkansas wholesaler or retailer.

(4) Any such authorized promotional offerings or rebates must be made to Arkansas consumers through the following means of distribution:

(A) In any printed media of statewide circulation;

(B) In the original package arrangement produced and shipped by the manufacturer; or

(C)(i) Manufacturers or suppliers may provide brand-specific mail-in rebate forms to Arkansas wholesalers for distribution to Arkansas retailers.

(ii) Arkansas wholesalers may distribute brand-specific mail-in rebate forms to Arkansas retailers provided that the brand-specific rebate forms are made available to any Arkansas retailer offering the brand for sale to an Arkansas consumer.

(5) Licensed wholesalers, retailers, and their employees shall be ineligible to participate in consumer promotional programs authorized by this part.

**(d) Retailer loyalty programs.**

(1) For the purposes of this subsection, "loyalty program" means a marketing program that offers certain incentives to encourage customer retention.

(2) The holder of a manufacturer or wholesale tier license or permit cannot directly or indirectly reimburse a retailer for any costs associated with a loyalty program.

(3) A retailer may offer a loyalty program subject to the following conditions:

(A) The loyalty program may give consumers discounts on the purchase of:

(i) Alcoholic beverages; and

(ii) Nonalcoholic products or items;

(B)(i) The loyalty program may have a point accrual and redemption component in addition to discounts.

(ii) Accrued points may be redeemed on alcoholic beverage or nonalcoholic beverage products or items; and

(C)(i) Loyalty program point accrual and redemption components shall only be offered on the final sale of alcoholic beverage or nonalcoholic beverage products.

(ii) Increased loyalty program awards or point values for the purchase of specific alcoholic beverage or nonalcoholic product brands is strictly prohibited.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**Codification Notes.** Subsection (a) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 9-16-15)"

Subsection (b) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 7-19-95)"

Subdivision (c)(2)(B) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 9-8-97)"

Subdivision (c)(4) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 9-16-15)"

Subdivision (c)(4)(C) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 9-16-15)"

Subsection (d) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 9-20-17)"

**3 CAR § 3-302. Advertising controlled beverages as being free prohibited.**

No person holding any permit to sell controlled beverages shall advertise by any means that such controlled beverages are to be given away.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**Subpart 4. Prohibited Conduct and Activities**

**3 CAR § 3-401. Prohibited conduct and activities — Grounds for suspension or revocation of retail permit.**

In addition to the violation or failure to comply with any of this part or any alcoholic beverage control law of the State of Arkansas, a permit to sell or dispense controlled beverages at retail may be cancelled, suspended, or revoked or assessed a monetary fine for any of the following prohibited activities committed by the permittee or any employee, agent, or servant of the permittee:

(1) **Conduct prohibited on premises.** That the permittee or any agent, servant, or employee of the permittee did or allowed any of the following to occur on the permitted premises:

(A) **Prostitute frequenting premises.** Permitted any prostitute to frequent the permitted premises;

(B) **Employment of certain persons.** Employment of or permitting any person to solicit patrons for drinks or to accept drinks from patrons and receive therefore any commission or any remuneration in any other way;

(C)(i) **Gambling on premises.** Permitted gambling or games of chance or kept any gambling device, machine, or apparatus upon the permitted premises.

(ii) Provided, any establishment licensed under the authority of Acts 1969, No. 132, as amended, e.g., hotel-motel mixed drink, restaurant mixed drink, private club, and large attendance facility, shall be allowed to have certain gambling machines or devices on its property in conformance with Acts 2005, No. 1170.

(iii)(a) Gambling devices or machines may only be on the property of a premises described above if the gambling machines or devices are being used by a nonprofit organization that is described in Acts 2005, No. 1170.

(b) Any nonprofit organization desiring to use gambling machines on a permitted premises must register the event with the Alcoholic Beverage Control Division at least sixty (60) days before the event.

(c) The games used at the event may not use money but may use some form of play money.

(d) No cash or other item of value may be won or awarded as a prize.

(e) This proviso shall only be available for one (1) event during a calendar year by any specific nonprofit qualified organization.

(f) No permitted premises shall be allowed to host more than ten (10) such events per calendar year under authority of this law.

(iii)(a) Provided further, that games of bingo and raffles are not considered gambling when conducted at those permitted outlets which have obtained an authorized organization license from the Department of Finance and Administration to conduct games of bingo and raffles, pursuant to Acts 2007, No. 388.

