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AMENDMENT SUMMARY: The proposed amendment allows suppliers and wholesalers to conduct sampling at permitted liquor stores. This proposed amendment is in response to Act 319 of the 2023 Regular Session of the Arkansas General Assembly.

(6) Samples Prohibited. That the manufacturer or wholesaler gave samples to any person, said samples being either in unbroken packages, partial packages or by the drink, except that a manufacturer or wholesaler may give a sample of distilled spirits, wine, or malt beverages to a retailer who has not previously purchased the brand from that manufacturer or wholesaler. No manufacturer or wholesaler may give to any retail outlet more than three (3) gallons of any brand of malt beverage, 750 ml of any brand of distilled spirits, or three (3) liters of any brand of wine.

Further, a wholesaler may provide retail package store owners or employees with a small sample of any brand of wine or liquor not previously purchased by such retail package store, with such sample not to exceed one (1) ounce per owner or employee. Such samples shall be poured from bottles owned by such wholesaler, brought into the retail package store by such wholesaler or its employees, and removed from the retail package store premises immediately after the conclusion of any such sampling activity. Any sampling conducted by a wholesaler in accordance with this Section shall not violate any other law or rule prohibiting possession of an open container on the premises of a retail package store or violate any other law or rule prohibiting an employee of a retail package store from drinking while on duty.

Sampling parties may not be given to retailers, consumers or prospective customers by manufacturers, distillers, importers, producers, distributors, retailers or wholesalers, except as permitted herein. Manufacturers, distillers, importers, producers, distributors, wholesalers and retailers may donate intoxicating liquor to charitable or non-profit organizations for on premises consumption only at non-profit functions where such organization receiving the intoxicating liquor does not hold a permit to dispense intoxicating liquors. The donation of intoxicating liquor by manufacturers, distillers, importers, producers, distributors, retailers or wholesalers may occur on a permitted premises of an on premises permittee of this agency. Manufacturers, wholesalers, distillers, importers, producers, distributors, and retailers may provide keg-tapping equipment and hook-up service to a charitable or non-profit organization at a function; ~~(Amended 8-21-13)~~

However, a wholesaler or manufacturing representative may conduct on behalf of or assist the retailer with the tasting event.

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H2/14/23

A Bill

HOUSE BILL 1380

5 By: Representative A. Collins
6 By: Senator C. Penzo
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW REGARDING ALCOHOLIC
10 BEVERAGES; TO AMEND THE LAW REGARDING TASTING EVENTS;
11 AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE LAW REGARDING ALCOHOLIC
16 BEVERAGES; AND TO AMEND THE LAW REGARDING
17 TASTING EVENTS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 3-5-104(b), concerning a tasting event by a
24 person on the person's premises under a retail liquor permit, is amended to
25 add an additional subdivision to read as follows:

26 (4) A wholesaler or manufacturing representative may conduct on
27 behalf of or assist the retailer with the tasting event.
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29 SECTION 2. Arkansas Code § 3-5-104(f), concerning sampling permit fees
30 and sample sizes for tasting events, is amended to read as follows:

31 (f)(1) The Director of the Alcoholic Beverage Control Division may
32 issue a sampling permit if the applicant:

33 (A) Is licensed by the director to sell wine, beer,
34 spirits, or any combination, at retail; and

35 (B) Pays a license permit fee of:

36 (i) ~~Five hundred dollars (\$500)~~ Two hundred fifty



1 dollars (\$250) for either a wine license permit, beer license permit, or
2 spirits license permit; or

3 (ii) ~~One thousand dollars (\$1,000)~~ Five hundred
4 dollars (\$500) for a combined wine, beer, and spirits license permit.

5 (2)(A) The sampling permit allows the person to conduct tasting
6 events on the person's premises during regular hours of operation. A sampling
7 permit shall expire on June 30 of each year.

8 (B) The samples shall be limited to a total of:

9 (i) ~~Three (3) one-half ounce (0.5 oz.)~~ Six ounces (6
10 oz.) of wine servings per customer each day for on-premises consumption;

11 (ii) ~~Two (2) two-ounce (2 oz.)~~ Eight ounces (8 oz.)
12 of beer servings per customer each day for on-premises consumption; ~~and or~~

13 (iii) ~~Two (2) one-half ounce (0.5 oz.) spirit~~
14 servings Two ounces (2 oz.) of spirits per customer each day for on-premises
15 consumption.

16 (3) The director may promulgate rules to administer and enforce
17 this section.

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19 /s/A. Collins

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22 **APPROVED: 3/21/23**
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