

Title 3. Alcoholic Beverages

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

Subchapter A. Generally

Part 5. Rules Applicable to the Dispensing of Controlled Beverages in Private Clubs

Subpart 1. Scope — Definitions

3 CAR § 5-101. Scope.

(a) The rules under this part relate to:

- (1) Applications for permits;
- (2) Conduct of the business; and
- (3) Prohibited activities of private clubs.

(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 3 CAR pts. 1 and 3.

Authority. Arkansas Code § 3-2-205.

3 CAR § 5-102. Definitions — Membership information.

(a) As used in this part:

- (1) "Barrel" means thirty-one gallons (31 gals.);
- (2) "Club" means a private club;
- (3) "Dry area" means an area in which the sale or manufacture of intoxicating liquors, as defined by Arkansas Code § 3-8-201 et seq., is prohibited;
- (4) "Guest" means an individual who is personally known by the member's family and who is admitted to the club premises by personal introduction or in the

physical company of the member or one (1) of the member's family and who otherwise qualifies as a guest under this part;

(5)(A) "Guest book" means a well-bound book showing the:

- (i) Name of the host;
- (ii) Name of the guest; and
- (iii) Date on which the guest is upon the premises.

(B) A guest book shall be kept by the private club for a period of six (6) months from the last date of use of the guest book;

(6) "Locker system" means a system of operation of a private club whereby all controlled beverages dispensed on the premises of the private club are owned by the members of the club individually;

(7) "Malt beverage" means liquor brewed from fermented juices of grain and having an alcoholic content of at least five percent (5%) but not more than twenty-one percent (21%) by weight;

(8) "Managing agent" means the individual or individuals who shall be actually in charge of and responsible for the day-to-day operations of the private club on the permitted premises;

(9) "Member" means a person who has been admitted to membership in the private club;

(10) "Member's family" means the spouse, parents, and children of a member;

(11)(A) "Membership book" means a well-bound book in which is shown the following about each member:

- (i) The full name of the member;
- (ii) His or her initial membership number, which shall be issued in sequence;
- (iii) The current complete address of such member;
- (iv) The date such member was admitted to membership, if such be after the effective date of this part; and
- (v) The date, if applicable, such member was removed from the membership, if such be after the effective date of this part.

(B) When a member has been removed from membership, his or her membership number may be reassigned to another member.

(C) Additional well-bound books may be used if necessary to record the information required by this part, but all such books shall be kept by the club for a period of three (3) years.

(D) A club using a business machine to maintain its membership records shall not be required to keep a well-bound book if such machine provides the information required by this part;

(12) "Membership card" means a card identifying the:

(A) Name of the private club;

(B) Name of the member; and

(C) Date on which the membership card was issued;

(13) "Microbrewery" means a brewery that manufactures one (1) or more varieties of beer, malt beverages, or hard cider in an aggregate quantity not to exceed forty-five thousand (45,000) barrels per year from all facilities under common ownership with the microbrewery;

(14) "Microbrewery-restaurant private club" means a nonprofit organization organized and existing under the laws of this state that:

(A) Is both a microbrewery and a restaurant;

(B) Has members which are not directly or indirectly benefitted by the entity's net revenues;

(C) Exists for some common recreational, social, patriotic, political, national, benevolent, athletic, community hospitality, professional association, entertainment, or other object or purpose other than the consumption of alcoholic beverages; and

(D) Has existed for at least one (1) year;

(15) "Net revenues" means any amount of receipts realized by the club from the dispensing of controlled beverages in excess of the bona fide expenses of the club;

(16) "Pool or revolving fund system" means a system of operation of a private club whereby the entire stock of controlled beverages on the premises of the club is owned in common by the membership of the private club;

(17) "Private club" means a nonprofit corporation organized and existing under the laws of the State of Arkansas, no part of the net revenues of which shall inure directly or indirectly to the benefit of any of its members or any other individual, except for the payment of bona fide expenses of the club's operation, having not less than one hundred (100) members, conducted for some common recreational, social, patriotic, political, national, benevolent, athletic, community hospitality, professional association, entertainment, or other nonprofit objective or purpose other than the consumption of alcoholic beverages, which shall have been in existence for a period of not less than one (1) year before application for permit, and owning or leasing a building or space therein for the reasonable comfort and accommodation of its members and their families and guests and, in dry areas, restricting the use of the club facilities to such persons; and

(18)(A) "Restaurant" means any public place or private place that is primarily engaged in the business of serving a meal for consumption on the premises to a guest, has a seating capacity of at least fifty (50) people, and has a suitable kitchen facility to serve the entire menu approved by the Alcoholic Beverage Control Division.

(B) The menu shall contain a selection of food and shall 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) Food from the menu shall be available from opening time until two (2) hours before closing time.

(E) "Meal" means the usual assortment of food commonly ordered at various hours of the day, and "guest" means a person who orders and is served a meal inside a restaurant during regular hours.

(F) A microbrewery-restaurant private club must also serve at least one (1) meal per day and be open for business a minimum of five (5) days per week, with the exception of holidays, vacations, and periods of redecorating.

(b) **Membership information not to be released.** No organization holding a private club permit shall market, sell, or otherwise furnish the name of its members, or any other information pertaining to its members, to any other public or private entity, except as is authorized in Arkansas Code § 3-9-232(a).

Authority. Arkansas Code § 3-2-205.

Codification Notes. Subdivision (5) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-20-97)"

Subdivision (9) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-17-05)"

Subdivision (11) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-17-05)"

Subdivision (12) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-17-05)"

Subdivision (16) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-17-05)"

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

Subdivision (19) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 2020)"

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

Subpart 2. Permit Procedure

3 CAR § 5-201. Local ordinance required — Presumption that the application is qualified to be received by division — Information, statements, and documents to be furnished by applicant.

(a)(1) A private club application may only be submitted to the Alcoholic Beverage Control Division after the governing body of the county or municipality in which the private club seeks to be located has issued an ordinance approving the private club to operate in that county or municipality.