(b) A violation of any provision of Acts 2007, No. 388, subjects the permitted outlet to the full range of administrative sanctions that may be levied by the Alcoholic Beverage Control Division.

(iv) Provided further, that any activity authorized by the Office of the Arkansas Lottery which occurs in a permitted outlet shall not be a violation of this part; and

(D)(i) **Immoral conduct or improper entertainment on premises.** Permitted any immoral, lewd, obscene, or profane conduct, language, literature, pictures, or materials or improper entertainment on the permitted premises.

(ii) **General attire and conduct.** The following acts or conduct on licensed premises are deemed to constitute lewd, immoral, or improper entertainment as prohibited by this section:

(a) To allow any person in or upon the licensed premises while such person is unclothed or in such attire, costume, or clothing as to expose to view any portion of the:

- (1) Female breasts below the top of the areola;
- (2) Pubic hair;
- (3) Anus;
- (4) Cleft of the buttocks;
- (5) Vulva; or

(6) Genitals or any simulation thereof;

(b) To employ or use the services of any host or other person to mingle with the patrons while such host or other person is unclothed or in such attire, costume, or clothing as described in subdivision (1)(D)(ii)(a) of this section;

(c) To encourage or permit any person on the licensed premises to touch, caress, or fondle the breasts, buttocks, anus, or genitals of any other person; and

(d) To permit any employee or person to wear or use any device or covering, exposed to view, which simulates the breasts, genitals, anus, pubic hair, or any portion thereof.

(iii) **Entertainers and conduct.** Acts or conduct on licensed premises in violation of this section are deemed to constitute lewd, immoral, or improper entertainment as prohibited by this section:

(a) Live entertainment may be approved by the Director of the Alcoholic Beverage Control Division or Alcoholic Beverage Control Board at any on-premises licensed premises, except that no permittee shall permit any person to perform acts or acts which simulate:

(1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;

(2) The touching, caressing, or fondling of the breasts, buttocks, anus, or genitals; and

(3) The displaying of the pubic hair, anus, vulva, or genitals; and

(b)(1) Subject to the provisions of subdivision (1)(D)(iii)(a) of this section, entertainers whose buttocks are exposed to view shall perform only on a stage:

(A) At least two feet (2') above the immediate floor level; and

(B) Removed at least three feet (3') from the nearest patron.

(2) Physical contact between customers/patrons and entertainers during any dancing performance, including placing tips in the hand of or within or on any article of clothing of any such dancer, is prohibited.

(3) No permittee shall permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.

(iv)(a) **Visual displays.** The following acts or conduct on licensed premises are deemed to constitute lewd, immoral, or improper entertainment as prohibited by this section.

(b) The showing of films, still pictures, electronic reproduction, or other visual reproductions depicting:

(1) Acts or simulated acts of:

(A) Sexual intercourse;

(B) Masturbation;

(C) Sodomy;

(D) Bestiality;

(E) Oral copulation;

(F) Flagellation; or

(G) Any sexual acts which are prohibited by law;

(2) Any person being touched, caressed, or fondled on the:

(A) Breast;

(B) Buttocks;

(C) Anus; or

(D) Genitals;

(3) Scenes wherein a person displays the:

(A) Vulva;

(B) Anus; or

(C) Genitals; and

(4) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above;

(2)(A) **Samples prohibited.** The permittee or any agent, servant, or employee of the permittee accepted from any person or sold or gave to any person any samples, either:

- (i) In unbroken packages;
- (ii) In partial packages; or
- (iii) By the drink.

(B) This provision is applicable to:

- (i) Private clubs; and
- (ii) All holders of retail permits.

(C) Provided, retail liquor stores may offer samples of intoxicating liquors of all kinds pursuant to permit as authorized by Acts 2007, No. 455.

(D) Further, retail permit holders may donate intoxicating liquor to charitable or nonprofit organizations for nonprofit functions where:

- (i) The charitable or nonprofit organization does not have a permit to dispense intoxicating liquors; and
- (ii) Such functions occur on a permitted premises of an on-premises permittee of the Alcoholic Beverage Control Division.

(E) Provided further, that holders of large attendance facility permits in which pari-mutuel wagering has been authorized by law may offer samples of alcoholic beverages by the drink to patrons who are in that area of the permitted facility where games of skill are housed.

(F) Provided further, that holders of permits in hotels and holders of private club permits that own or lease space within a hotel building may offer samples of alcoholic beverages by the drink to registered guests of the hotel as part of a manager's reception.

