

Title 3. Alcoholic Beverages

Chapter V. State Parks Division, Department of Parks, Heritage, and Tourism

Subchapter A. Generally

Part 30. Alcoholic Beverage Permit Rule

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

"DATE: 12/8/2023 POLICY STATEMENT 2600"

"Pursuant to Act 655 of the 2023 Regular Session, the Division of State Parks, in coordination with the Secretary of the Department of Parks, Heritage, and Tourism, establishes this process for Secretary approval and administration of sales of alcoholic beverages in state parks. Act 655 of the 2023 Regular Session was codified in the Ark. Code Ann. § 3-9-103."

"Approved by the State Parks, Recreation, and Travel Commission on September 20, 2023.

Approved by the Rules Subcommittee with final adoption by the Arkansas Legislative Council on November 17, 2023.

Effective January 1, 2024.

Related PD's: 3010-Alcoholic Beverages and Drugs

APPROVED BY:

SHEA LEWIS, SECRETARY

Department of Parks, Heritage, & Tourism

APPROVED BY:

SHEA LEWIS, DIRECTOR

Subpart 1. Generally

3 CAR § 30-101. Definitions.

As used in this part:

(1) "Alcoholic beverages" means a beverage containing more than five-tenths of one percent (0.5%) of alcohol by weight;

(2) "Director" means the Director of the State Parks Division;

(3) "Division" means the State Parks Division;

(4) "On-premises consumption" means the serving of alcoholic beverages on the state park property, including without limitation at:

(A) A restaurant; or

(B) An outdoor event;

(5) "Permit" means a permit to sell alcoholic beverages or provide complimentary servings of alcoholic beverages issued by the Secretary of the Department of Parks, Heritage, and Tourism pursuant to 3 CAR § 30-103;

(6) "Secretary" means the Secretary of the Department of Parks, Heritage, and Tourism; and

(7) "Third-party vendor" means any person or entity that provides alcoholic beverages for sale through a Secretary of the Department of Parks, Heritage, and Tourism's permit.

Authority. Arkansas Code § 3-9-103.

3 CAR § 30-102. Park applications and secretary approval.

(a) A state park may seek approval from the Secretary of the Department of Parks, Heritage, and Tourism to sell alcoholic beverages or provide complimentary servings of alcoholic beverages for on-premises consumption to an individual who is twenty-one

(21) years of age or older at the state park during legal operating hours without obtaining a permit from the Alcoholic Beverage Control Division.

(b)(1) Approval shall be sought on an application approved by the secretary.

(2) The park shall request the type of sales and service sought for approval.

(3) All requests must receive a recommendation from the Director of the State Parks Division or Deputy Director of the State Parks Division before submittal to the secretary.

(c) Upon approval by the secretary, the state park shall be issued a secretary's permit as described in 3 CAR § 30-103, and is authorized to sell or serve alcoholic beverages as allowed by Arkansas Code § 3-9-103 and the secretary's permit.

(d) A state park shall renew the state park's approval to sell or serve alcoholic beverages with the secretary yearly.

(e) A state park may request modifications to its permit after issuance, including, but not limited to:

(1) Expansion of permitted sales and services;

(2) Permitted areas; and

(3) Special event authorization.

Authority. Arkansas Code § 3-9-103.

3 CAR § 30-103. Secretary permits.

(a)(1) Upon approval by the Secretary of the Department of Parks, Heritage, and Tourism, permits shall be issued to the Park Superintendent or other party designated by the Director of the State Parks Division with a short description of the authorized sales and service at that park.

(2) If the named party is no longer employed by the State Parks Division, the director may designate a new permit holder.

(b)(1) Before doing any business under any secretary permit, the permit shall be displayed in a conspicuous place where the business permitted by the permit is carried on so that all persons visiting the premises may readily see the permit.

(2) Permits for outdoor events or other special events shall be posted conspicuously at the event.

(c)(1) Secretary permits may use permit classes established by Title I, Subtitle C, Article 1, Section 1.19 of the Alcoholic Beverage Control Division Rules as guidelines for permits, but shall not be strictly bound by that rule.

(2) The secretary shall have the discretion to issue permits in any fashion allowed by Arkansas Code § 3-9-103.

(d) All permits shall contain the following:

- (1) The state park and the name of the person to whom the permit is issued;
- (2) The kind of permit and the type of activity thereby permitted;
- (3) Specific areas where permitted activities may occur; and
- (4) A description by street and number or otherwise of the permitted premises.

(e) On-premises consumption shall be strictly limited to the areas designated by the permit.

Authority. Arkansas Code § 3-9-103.

3 CAR § 30-104. Hours of operation.

A state park authorized to sell alcoholic beverages shall serve the alcoholic beverages only during operating hours of the premises, including without limitation the:

- (1) Hours of operation of a restaurant on the state park property; or
- (2) Hours of an outdoor event.

Authority. Arkansas Code § 3-9-103.

3 CAR § 30-105. Applicable laws and rules.

(a) A state park authorized to sell alcoholic beverages under a Secretary of the Department of Parks, Heritage, and Tourism's permit is subject to all other applicable

Arkansas laws involving the distribution and sale of alcoholic beverages that do not conflict with Arkansas Code § 3-9-103.

(b) A permitted park shall follow the rules applicable to sell controlled beverages at retail (Title 3 of the Arkansas Alcoholic Beverage Control Division Rules) and rules applicable to on premises hotel or motel and restaurant (Title 4 of the Arkansas Alcoholic Beverage Control Division Rules) that do not conflict with Arkansas Code § 3-9-103.

Authority. Arkansas Code § 3-9-103.

3 CAR § 30-106. Monitoring and compliance.

(a) The State Parks Division shall perform annual inspections for all permitted facilities for compliance with Arkansas laws and rules involving the distribution and sale of alcoholic beverages.

(b) The division may perform additional inspections at the Director of the State Parks Division's discretion.

(c) Any violation of these rules shall be reported to the Alcoholic Beverage Control Board within fifteen (15) days of discovery.

Authority. Arkansas Code § 3-9-103.

3 CAR § 30-107. Third-party vendors.

(a) A state park that has obtained a permit may allow a third-party vendor at the state park to serve alcoholic beverages as described under Arkansas Code § 3-9-103.

(b) A third-party vendor shall seek approval to operate under a Secretary of the Department of Parks, Heritage, and Tourism's permit on an application approved by the secretary.

(c) A third-party vendor shall operate under the secretary's permit and conditions and does not obtain any permit right requiring revocation by the secretary or the State Parks Division.

(d) A third-party vendor allowed to sell alcoholic beverages under a secretary's permit is subject to all other applicable Arkansas laws involving the distribution and sale of alcoholic beverages that do not conflict with Arkansas Code § 3-9-103.

Authority. Arkansas Code § 3-9-103.

3 CAR § 30-108. General.

Nothing in this part shall repeal any current permit issued by the Alcoholic Beverage Control Division until a Secretary of the Department of Parks, Heritage, and Tourism's permit is issued.

Authority. Arkansas Code § 3-9-103.