(2) A private club application filed with and accepted by the division meeting the requirements of 3 CAR § 5-102(a)(17) and approved by local ordinance will be presumed to be a "qualified application" under the terms of Arkansas Code § 3-9-222(f).

(3) This presumption shall be met if the application is accompanied by the required documents listed in subsection (b) of this section.

(b) In addition to such information as the Director of the Alcoholic Beverage Control Division may determine shall be furnished, the following information, statements, and documents shall be given or made by an applicant for a private club permit and such application shall be verified under oath by the chair of the board of directors or other governing body, the president, and the secretary of said private club, or the named managing agent of the nonprofit corporation:

(1) The name and residence of each consenting charter member of the club on the date of application and who is in good standing on the date of the application;

(2) The name and address of each member of the board of directors or other governing body and each officer of the club;

(3) The premises to be permitted stating the street and number or such description of the premises and the character of the area surrounding the premises as will reasonably indicate the locality of the premises and will specifically designate and describe all areas on the premises of the club where controlled beverages will be dispensed and the consumption of such controlled beverages will be allowed;

(4) The applicant shall submit the description called for in subdivision (b)(3) of this section and a plot plan of the premises which shall clearly show the construction of the premises, including the dimensions thereof and the relation of the premises to surrounding structures;

(5) A detailed description of the nonprofit purpose or objective of the club and a complete description of entertainment and/or other services offered by the club;

(6) The amount assessed a member as dues, if any, at the time of said application for permit;

(7) A copy of the minutes of the meeting of the governing board of the nonprofit corporation which shows that the application for the private club permit is authorized by the organization's governing body;

(8)(A) A statement that the applicant is the owner of the premises for which the permit is sought or is the holder of an existing lease thereon.

(B) If the applicant is not the owner of the premises for which the permit is sought, the applicant must state the name of the owner of the premises and the names of any other persons holding a leasehold interest in the premises;

(9) A statement that:

(A) No member of the board of directors or other governing body nor any of the officers of the club has been under the sentence, whether suspended or otherwise, of any court for the conviction of a felony within two (2) years preceding the date of the application;

(B) No member of the board of directors or other governing body nor any of the officers of the club has had a permit, license, or registration issued to them under any alcoholic beverage control law or rule of the State of Arkansas revoked within five (5) years preceding the date of application; and

(C) All members of the board of directors or other governing body and all officers of the club are of good moral character;

(10) A copy of the articles of incorporation, as file-marked by the office of the Secretary of State and the bylaws of the private club shall be attached to the application;

(11) If the premises are not owned by the applicant, a copy of the lease or other agreement for use of the premises shall be attached to the application;

(12) The applicant, in the application, must elect to operate under either the locker system or the pool or revolving fund system of operation; and

(13) Permit Not to be Issued to Unqualified Corporation [repealed].

Authority. Arkansas Code § 3-2-205.

Codification Notes. Subsection (a) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 9-20-17)"

Prior to codification into the Code of Arkansas Rules, subdivision (13) contained the following: "Repealed 8-17-05"

3 CAR § 5-202. Election of system of operation binding.

The election made in the application for a private club permit to operate said private club under either the locker system or the pool or revolving fund system of operation shall be binding upon said club for the life of the permit.

Authority. Arkansas Code § 3-2-205.

3 CAR § 5-203. Private club to operate for nonprofit purpose or objective described in application.

No private club shall operate for any purpose or objective other than the nonprofit purpose or objective described in said club's permit application.

Authority. Arkansas Code § 3-2-205.

3 CAR § 5-204. Satellite location for private clubs in hotel buildings.

(a) In any case where an on-premises consumption private club permit has been issued to an organization which owns or leases space within a hotel building, the private club organization may elect to have, subject to approval by the Director of the Alcoholic Beverage Control Division, an additional location or locations which must be located on contiguous property owned or controlled by the same hotel entity from which the private club leases its space.

(b) When such application is made, it shall be on forms provided by the Alcoholic Beverage Control Division.

(c) An additional permit fee of one thousand five hundred dollars (\$1,500) per year shall be procured from the organization seeking such satellite location per hotel as set forth in this section.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-20-97)"

3 CAR § 5-205. Private club restaurant operations.

(a) Those private clubs which are held out to the Alcoholic Beverage Control Division as food service establishments must maintain food service operations on the permitted premises that meet the requirements for restaurants as defined in 3 CAR § 4-103.

(b) Further, kitchen facilities in those private clubs must remain open and serve food at all times alcoholic beverages are served on the permitted premises.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-16-11)"

Subpart 3. Conduct of the Nonprofit Business of Dispensing Controlled Beverages in Private Clubs

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

"Section 5.28 Membership Committee. Repealed 8-17-05"

"Section 5.29 Election of Members. Repealed 8-17-05"

"Section 5.32 Voting by Proxy Allowed. Repealed 8-17-05"

"Section 5.33 One Vote For Each Member. Repealed 8-17-05"

"Section 5.34 Notice of Meeting. Repealed 8-17-05"

"Section 5.35 Salaries to be Reasonable and Proper and Commensurate With Other Salaries. Repealed 8-17-05"

"Section 5.37 Bond for Payment of Fees Required. Repealed 8-19-99"

"Section 5.46 Private Club to File Name and Address of Licensed Accountant and Bookkeeper. Repealed 8-17-05"

"Section 5.49 Transportation of Controlled Beverages Through "Dry" Area to Private Club. Repealed 8-15-07"

"Section 5.50 Director to Issue permit to Transport Through "Dry" Area; Permit to be in Possession of Driver When Controlled Beverages Transported. Repealed 8-15-07"

"Section 5.51 Permit to Transport Controlled Beverages to Private Club Valid for One Year From Date of Issuance. Repealed 8-15-07"

"Section 5.52 Unloading or Transfer of Controlled Beverages While in Transit Prohibited; Vehicle to be Locked While in Transit. Repealed 8-15-07"

3 CAR § 5-301. Membership.

No person shall be considered a member of a private club holding a permit under the alcoholic beverage control laws of the State of Arkansas unless such person has met the membership requirements as set forth in the bylaws of the nonprofit corporation.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-17-05)"

3 CAR § 5-302. Minimum membership.

(a) Every private club must have a minimum of one hundred (100) voting members.