(G) All such samples offered shall be:

- (i) Subject to the gross receipts and use taxes as a withdrawal from stock; and
- (ii) Paid by the permit holder in the manner prescribed by law;

(3) **Hours of sale.** The permittee or any agent, servant, or employee of the permittee sold, offered for sale, dispensed, gave away, or allowed the consumption of any controlled beverages at any time prohibited by law, including the following:

(A)(i) Sundays, Mondays between 12:00 a.m. and 1:00 a.m., or on any other days between the hours of 1:00 a.m. and 7:00 a.m.

(ii)(a) Provided, that this section shall not conflict with the ordinance of any city or town.

(b) In addition, the governing body of any city or town may fix later closing hours for the permitted premises of a hotel or restaurant which in no event shall be later than two (2) hours after midnight on Saturday night.

(iii) It is further provided that any establishment which holds a permit that allows the on-premises sale of alcoholic beverages may sell alcoholic beverages and allow the possession and consumption thereof on Sunday:

(a) Between the hours of 10:00 a.m. and 12:00 midnight; or

(b) Within a lesser period of time as authorized by city or county ordinance.

(iv) It is further provided that if a city or county has held an election under the provisions of Acts 2009, No. 294, legalizing the off-premises sale of alcoholic beverages on a Sunday by all permittees located within their jurisdiction, then such off-premises retail sales shall be lawful:

(a) Between the hours of 10:00 a.m. and 12:00 midnight; or

(b) Within a lesser period of time as authorized by city or county ordinance.

(v) It is further provided that when Sunday falls on December 31 of any year, any on-premises consumption permit holder may sell and allow the possession and consumption of alcoholic beverages for on-premises consumption between the hours of 10:00 a.m. on Sunday and 2:00 a.m. on the following Monday unless the city or county establishes by ordinance a lesser period of time in which alcoholic beverages may be sold for on-premises consumption on New Year's Eve;

(B) Christmas Day;

(C) Election Day Prohibition [repealed];

(D) Under the provisions of Acts 1999, No. 305, if a permittee is cited by a local jurisdiction for operating during hours prohibited by local city ordinance or by local county quorum court ordinance, and if such hours of operation for which the permittee is cited are more restrictive than the general hours of operations established by the Alcoholic Beverage Control Division or by the General Assembly for a retail or private club permit, then such violation shall:

(i) Only be heard by a local court of competent jurisdiction; and

(ii) Not be considered to be an administrative violation against the permit issued by the Alcoholic Beverage Control Division;

(E)(i) Post exchange liquor store permits may sell alcoholic beverages seven (7) days per week to those customers that may purchase from such facilities.

(ii) The post exchange package store may operate on the same hours as those established for military service clubs pursuant to Arkansas Code § 3-4-706;

(F)(i) Any large event facility permit issued under the authority of Arkansas Code § 3-9-202(10) in which pari-mutuel wagering has been authorized and which has a current large attendance facility permit for on-premises consumption may sell alcoholic beverages on any day of the week during hours in which the large attendance facility is open for business except on Christmas Day and Easter Sunday.

(ii) However, the large attendance facility may sell alcoholic beverages on Easter Sunday between the hours of 12:00 midnight and 2:00 a.m., as authorized by Acts 2009, No. 790; and

(G)(i) A restaurant holding a permit under Arkansas Code § 3-9-202(8)(A) may sell alcoholic beverages for on-premises consumption between the hours of 12:00 midnight Saturday and 2:00 a.m. on Sunday, and on Sunday between the hours of 12:00 noon and 2:00 a.m. on the following Monday, in addition to other times authorized by law for selling alcoholic beverages for on-premises consumption if the restaurant is located in the same city where a large attendance facility permit has been issued to a facility in which pari-mutuel wagering has been authorized.

(ii) Such expanded hours are authorized under Acts 2009, No. 7;

(4) **Sales to certain persons prohibited.** The permittee or any employee, agent, or servant of the permittee sold to, offered for sale, dispensed, gave away, allowed the possession or consumption of, or otherwise disposed of or furnished any controlled beverages by any person who is not a person permitted by this part or by the laws of the State of Arkansas to purchase, receive, possess, or consume such beverages, including but not limited to any of the following persons:

(A) **Persons under 21 years.** Any person under twenty-one (21) years of age;

(B) **Person who is intoxicated.** Any person who is intoxicated or who is known to be an habitual drunkard;

(C) Person Failing to Make Provision for Family [repealed];

(D) **Person who is insane.** Any person who is known to the permittee to be insane or an individual with intellectual disabilities;

(E) **Habitual user of narcotics.** Any person who is known to the permittee to be an habitual user of narcotics or other habit-forming drugs;

(F) **Person acquiring controlled beverages for illegal sale.** Any person who the permittee knows or has reasonable cause to believe is acquiring the controlled beverages for the purpose of illegal sale or other disposition; and

(G) **Person paying for controlled beverages with food stamps.** Any person who attempts to pay for the controlled beverages with United States Department of Agriculture food stamps;

(5)(A) **Sale of controlled beverages for other than cash, check, or nationally recognized credit card prohibited — Gift certificates allowed.** The permittee or any employee, agent, or servant of the permittee sold or dispensed any controlled beverages for any consideration other than cash, nationally recognized credit card, or check dated the same day as the sale.

(B) Nationally recognized credit card shall mean, but is not limited to:

(i) Visa;

(ii) MasterCard;

(iii) American Express;

- (iv) Diners Club;
- (v) Carte Blanche;
- (vi) Discover;
- (vii) Major oil company credit cards; or
- (viii) Others of the same nature and type.

(C) Further, any permittee may sell gift certificates or gift cards to any person permitted by this part which may be redeemed for alcoholic beverages on a subsequent date by any person permitted by this part.

(D)(i) It is further provided that any permittee that offers gifts certificates or gift cards shall receive full payment for the same at the time the gift card or gift certificate is sold to any person.

(ii) Payment shall be made for the gift card in the same manner as if alcoholic beverages were being purchased at that time.

(iii) Only cash, credit card, or check dated the same date as the date of sale may be used for payment for the gift card or gift certificate.

(iv) Gift cards or gift certificates may not be bartered or exchanged to any other person to be used as payment for any obligations owed by the permittee.

(v) If it is found that a permittee is paying its advertising bills or other such obligations with gift cards or gift certificates being given as payment or partial payment for the debt owed by the permittee, then redemption of the gift card or gift certificate where the item has been sold by the third party for a price less than the face value of the gift certificate or gift card, will:

(a) Be deemed to be a merchandising discount program; and

(b) Constitute a violation against the retailer under the provisions of this subdivision (5);

**(6) Delivery of controlled beverages by a retailer prohibited.** The permittee or any employee, agent, or servant of the permittee delivered or arranged for the delivery of any controlled beverages to a consumer, except as otherwise provided for in this part;

(7) **Sale of controlled beverages in container or size other than approved prohibited.** The permittee or any employee, agent, or servant of the permittee sold or offered to sell any controlled beverages in any container or size of container not approved by the Director of the Alcoholic Beverage Control Division in accordance with this part;

(8) **Sale of controlled beverages by vending machine prohibited.** The permittee or any employee, agent, or servant of the permittee sold, offered to sell, dispensed, or gave away any controlled beverages by means of a vending machine or other similar type device, except as allowed under 3 CAR § 3-506;

(9) Purchase or Order From Unpermitted Sales Agent Prohibited [repealed];

(10) **Employment of certain persons prohibited.** The permittee knowingly had in his or her employment any person who is not qualified by reason of this part or by reason of any alcoholic beverage control law of the State of Arkansas for the position to which such person was employed, including but not limited to any of the following persons:

(A)(i) **Persons convicted of certain laws.** Any person in the serving or mixing of controlled beverages, or in the dispensing of alcoholic beverages, the control of crowds or entrance to the permitted premises, or the management of the business or activities of the outlet who has pleaded guilty or nolo contendere to or has been found guilty of a:

(a) Violation of a law concerning the possession, sale, manufacture, or transportation of intoxicating liquor; or

(b) Felony, and who is on probation or serving a suspended sentence as a result of the felony.

(ii) Provided, a person who has pleaded guilty or nolo contendere to or has been found guilty of a felony and who is on probation or serving a suspended sentence as a result of the felony may be employed by an on-premises permittee if:

(a) The person works only in a kitchen; and

(b) Alcoholic beverages are not served out of the kitchen.

(iii) Provided further, a person who has pleaded guilty or nolo contendere to or has been found guilty of a felony and who is not on probation or serving a suspended sentence as a result of the felony may be employed by an on-premises permittee in any capacity.

(iv) Provided, that those convicted felons whose felony conviction involves bodily harm or the threat thereof to another person or the use of a weapon, as such is defined in 3 CAR § 1-901, may not be employed as a manager, security guard, bouncer, or in any position that requires the handling of alcoholic beverages;

**(B)(i) Persons under 21 — Exceptions.**

(ii)(a) Any person less than twenty-one (21) years of age in the mixing, serving, selling, or handling of controlled beverages.