(b) Nothing in this part shall prohibit a club from establishing other classes of membership.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-17-05)"

3 CAR § 5-303. Membership book.

All private clubs shall maintain and keep current a membership book as defined by this part.

Authority. Arkansas Code § 3-2-205.

3 CAR § 5-304. Resolution of internal matters of a licensed private club.

(a) All officers and directors or other members of the governing body of a permitted private club shall be elected in accordance with the Arkansas Nonprofit Corporation Act of 1993, Arkansas Code § 4-33-101 et seq.

(b) The subject of membership voting rights of any permitted private club, including whether or not proxy voting will be allowed or whether cumulative voting will be allowed, shall be governed in accordance with the provisions of the Arkansas Nonprofit Corporation Act of 1993.

(c) Any requirements for notices of meetings of a permitted private club shall also be governed in accordance with the provisions of the Arkansas Nonprofit Corporation Act of 1993.

(d) Any complaint as to whether the above items have been complied with by a permitted private club shall be resolved outside the Alcoholic Beverage Control Division as may be provided for by the Arkansas Nonprofit Corporation Act of 1993 or other law.

(e) In the event the corporation was created under the Arkansas Nonprofit Corporation Act, Arkansas Code §§ 4-28-201 — 4-28-206 and 4-28-209 — 4-28-224, and the corporation has not elected to be treated as a nonprofit corporation under the provisions of the Arkansas Nonprofit Corporation Act of 1993, the resolution of these matters will occur outside the division as may otherwise be provided by law.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-17-05)"

3 CAR § 5-305. Net revenues to be used only for bona fide expenses of the club.

Any net revenues, as defined by this part, of the club shall be used only for payment of bona fide expenses of the club.

Authority. Arkansas Code § 3-2-205.

3 CAR § 5-306. Private club in dry area to dispense alcoholic beverages to members and guests.

(a) A private club located in a dry area of the state may dispense alcoholic beverages only to members and to guests who are in the physical company of a member.

(b) Provided, that an employee of the private club may not act as a host for any guest.

Authority. Arkansas Code § 3-2-205.

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

3 CAR § 5-307. Dispensing controlled beverages to or consumption by nonmember/nonguest prohibited.

(a) No private club in a dry area shall allow the dispensing or consumption of controlled beverages on the premises of the club to or by any person other than:

- (1) A bona fide member of the club;
- (2) One (1) of such member's family; or
- (3) A bona fide guest of a member of the club.

(b) A private club may serve alcoholic beverages on a golf course on which the private club is located and which is controlled by the private club when the private club is hosting a professional golf tournament or other charitable golf tournament, either of which is sponsored by a charitable organization as described in Section 501(c)(3) of the Internal Revenue Code, and the Director of the Alcoholic Beverage Control Division has been notified by the private club at least sixty (60) calendar days prior to the beginning of the event.

(c) Persons who attend such event, either as spectators or as participants, shall be deemed to be guests of the private club and the private club may serve alcoholic beverages to the guests for cash.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-17-05)"

3 CAR § 5-308. Controlled beverages dispensed by private club to be purchased from authorized source of supply.

(a) All controlled beverages dispensed by a private club must be purchased from a retail liquor store which holds a federal Basic Wholesaler's Permit issued by the Alcohol and Tobacco Tax and Trade Bureau.

(b) Provided, however, that those private clubs located in wet areas holding a retail beer permit or a retail wine permit must purchase beer and wine from holders of relevant wholesale beer or wine permits in whose designated territory the private club is located.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-17-05)"

3 CAR § 5-309. Private club must designate managing agent.

All persons applying for or holding a private club permit shall designate a managing agent as provided in 3 CAR pt. 1.

Authority. Arkansas Code § 3-2-205.

3 CAR § 5-310. Managing agent or officer of private club not to hold retail off-premises liquor permit.

No managing agent of any private club or any officer or member of the board of directors of any private club shall hold a retail liquor permit for off-premises consumption.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 5-19-99)"

3 CAR § 5-311. Financial statement may be required.

(a) The Director of the Alcoholic Beverage Control Division, at his or her discretion, may order a private club to prepare a financial statement covering the immediately preceding calendar year of the club's operations.

(b) The financial statement shall be certified by a licensed or registered accountant and shall clearly indicate the amount and source of all club receipts and the amount and purpose of all club disbursements in specific categories consistent with standard accounting practices.

(c) In addition, the financial statement must show a balance sheet of the club's assets and liabilities at the end of the immediately preceding calendar year and must show the following in regard to all salaries and wages paid during the preceding calendar year:

- (1) The name of each person receiving a salary or wages paid by the club during the preceding calendar year and such person's Social Security number;
- (2) The position each such person held with the club; and
- (3) The amount paid to each such person in the form of salary, wages, or otherwise.

Authority. Arkansas Code § 3-2-205.

Codification Notes. Subdivision (3) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-17-05)"

3 CAR § 5-312. Financial statement to be available for inspection.

The financial statement described in 3 CAR § 5-311 shall be available for inspection upon reasonable notice to the Director of the Alcoholic Beverage Control Division.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-17-05)"

3 CAR § 5-313. Private club to maintain financial records.

(a) Each private club shall maintain written records of all club transactions, including all club receipts and disbursements, in a manner consistent with standard business bookkeeping practices.

(b) Such records shall be open for inspection upon reasonable notice by the Director of the Alcoholic Beverage Control Division or any authorized agent of the Alcoholic Beverage Control Enforcement Division.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-17-05)"

3 CAR § 5-314. Private club permit issued to qualified persons only.

No private club permit shall be issued to any person who, in the judgement of the Director of the Alcoholic Beverage Control Division, does not qualify for said permit under this part or under any alcoholic beverage control law of the State of Arkansas.

Authority. Arkansas Code § 3-2-205.