(b) Provided, that nothing in this part shall prohibit a:

(1) Minor eighteen (18) years of age or older to be employed as a musician or entertainer or to be employed in the preparation or serving of food or in the housekeeping department of any establishment permitted by the Alcoholic Beverage Control Division;

(2) Minor eighteen (18) years of age or older, with the written consent of a parent or guardian, to be employed in the sale of beer, wine, and small farm wine at retail grocery establishments, nor from being employed by permitted liquor and beer wholesalers and by permitted small farm wineries to handle alcoholic beverages at the place of business of the permitted wholesaler or winery; and

(3) A minor of any age to be employed as an entertainer when:

(A) The minor and his or her parent or guardian perform together as part of the same show; and

(B) The parent or guardian remains with the minor in a supervisory capacity.

(c) Provided further, minors sixteen (16) and seventeen (17) years of age may be employed at those permitted outlets that qualify as retail grocery establishments but may not handle alcoholic beverages.

(iii)(a) For purposes of this section, retail grocery establishments shall not include those establishments engaged in the sale of motor fuels which do not maintain an inventory of human consumables (not including alcoholic beverage products) in an amount in excess of fifty thousand dollars (\$50,000).

(b) The burden of providing this inventory requirement shall be on the permittee.

(iv)(a) Any person or organization which holds a public restaurant mixed drink permit, a public hotel-motel-restaurant mixed drink permit, a restaurant wine permit, or a private club permit may employ persons nineteen (19) years of age or older to sell and handle alcoholic beverages.

(b) Provided, that persons nineteen (19) years of age and older may not act as bartenders but they may otherwise:

- (1) Open bottles of wine and beer;
- (2) Serve the alcoholic beverages; and
- (3) Take payment for the same; and

(C) **Person held ineligible for permit.** Any person who has been held ineligible within two (2) years prior to the date of such employment to hold any permit under any alcoholic beverage control law of the State of Arkansas for any reasons other than his or her status as a resident;

(11)(A) **Procuring or accepting any unlawful gift from a wholesaler.**

(B) The permittee or any employee, agent, or servant of the permittee requested or accepted any gift or service from a permitted wholesaler that is prohibited by:

- (i) This part; or
- (ii) Applicable federal regulations.

(C) Provided, that the holder of a large attendance facility permit issued to property owned by a government entity may:

(i) Solicit sponsorship money for public events from malt-based products wholesalers under the guidelines of 3 CAR § 1-209; or

(ii) Receive payment for advertising devices under the guidelines of 3 CAR § 2-302(9);

(12)(A) **Disorderly conduct on the premises.**

(B) Any disorderly conduct or a breach of the peace by patrons or employees on the permitted premises.

(C) Such disorderly conduct shall include but not be limited to fights, brawls, or disturbances which result in bodily injury to any degree to any person on the permitted premises; and

(13)(A) **Sellers of kegs of beer and malt liquor to require registration statements to be signed by purchasers — Sellers of kegs of malt beverage products to affix identification label to keg — Sellers required to collect registration deposit — Conditions for return of registration deposit or forfeiture of registration deposit — Violation for failure to report forfeitures of registration deposits.**

(B)(i) Under the provisions of Acts 2007, No. 254, all retail sellers of kegs of beer and malt liquor products are required to:

(a) Attach an identification label to the keg of malt beverage product;

(b) Have their customers sign certain statements; and

(c) Collect a registration deposit on each keg delivered to the customer.

(ii) The sellers are also required to:

(a) Return the registration deposit in certain circumstances; and

(b) Require a forfeiture of the registration deposit under other circumstances as described in the law.

(iii) This subdivision (13) will be applicable to persons who hold a permit to sell beer for off-premises consumption under the provisions of 3 CAR § 1-201(1), (2), (18), (27), and (34).

(iv) A keg as defined in the law means any vessel, constructed of any material, which has a liquid capacity of more than five gallons (5 gals.).

(v) "Off-premises" is defined in the law to mean a place other than the licensed retailer who is selling the keg described.

(vi) Provided, no keg registration statement will be required when the retailer is selling the keg of malt beverage product to a licensed private club permittee for dispensing at the private club property.

(C)(i) All retailers that sell a keg of malt beverage product for off-premises consumption are required to attach an identification label or tag approved by the Alcoholic Beverage Control Division to the keg prior to the time of sale.