3 CAR § 5-315. Private club not to allow certain persons to serve as directors or officers.

No private club shall allow any person to serve as a member of the board of directors or other governing body nor as an officer of the club who:

(1) Has been under the sentence, whether suspended or otherwise, of any court for the conviction of a felony within two (2) years preceding the date of the application;

(2) Has had a permit, license, or registration issued to them revoked under any alcoholic beverage control law of the State of Arkansas within five (5) years preceding the date of application; or

(3) Is not of good moral character.

Authority. Arkansas Code § 3-2-205.

3 CAR § 5-316. Hotel-motel guest authorized to apply for membership of private club.

(a) In any case where a private club is operating within facilities connected with or leased or rented from a hotel or motel, any person registered as a guest of such hotel or motel may be admitted as a member to such private club only after making the application prescribed by this part for any other applicant for private club membership.

(b) If the manager of the hotel or motel where the separate private club is housed desires to offer free samples of alcoholic beverages to registered hotel guests, the hotel guests must either become a member in conformance with the provisions of this part, or the hotel guests may be admitted to the private club in the physical company of the manager or his or her designee at the time the reception is held.

(c) The manager shall be responsible for all drink charges that are assigned to him or her in order that the revolving fund of the nonprofit corporation may be replenished as is required by law.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-19-09)"

Subpart 4. Prohibited Conduct and Activities

3 CAR § 5-401. Prohibited conduct and activities under private club permit.

In addition to the violation of or failure to comply with any of the rules under this part and under 3 CAR pt. 1 or with any alcoholic beverage control law of the State of Arkansas, a private club permit may be suspended or revoked for the violation or failure to comply with any rule under 3 CAR § 3-401 et seq., in regard to prohibited conduct and activities for retail permits.

Authority. Arkansas Code § 3-2-205.

3 CAR § 5-402. Advertising the availability of alcoholic beverages to the public by a private club in a dry area.

(a)(1) Private clubs in any area of the state where the sale of alcoholic beverages is prohibited by law (dry area) are prohibited from using advertising media, including any

signs or trade names on the exterior of the club building, to promote the consumption and use of alcoholic beverages within the club.

(2) The use of terms such as "happy hour", or any other term or brand name that generally identifies any brand or mixture of alcoholic beverages, is included in this prohibition.

(3) This prohibition does not require a private club to block visibility through the private club's windows or doors to prevent the general public from viewing patrons consuming alcoholic beverages, including without limitation through the use of window tinting.

(b) No private club, located in either a wet or dry area of the state, may advertise or use any type of advertising media to announce social functions of general interest to the membership, entertainment, or other similar activities within the confines of the club property, without preceding such advertisement or announcement with the words "Notice to Members" or "Attention Members" prominently displayed, and the name of the club or organization sponsoring such social activities.

Authority. Arkansas Code § 3-2-205.

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

3 CAR § 5-403. Hours of dispensing alcoholic beverages in private club — Class A private club permit defined — Class B private club permit defined — Imposition of more restrictive hours of operation as a sanction for a violation — Prohibition against transfer of Class B private club permit — More restrictive hours of operations by local governments.

(a)(1) Private club permits which are classified as Class A private club permits as well as all new private club permits issued by the Alcoholic Beverage Control Division shall be allowed to dispense alcoholic beverages and to allow the possession and

consumption of alcoholic beverages on the permitted premises beginning at 7:00 a.m. of a day and ending by 2:00 a.m. of the following day.

(2) No new private club permit shall be issued, nor any existing Class A private club permit changed, to allow the dispensing, consumption, or possession of alcoholic beverages on the permitted premises from 2:00 a.m. until 7:00 a.m. daily.

(b)(1) Those permitted establishments which have received a Class B certificate from the division classifying them as a Class B private club shall be allowed to dispense alcoholic beverages and to allow the possession and consumption of alcoholic beverages on the permitted premises between the hours of 10:00 a.m. of a day and ending by 5:00 a.m. of the following day.

(2) No transfer of location application shall be allowed on any Class B private club permit to move the permit to another county.

(c)(1) The Alcoholic Beverage Control Board recognizes that cities or counties may desire to impose more restrictive hours of operation on private club permittees within their jurisdiction than is provided for by the Class A or Class B private club permits.

(2) Further, it has never been the intention of the board, by the passage of prior versions of 3 CAR § 5-315, formerly numbered 3 CAR § 5-314, to preempt the authority of cities or counties in this regard that was granted to them in the case of *Tompos vs. City of Fayetteville*, decided in 1983.

(3) Cities and counties are recognized to be empowered to provide, by ordinance, hours of operation that are more restrictive in nature than provided for by the Class A or Class B permit structure issued by the division.

(4) However, in accordance with Arkansas Code § 3-4-407, any violation of more restrictive hours of operation provided for by city or county ordinance will not be considered a violation against the permit issued by the division.

(d)(1) The Director of the Alcoholic Beverage Control Division, or the board on appeal, in their discretion, is empowered to impose more restrictive hours of operation as a sanction for violation of any alcoholic beverage control law or rule.

(2) If any member, guest, employee, agent, or servant of the private club shall dispense, consume, or allow the possession of alcoholic beverages on the permitted

premises during the prohibited hours, such action may result in a hearing against the permit and the levying of a fine and/or the suspension, revocation, or cancellation of the permit.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-15-01)"

3 CAR § 5-404. Presence of minors in private club.

No minors may be allowed on the permitted premises of a private club when alcoholic beverages are being served unless there is food service available from Department of Health-approved kitchen facilities on such premises where the food is prepared and being served.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-20-03)"

3 CAR § 5-405. Hotel or large event facility private club permit for dry areas only.

(a) In addition to the requirements for an application for a regular private club permit, including an ordinance approving the operation of the private club by the governing body of the county or municipality in which the club is located, the applicant for a permit issued under this section must elect to apply as either a hotel or as a large event facility private club.

(b) If application is being made for a hotel private club permit as authorized by Acts 2011, No. 1194, the application for the hotel permit must include, in addition to information already required for a private club application, a description of the hotel

facility, which shows at a minimum that the hotel meets the following additional requirements:

(1) The space leased must have at least eighty (80) lodging rooms and five thousand square feet (5,000 ft²) of public meeting, banquet, or restaurant space that is leased to the nonprofit corporation;

(2)(A) Additional areas, other than the bar area, in which the private club hotel applicant desires the ability to serve alcoholic beverages to members and their guests must be shown on a floor plan.

(B) Such additional areas may include:

- (i) Sleeping rooms;
- (ii) Pool-side bars;
- (iii) Banquet facilities;
- (iv) Restaurants;
- (v) Lobbies;
- (vi) Exhibit halls;
- (vii) Patios; and
- (viii) Outdoor gardens; and

(3) If the hotel desires to offer room service, either by the use of in-room hospitality units as authorized by Section 5.51 [repealed] or by room service, the floor plan submitted must clearly identify those rooms which are leased by the nonprofit corporation.

(c) Additional information or requirements for a large event facility under Acts 2011, No. 1194, shall include the following:

(1) The large event facility must serve full and complete meals and food on the premises;

(2)(A) The large event facility must have one (1) or more places for food service on the premises with a seating capacity for not fewer than five hundred (500) people and must employ a sufficient number and kind of employees to serve meals and food on the premises capable of handling at least five hundred (500) people.

(B) However, the food service requirement and employee requirement may be supplied either through the large event facility permittee or through one (1) or more independent contractors;

(3) The large event facility may serve alcoholic beverages on the premises at one (1) or more places only on days complete meals and food are served at one (1) or more places on the premises;

(4) The large event facility applicant must show that the space leased has ten thousand square feet (10,000 ft²) of interior or exterior public meeting, banquet, exhibit hall, or restaurant space;

(5)(A) The applicant for the large event facility permit shall list, and show on its floor plan, all areas of the large event facility where alcoholic beverage service is being requested.

(B) This includes outdoor areas, exhibit halls, patios, lobbies, restaurants that may be within the large event facility, and any other portion of the large event facility property where alcoholic beverage service is desired.

(C) Areas where alcoholic beverage service is desired must be leased by the nonprofit corporation that is making application for the private club permit; and

(6) Attachments to the application must show that the large event facility permit will be a facility that will house convention center activity, tourism activity, trade show and product display and related meeting activity, or any other similar large meeting or attendance activity as required by Acts 2011, No. 1194.

(d)(1) The applicant for the hotel or the large event facility must show, on the floor plan, an entryway where members of the public may enter the property before they are offered the opportunity to become members of the nonprofit corporation.

(2) Both members of the public and members of the private club and bona fide guests of a member of the private club may freely move about the private club property, but only members and guests of a member of the nonprofit corporation may receive alcoholic beverage service from the private club.

Authority. Arkansas Code § 3-2-205.

Codification Notes. Subsection (a) as promulgated prior to codification into the Code of Arkansas Rules as follows: "(Amended 9-20-17)"

This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 8-16-11)"

3 CAR § 5-406. Hotel or motel in-room hospitality units for dry area hotels or motels under Acts 2011, No. 1194.

(a)(1) A nonprofit corporation private club permittee which leases a space or spaces within a hotel or motel building, including sleeping room areas, which meets the requirements of Acts 2011, No. 1194, may dispense alcoholic beverages for on-premises consumption only in sealed containers from an in-room hospitality unit located in any sleeping room of the permitted hotel or motel leased by the not-for-profit corporation permit holder and which is occupied by qualified persons.

(2) For purposes of this subsection, "qualified persons" means members or bona fide guests of a member of the private club, all of whom are twenty-one (21) years of age or older.

(b)(1) "In-room hospitality unit" or "unit" means a closed container, refrigerated or nonrefrigerated, access to the interior of which is restricted by means of a locking device under the control of hotel management.

(2) Each such unit shall have permanently affixed thereto a sign that informs the qualified members or guests of the private club of the legal hours the unit may be accessed, such hours to correspond to state or local laws regarding the dispensing of alcoholic beverages.

(3) The unit herein described must meet such requirements as set forth by the Director of the Alcoholic Beverage Control Division and, further, must be approved by the director in writing before dispensing commences from such unit.

(c)(1) An in-room hospitality unit may be stocked or inventoried only by private club employees who are twenty-one (21) years of age or older and only during the

hours legally prescribed by law for the dispensing of alcoholic beverages at the private club.

(2) The following sizes and quantities of alcoholic beverages are authorized to be placed in and dispensed from an in-room hospitality unit:

(A) Wine and vinous beverage in one-hundred-eighty-seven-milliliter containers with no more than a total of eight (8) containers per hospitality unit;

(B) Malt beverages, including both beer and malt liquor, in twelve-ounce or less containers with no more than a total of eight (8) containers per hospitality unit, however, no malt beverage container shall be less than two hundred milliliters (200 ml) or six and eight-tenths ounces (6.8 oz.) in size; and

(C)(i) Upon written approval by the director, distilled spirits may be dispensed only in one-hundred-milliliter or less size containers.

(ii) Any container size less than one hundred milliliters (100 ml) is specifically an exemption from the provisions of 3 CAR § 2-211 and may only be dispensed in such in-room hospitality units.

(iii) No more than a total of fourteen (14) of such distilled spirits containers may be maintained in each hospitality unit.

(iv) Based on the container size approval, the director shall determine the appropriate number of containers allowed in the in-room hospitality unit.

(v) The private club permittee shall remain accountable under applicable law and rules for dispensing from the in-room hospitality unit the same as if such were made from any other point from within the establishment; and

(D)(i) The private club permittee at the hotel or motel, on property leased by the private club permittee, may also offer room service of alcoholic beverages during legal hours of the dispensing of alcoholic beverages as set by state or local law.

(ii) Room service of alcoholic beverages may not be offered to any sleeping room if the room is solely occupied by persons under the age of twenty-one (21).

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 8-16-11)"

Subpart 5. Operation of Private Clubs in Wet Areas

Codification Notes. This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "Section 5.65 Advertising Availability of Alcoholic Beverages to the Public by a Private Club in a "Wet" Area. Repealed 8-21-13"

3 CAR § 5-501. Applicability of other rules.

(a)(1) The rules under this subpart relate to the operation of private club permits which are located in wet areas, said operations being authorized by Acts 1999, No. 1371.