(ii) The identification label or tag shall consist of a paper within a clear protective coating that is composed of either:

(a) Plastic;

(b) Metal; or

(c) Other durable material that may not be easily damaged or destroyed.

(iii) The paper shall be of a kind which allows the information to be copied and retained by the retail dealer.

(iv)(a) Identification labels used may contain a nonpermanent adhesive material in order to apply the label directly to the outside surface of the keg at the time of sale.

(b) Otherwise, the identification tag shall be attached at the time of sale with:

(1) Nylon ties;

(2) Cording;

(3) Wire ties;

(4) Other tag metal attachment devices; or

(5) Some other durable means of tying or attaching the identification tag to the keg.

(c) The identification label or tag shall be perforated and of a composition and so designed and affixed that it will not mar or otherwise physically damage the keg.

(d) The tag must be of a design that allows for the full removal of the tag when common external cleaning procedures are performed at retail.

(v) The identification tag or label shall include the following information:

(a) The name and address of the retail dealer making the sale;

(b) The name of the purchaser;

(c) An identification number assigned by the retail dealer that uniquely identifies that particular keg of malt beverage product; and

(d) Prior to the retail sale of the keg of malt beverage product, the retail dealer shall require the purchaser to sign a statement furnished by the Director of the Alcoholic Beverage Control Division.

(D) The retail dealer shall also record the following information and retain it as part of their records:

(i) The name and address of the purchaser;

(ii) The identification card or driver's license number from the purchaser's acceptable documentation of age;

(iii) The amount of the container deposit of not less than seventy-five dollars (\$75.00);

(iv) The date and time of the purchase;

(v) The keg identification number that was created by the retailer making the sale; and

(vi)(a)(1) All records and statements required under this law shall be maintained by the retail dealer for a period of ninety (90) days from the date of the return of the keg.

(2) In the event that a keg is not returned as required by law and a forfeiture occurs, the records and statements required under this law and section shall be maintained by the retailer dealer for a period of ninety (90) days after the declared date of forfeiture.

(b) The records and statements required by the keg registration law shall remain open to inspection by agents of the Alcoholic Beverage Control

Enforcement Division and law enforcement officers during the retail dealer's normal business hours.

(E)(i) The retail dealer shall notify the Director of the Alcoholic Beverage Control Enforcement Division that a forfeiture has occurred.

(ii) The retail dealer shall forward to the Alcoholic Beverage Control Division its twenty-five-dollar portion of the forfeited container deposit.

(iii) The retail dealer shall indicate on a form furnished by the Alcoholic Beverage Control Division within ten (10) days of the date of forfeiture the reason why the container deposit has been forfeited, including but not limited to the following reasons:

(a) The keg was not returned;

(b) The keg was returned more than one hundred twenty (120) days after purchase;

(c) The identification label or tag was removed; or

(d) The identification label or tag was damaged.

(iv) Any retail dealer that fails to notify the Director of the Alcoholic Beverage Control Enforcement Division or forward to the Alcoholic Beverage Control Division its share of the forfeited container deposit within ten (10) days of the forfeiture of each container deposit is guilty of a:

(a) Violation of Acts 2007, No. 254; and

(b) Class B violation against their permit as is provided in Arkansas Code § 3-4-402.

(v) Any Arkansas brewery or microbrewery-restaurant operation that sells for off-premises consumption, as described above, shall be required to engage in the keg registration process on the same basis as any other retailer of keg malt beverage products.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**Codification Notes.** The introductory language of this section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-18-99)"

Subdivision (1)(C)(iv) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-19-09)"

Subdivision (1)(D)(ii)(a) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 9-8-97)"

Subdivision (2) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-21-13)"

Subdivision (3)(A) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 7-19-95)"

Subdivision (3)(A)(iv) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-19-09)"

Subdivision (3)(A)(v) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-19-09)"

Prior to codification into the Code of Arkansas Rules, subdivision (3)(C) contained the following: "Repealed 12-15-89"

Subdivision (3)(D) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 8-18-99)"

Subdivision (3)(E) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 8-17-05)"

Subdivision (3)(F) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-19-09)"

Subdivision (3)(G) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 8-19-09)"

Subdivision (4) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-21-13)"

Subdivision (4)(C) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "Repealed 8-17-05"

Subdivision (5) as promulgated prior to codification into the Code of Arkansas Rules of 2024 provided as follows: "(Amended 8-16-11)"

Subdivision (6) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-18-99)"

Subdivision (7) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-18-99)"

Subdivision (8) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 1-23-24)"

Subdivision (9) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "Repealed 8-14-11"

Subdivision (10)(A) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-21-13)"

Subdivision (10)(B) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 1-22-20)"

Subdivision (10)(B)(iv) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-21-13)"

Subdivision (11) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-18-99)"

Subdivision (12) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-19-93)".