(2) The rules contained within this subpart should be regarded as being supplementary to the code provisions of the State of Arkansas regarding the matters covered by this subpart.

(b)(1) In addition to the rules found within this subpart, other rules applicable to private club permits under this part will apply to operations of private club permits in wet areas, except to the extent excluded under this subpart.

(2) "Wet area" means any area of the state where the sale of alcoholic beverages is allowed by law.

(3) Also, other rules that pertain to the general operations of private club permits may be found under 3 CAR pts. 1 and 3.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 5-19-99)"

3 CAR § 5-502. Application for membership required only when distilled spirits drink or beverage made from distilled spirits product is ordered.

(a) Any private club permittee located within a wet area, under the terms of Acts 1999, No. 1371, as applies to the dispensing or consumption of alcoholic beverages, shall require a person to become a member of the private club only when that person orders a distilled spirits drink or a beverage made from distilled spirits products.

(b) No written membership application is required.

(c) No guest status, for the purpose of ordering a distilled spirits drink, as provided for private clubs in dry areas, is allowed.

(d) Provided, private clubs may elect, upon written notice to the Alcoholic Beverage Control Division, to operate the private club in accordance with the rules promulgated by the division prior to the passage of Acts 1999, No. 1371.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-17-05)"

**3 CAR § 5-503. Service of distilled spirits drink to members only —
Violation.**

(a) No person in a private club in a wet area shall be served a distilled spirits drink or a beverage made from distilled spirits products unless that person shall be a member of the private club.

(b) In order to prove membership status, any person receiving the distilled spirits drink must show, upon request, a membership card which has been issued to them in accordance with the provisions of this subpart, or in the alternative, they must have their name legibly entered, by the permittee or their employee, into a well-bound, business identified, membership book.

(c) If a person consuming a distilled spirits drink is not in possession of a valid membership card, or if the membership book does not reflect that they are a current member of the private club, then a violation will lie against the permit.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 5-19-99)"

3 CAR § 5-504. Membership book requirement for private clubs in wet areas.

(a) The membership book for private clubs located in wet areas shall, at a minimum, reflect the member's name and the date upon which their annual membership became effective.

(b) "Membership book" means a well-bound book, identified by the name of the permitted establishment on the exterior cover, or a business machine listing which has been approved by the Director of the Alcoholic Beverage Control Division in writing.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 5-19-99)"

3 CAR § 5-505. Membership card.

(a) Any person who joins a private club located in a wet area may, at the club's option, be issued a membership card as provided above.

(b) If the club elects to issue membership cards, the membership cards shall reflect, at a minimum:

- (1) The name of the private club;
- (2) The name of the member; and

(3) The date upon which the membership card was issued.

(c) Every membership card issued under the provisions of this subpart shall remain valid in accordance with the club's bylaws, unless otherwise revoked or cancelled by the private club in accordance with such bylaws or any applicable law or rule of the State of Arkansas.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-17-05)"

3 CAR § 5-506. Private club permittee may not allow the sale of beer for off-premises consumption from the private club premises on Sunday.

(a) Under Acts 1999, No. 1371, any member of the public may enter the private club premises in a wet area for the purchase of food (if available) and beer or wine products if the private club has the required retail beer and retail wine permits.

(b) No private club holding a retail beer permit may allow the off-premises sale of beer on a Sunday or after 10:00 p.m. Monday through Saturday.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Amended 8-17-05)"

3 CAR § 5-507. Sale of beer to the public — Retail beer permit required — Source of supply.

(a) Any private club permitted organization in a wet area that desires to sell beer to the public for on-premises consumption under the provisions of Acts 1999, No. 1371, must secure a retail beer permit for on-premises consumption from the Alcoholic Beverage Control Division.

(b) If the private club has obtained the retail beer permit, then the private club must buy its beer from a licensed Arkansas wholesale beer dealer.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 5-19-99)"

3 CAR § 5-508. Sale of wine to the public — Retail wine permit required — Source of supply.

(a) Any private club permitted organization that desires to sell wine to the public for on-premises consumption under the provisions of Acts 1999, No. 1371, must secure a retail level wine permit.

(b) If the private club has obtained the retail level wine permit, then the private club must buy its wine from a licensed Arkansas wholesale liquor dealer.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 5-19-99)"

3 CAR § 5-509. Sale of beer or wine without requisite permit — Violation.

(a) If a private club permittee in a wet area sells either beer or wine to the public without having the required retail beer or retail level wine permits, as the case may be, then a violation will lie against the private club permit issued by the Alcoholic Beverage Control Division.

(b) If a private club organization elects not to obtain a retail beer and/or retail level wine permit in order to serve beer or wine to the public, it can only dispense such beverages to members of the nonprofit organization, said beer and/or wine being

purchased from an authorized retail liquor store as provided in other subparts of this part.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 5-19-99)"

3 CAR § 5-510. Payment for the sale or dispensing of alcoholic beverages in private clubs in wet areas operating pursuant to Acts 1999, No. 1371.

(a) Payment for alcoholic beverages sold or dispensed in a private club in a wet area operating under the provisions of Acts 1999, No. 1371, shall be as is provided for in 3 CAR § 3-401.

(b) In addition, those private clubs that are located in any area of the state where the sale of alcoholic beverages is allowed by law (wet area) that assess minimum monthly dues of fifty dollars (\$50.00) may assess such members for the cost of controlled beverages at the time of dispensing of the alcoholic beverages and then bill that member only on a subsequent date by mail.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules of 2024 provided as follows: "(Adopted 8-20-03)"

3 CAR § 5-511. Sale of alcoholic beverages along with the purchase of a meal in private clubs.

(a) A private club holding a valid alcoholic beverage permit may serve alcoholic beverages in a sealed container during legal operating hours directly to a member or guest of a member of the private club who is twenty-one (21) years of age or older along with the purchase of a meal as defined in Arkansas Code § 3-9-202:

- (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.

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

Authority. Arkansas Code § 3-2-205.

Subpart 6. Operation of Bed and Breakfast Private Club

3 CAR § 5-601. Definitions.

As used in this subpart:

(1) "Guest" means a person who is registered as the receiver of overnight accommodations from the bed and breakfast private club; and

(2) "Managing agent" means a person who lives on the premises, is responsible for the daily operation of the business, and is in compliance with Arkansas Code § 3-9-222(c)(3) and who has their name placed on a permit issued to the business which operates the bed and breakfast private club.

Authority. Arkansas Code § 3-2-205.

Codification Notes. Subdivision (1) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 5-19-99)"

Subdivision (2) as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 5-19-99)"

**3 CAR § 5-602. Service of beer and wine only to registered guests —
Source of supply.**

(a) A licensed bed and breakfast private club permit may serve beer and wine only to registered lodging guests in accordance with the limitations contained within Acts 1999, No. 1063.

(b) The wine or beer furnished by the bed and breakfast private club permittee must be furnished from supplies purchased by the bed and breakfast private club permittee from a liquor store authorized by the Director of the Alcoholic Beverage Control Division to sell beer and wine supplies to private club organizations.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 5-19-99)"

3 CAR § 5-603. Service of beer or wine.

(a) The employee, the owners, or the managing agent must control the actual dispensing of the wine or beer products.

(b) Guests cannot serve themselves.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 5-19-99)"

3 CAR § 5-604. Receipts to be maintained for three years.

(a)(1) All receipts showing the purchase of beer and wine from the authorized source shall be maintained for a period of three (3) years.

(2) The receipts should reflect the:

(A) Date of purchase from the authorized liquor store;

(B) Amount of wine or beer purchased; and

(C) Name of the retail outlet from which it was purchased.

(b) The receipt shall be made available to agents of the Alcoholic Beverage Control Enforcement Division in conformance with existing law.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 5-19-99)"

3 CAR § 5-605. Public restaurant not allowed on permitted premises.

No bed and breakfast private club permittee may operate a restaurant open to any party other than registered lodging guests on the same property as the bed and breakfast permitted establishment.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 5-19-99)"

3 CAR § 5-606. Permittee to designate service areas — Subject to approval.

(a) The premises where the consumption of beer and wine furnished to registered lodging guests is lawful shall consist of the building in which the permit is located plus any land or open space as shown on the floor plan submitted by the permittee and approved by the Alcoholic Beverage Control Division.

(b) In the event the bed and breakfast permitted premises consists of multiple buildings, the premises shall be the lodging buildings owned or leased by the bed and breakfast private club permittee and outdoor service areas shown on a site plan submitted by the permittee and approved by the division.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 5-19-99)"

3 CAR § 5-607. Breakfast meal must be served.

(a)(1) A bed and breakfast private club must serve a breakfast meal to its lodging guests.

(2) This meal may be served buffet style or by individual servings and it shall be served in a common dining area.

(b) An exception to service in a common dining area may be made only if the bed and breakfast operator prepares a complete breakfast daily, in a central kitchen, and delivers the prepared breakfast daily to an individual guest room.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 5-19-99)"

3 CAR § 5-608. Wine and beer cannot be given away — Taxes to be collected.

A bed and breakfast private club must make a charge for the service of beer and wine and shall collect the appropriate state, county, and local sales taxes and remit them to the proper authority.

Authority. Arkansas Code § 3-2-205.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "(Adopted 5-19-99)"

Subpart 7. Operation of Microbrewery-restaurant Private Club

3 CAR § 5-701. Operation generally.

(a) A microbrewery-restaurant private club applicant shall be an entity organized and existing under the laws of this state before applying for a microbrewery-restaurant private club.

(b) The net revenues of the microbrewery-restaurant private club shall not directly or indirectly benefit its members, except for the payment of bona fide expenses of the microbrewery-restaurant private club's operations.

(c) Activities at the microbrewery-restaurant private club shall be conducted for some common recreational, social, patriotic, political, national, benevolent, athletic, community hospitality, professional association, entertainment, or other object or purpose and not solely for the consumption of alcoholic beverages.

(d) At the time of application for a microbrewery-restaurant private club permit, the entity shall own or lease, be the holder of a buy-sell agreement or offer and acceptance, or have an option to lease a building, property, or space for the reasonable comfort and accommodation of its members and the families and guests of its members.

(e) The microbrewery-restaurant private club shall restrict the use of club facilities to its members and the families and guests of its members.

(f) For purposes of the microbrewery-restaurant private club, a person is a member of the microbrewery-restaurant private club only upon ordering an alcoholic beverage.

(g) If the entity holding a microbrewery-restaurant private club permit additionally holds another alcoholic beverage permit, the hours of operation authorized for the microbrewery-restaurant private club applies to all permits of the entity.

Authority. Arkansas Code § 3-2-205.

3 CAR § 5-702. Procedure for obtaining permit.

(a)(1) A microbrewery-restaurant private club applicant may apply to obtain a microbrewery-restaurant private club permit through the procedures provided under 3 CAR § 5-102(a)(14) and 3 CAR § 1-202.

(2) The application for a microbrewery-restaurant private club shall be submitted to the Alcoholic Beverage Control Division and accompanied by an annual permit fee of one thousand five hundred dollars (\$1,500).

(3) In an area in which the sale of alcoholic beverages is not authorized by local option under Arkansas Code § 3-8-201 et seq., the application for a microbrewery-restaurant private club permit shall be accompanied by an additional application fee of one thousand five hundred dollars (\$1,500).

(4) The Director of the Alcoholic Beverage Control Division may issue a permit as authorized in this section upon determination that the applicant is qualified and that the application is in the public interest.

(b) The director may issue a microbrewery-restaurant private club permit if the microbrewery-restaurant private club premises are in a dry area and the governing body has approved an applicant.