Subdivision (13) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-15-07)"

**3 CAR § 3-402. To go and delivery by a restaurant.**

(a) A restaurant holding a valid alcoholic beverage permit may sell alcoholic beverages in a sealed container during legal operating hours directly to a consumer twenty-one (21) years of age or older along with the purchase of a meal.

(b) The sale of alcoholic beverages under this section may occur:

- (1) At the point of sale to be consumed off-premises;
- (2) At the drive-through to be consumed off-premises;
- (3) At the curbside to be consumed off-premises; or
- (4) Delivered to a consumer at a location off-premises.

(c)(1) "Meal" means the usual assortment of food commonly ordered at various hours of the day.

(2) "Restaurant", as used in this section, 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 of 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.

(3)(A) "Sealed container" means a container with a secure cap or lid that completely covers the opening for the container and a seal designed to make it evident when the seal has been removed or broken.

(B) The seal is affixed to the container by the licensee after the container is filled pursuant to a consumer order for the drink.

(C) This may include the use of tape or other adhesive.

(d) The restaurant to go and delivery rules do not apply to private clubs or restaurants located in a dry area.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**3 CAR § 3-403. Limits on alcohol and quantities for to go or delivery by restaurant.**

(a) A permit holder authorized to sell alcoholic beverages with the purchase of a meal under 3 CAR § 3-402 is limited to the following quantities per sale:

(1) Seventy-two ounces (72 oz.) of beer, malt beverage, or hard cider, or the equivalent of one (1) standard six-pack;

(2) Seven hundred fifty milliliters (750 ml) of wine, or the equivalent of one (1) standard bottle; and

(3)(A) Thirty-two ounces (32 oz.) of spirituous liquors or the equivalent of four (4) eight-ounce drinks.

(B) "Spirituous liquors" includes mixed drinks or specialty drinks that are made by the permit holder at the premises and does not include unmixed spirits or spirits in the manufacturer's original container.

(b) Unless authorized by local election under Arkansas Code § 3-3-210, a permit holder shall not sell alcoholic beverages under this section on a Sunday.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**3 CAR § 3-404. Delivery by retail liquor, microbrewery-restaurant, small brewery, or hard cider manufacturer permit holders.**

(a) Holders of a retail liquor, microbrewery-restaurant, small brewery, or hard cider manufacturer permit shall be authorized to deliver alcoholic beverages directly to the private residence of a consumer twenty-one (21) years of age or older in a wet county or territorial subdivision during legal operating hours.

(b) "Alcoholic beverages", for the purpose of this section, means any intoxicating liquors that the permit holder is allowed to sell.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**3 CAR § 3-405. Delivery by employee only.**

(a) The permit holder authorized to deliver alcoholic beverages under 3 CAR § 3-402 or 3 CAR § 3-404 shall be delivered by an employee of the permit holder and not through a third-party delivery system.

(b) The employee responsible for delivery of the alcoholic beverage must be twenty-one (21) years of age and possess a valid driver's license.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**3 CAR § 3-406. Delivery in wet counties only.**

(a) A permit holder authorized to deliver alcoholic beverages under 3 CAR § 3-402 or 3 CAR § 3-404 may deliver alcoholic beverages directly to a consumer only in a wet county or wet area and shall only be allowed to deliver in cities and counties, or portions of cities and counties, in which the:

(1) Manufacture or sale of intoxicating liquor is not prohibited as a result of a local option election held under Initiated Act No. 1 of 1942, Arkansas Code §§ 3-8-201 – 3-8-203 and Arkansas Code §§ 3-8-205 – 3-8-209; and

(2) Sale of alcoholic beverages for on-premises consumption has been approved by a majority vote at a referendum election as provided in Arkansas Code § 3-9-201 et seq.

(b)(1) The delivery must be to the person that placed the order.

(2) The delivery must occur within the time of legal operating hours.