(c) The director may issue an additional microbrewery-restaurant private club permit after October 1, 2019, to a person or entity holding a microbrewery-restaurant private club permit as of October 1, 2019, and having more than five percent (5%) common ownership with a person or entity if the person or entity holds a permit under the Arkansas Small Brewery Act, Arkansas Code § 3-5-1401 et seq., or qualifies as a supplier under Arkansas Code § 3-5-1102.

Authority. Arkansas Code § 3-2-205.

3 CAR § 5-703. Reapplication.

An entity denied a microbrewery-restaurant private club permit may reapply with the Alcoholic Beverage Control Division for a permit pursuant to 3 CAR § 1-219.

Authority. Arkansas Code § 3-2-205.

3 CAR § 5-704. Permit scope and restrictions.

The Director of the Alcoholic Beverage Control Division may issue a microbrewery-restaurant private club permit that authorizes the permittee to:

(1) Operate a microbrewery-restaurant private club and manufacture one (1) or more varieties of beer, malt beverage, or hard cider, in an aggregate quantity not to exceed forty-five thousand (45,000) barrels per year from all facilities under common ownership with the microbrewery;

(2)(A) Store beer, malt beverage, and hard cider manufactured by the microbrewery-restaurant private club and any other beer, malt beverage, hard cider, and spirituous liquor that the microbrewery-restaurant private club permittee may purchase from retailers and small brewers permitted by this state on the microbrewery-restaurant private club permitted premises and on the premises of the one (1) separate brewing facility of a microbrewery-restaurant private club.

(B) Two (2) or more microbrewery-restaurant private clubs sharing common ownership or a brewery of any size sharing common ownership with a microbrewery-restaurant private club shall be considered one (1) entity for purposes of calculating barrel production;

(3) Transport beer, malt beverage, or hard cider produced by one (1) entity among no more than three (3) microbrewery-restaurant private clubs of the one (1) entity;

(4) Operate a restaurant that is the sales outlet for beer, malt beverage, or hard cider manufactured by the microbrewery-restaurant private club and that sells the beer, malt beverage, or hard cider and any other beer, malt beverage, hard cider, wine, or spirituous liquor that the microbrewery-restaurant private club permittee may purchase from retailers permitted by this state for consumption on the permitted premises or purchased directly from permitted small brewers allowed to distribute directly to the microbrewery-restaurant private club;

(5) Sell on the premises beer, malt beverage, or hard cider manufactured by the microbrewery-restaurant private club or commonly owned facility to a member for on-premises consumption during legal operating hours;

(6) Serve to a member on-premises complimentary samples of beer, malt beverages, or hard cider produced by the microbrewery-restaurant private club; and

(7) Sell beer, malt beverage, or hard cider of its own manufacture to a wholesale dealer permitted by this state for the purpose of resale to other retail permit holders.

Authority. Arkansas Code § 3-2-205.

3 CAR § 5-705. Tastings.

(a) A microbrewery-restaurant private club may conduct beer-tasting, malt beverage-tasting, and hard cider-tasting events for educational or promotional purposes at any location in wet areas of this state if:

(1) A request for approval to conduct a beer-tasting, malt beverage-tasting, and hard cider-tasting event is received by the Alcoholic Beverage Control Division at least two (2) weeks before the event;

(2) The request is approved by the division; and

(3) Written notice is given by the division to the permit holder at least five (5) days before the event.

(b) The microbrewery-restaurant private club shall use only beer, malt beverage, and hard cider produced by the microbrewery-restaurant private club for an approved event.

(c) This section does not authorize the conducting of a beer-tasting, malt beverage-tasting, and hard cider-tasting event at a separate brewing facility of a microbrewery-restaurant private club.

Authority. Arkansas Code § 3-2-205.

3 CAR § 5-706. Separate facility authorized.

(a) A microbrewery-restaurant private club may maintain one (1) separate brewing facility for the production or storage of beer, malt liquor, and hard cider as needed to meet demand, except that each facility used by the microbrewery-restaurant private club permittee shall not in the aggregate produce more than forty-five thousand (45,000) barrels of beer, malt beverage, and hard cider per year.

(b) Beer, malt beverage, and hard cider produced by a separate brewing facility of a microbrewery-restaurant private club permittee shall be:

(1) Sold to a permitted wholesaler; or

(2) Transported:

(A) From the separate brewing facility to a microbrewery-restaurant private club commonly owned by the owner of the separate brewing facility for retail sale for consumption on the permitted premises; or

(B) To the separate brewing facility from a microbrewery-restaurant private club commonly owned by the owner of the separate brewing facility for storage, production, or packaging.

Authority. Arkansas Code § 3-2-205.

3 CAR § 5-707. Prohibited sales.

(a) A microbrewery private club may not sell alcoholic beverages to nonmembers.

(b) A microbrewery private club shall not sell alcoholic beverages for off-premises consumption.

(c) Violation of this provision will result in the permit being revoked.

Authority. Arkansas Code § 3-2-205.

3 CAR § 5-708. Advertising for a microbrewery-restaurant private club.

(a) Except as provided in Arkansas Code § 3-5-1904(d)(2), a microbrewery-restaurant private club may use advertising media to announce social functions of general interest, including without limitation:

- (1) A golf tournament;
- (2) A charity ball;
- (3) An entertainment event; or
- (4) A similar activity.

(b) Such event shall be held within the confines of the microbrewery-restaurant private club property.

(c) The advertising for the social function shall be preceded by the words "Notice to Members" and the name of the club or organization sponsoring the event.

(d) The prohibition on advertising or promoting the consumption and use of alcoholic beverages under Arkansas Code § 3-5-1904(d)(1) does not apply to a microbrewery-restaurant private club advertisement consisting solely of the name of the microbrewery-restaurant private club.

Authority. Arkansas Code § 3-2-205.

3 CAR § 5-709. Advertising for a microbrewery-restaurant private club in a dry area.

A microbrewery-restaurant private club shall not use advertising media to promote the consumption and use of alcoholic beverages or to advertise or announce the price of service of alcoholic beverages for on-premises consumption in a county where voters have not authorized the sale of intoxicating liquor in a local option election.

Authority. Arkansas Code § 3-2-205.