(c) This section does not apply to a private club or restaurant in a dry area.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

### **3 CAR § 3-407. Required information for placing order for alcoholic beverages.**

The employee or permit holder of the permitted establishment must collect the following information when taking a customer's order under 3 CAR § 3-402 or 3 CAR § 3-404:

(1) Name of person making the order;

(2) Address where delivery is to occur;

(3) Phone number of the person making the order;

(4) Date of birth for the person making the order; and

(5) Payment information.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

### **3 CAR § 3-408. Required information for delivery.**

The employee or permit holder of the permitted establishment must confirm and collect the following information when completing the delivery:

- (1) Name of person receiving the order;
- (2) Address where delivery occurred;
- (3) Phone number of the person receiving the order;
- (4) Date of birth for the person receiving the order;
- (5) Payment information;
- (6) The recipient of the delivery must present valid state-issued identification to the employee of the permitted establishment to confirm date of birth; and
- (7) The recipient must sign for the delivery.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

### **3 CAR § 3-409. Record retention.**

(a) The permitted establishment shall keep and retain a record of all deliveries of alcoholic beverages for a period three (3) years from the date of delivery and shall make such records available to Alcoholic Beverage Control Division administration and the Alcoholic Beverage Control Enforcement Division upon request.

(b) The records shall contain:

- (1) The name of the person who placed the order and the date, time, and method of order;
- (2) The name of the employee making the delivery and the date, time, and address of the delivery;
- (3) The type, brand, and quantity of each alcoholic beverage delivered; and
- (4) The name, date of birth, and signature of the person that received the delivery.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

### **3 CAR § 3-410. Delivery not allowed.**

Employees delivering alcoholic beverages under this subpart shall refuse delivery and return alcoholic beverages to the permitted establishment if:

(1) The delivery is to an address on a campus of any educational building including, but not limited to, any elementary school, secondary school, university, college, technical college, or institute;

(2) The delivery is to any public playground or building used primarily as a church, synagogue, mosque, or public library;

(3) The delivery is outside of the hours that the retailer's physical premises is open to the public;

(4) The recipient does not produce a valid and current form of state identification;

(5) There is reason to doubt the authenticity or correctness of the recipient's identification;

(6) The recipient refused to sign for the receipt of the delivery;

(7) The recipient is intoxicated; or

(8) The recipient is in a dry county or located outside the county of the permitted establishment.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

## **Subpart 5. Excursion Train Permits**

### **3 CAR § 3-501. Definitions.**

For purposes of this subpart:

(1) "Alcoholic beverage" means spirituous liquor, vinous liquor, small farm wine, light wine, malt liquor, and hard cider; and

(2) "Excursion train" means a train made available to the public through ticket sales for scheduled dates and times for operation over a common carrier railroad or railroad authority that operates on a fixed schedule or route with a specific beginning and ending point.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**3 CAR § 3-502. Scope of excursion train permit.**

(a) An excursion train permit may sell and serve alcoholic beverages on an excursion train.

(b) Sale and service of alcoholic beverages for on-premises consumption may occur only when the train is located in a territory that has authorized the sale of alcoholic beverages.

(c) A permittee is also authorized to store alcoholic beverages, legally purchased, onboard the excursion train.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**3 CAR § 3-503. Permit application.**

(a) An application for an excursion train permit shall be made in writing, on a form approved by the Director of the Alcoholic Beverage Control Division and verified by the applicant for the permit.

(b) The application shall include a description of the excursion train and identify the areas where alcoholic beverages are sold and served.

(c) The application shall be accompanied by a permit fee of two hundred dollars (\$200).

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**3 CAR § 3-504. Separate storage facility — Application.**

(a) An excursion train permittee shall notify the Alcoholic Beverage Control Division of its intent to operate a separate storage facility by providing the following information:

(1) A completed excursion train separate storage facility application form;

- (2) A floor plan of the separate storage facility; and
- (3) Certification that the proposed storage facility is in compliance with any local zoning requirements for the location.

(b)(1) Upon receipt of an acceptable application, the division shall issue an endorsement to the excursion train permittee.

(2) The endorsement shall be posted on the premises of the separate storage facility in compliance with 3 CAR § 1-307.

(3) Such endorsement allows an excursion train permittee to store legally purchased alcoholic beverages for sale on the excursion train.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.

**3 CAR § 3-505. Posting of permit.**

(a) Excursion train permittees shall post their Alcoholic Beverage Control Division permit pursuant to 3 CAR § 1-307.

(b) In addition, the excursion train permittees shall post a copy of their excursion train permit, pursuant to 3 CAR § 1-307, in each train car in which alcoholic beverages will be sold and served.

**Authority.** Arkansas Code §§ 3-2-205, 3-2-206.