

AMENDMENT SUMMARY: The proposed amendment allows private clubs in wet areas to sell food to go or delivery. This proposed Amendment is in response to Act 540 of the 2023 Regular Session of the Arkansas General Assembly.

5.71 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 ACA § 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.

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

3.24 Delivery in wet counties only. A permit holder authorized to deliver alcoholic beverages under Rule 3.20 or Rule 3.22 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, §§ 3-8-201 – 3-8-203 and 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 § 3-9-201 et seq.

The delivery must be to the person that placed the order. The delivery must occur within the time of legal operating hours.

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

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3 SEP 2024

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

As Engrossed: H2/28/23

A Bill

HOUSE BILL 1432

5 By: Representatives Fortner, Painter
6 By: Senator Flippo
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW REGARDING ALCOHOLIC
10 BEVERAGES; TO AMEND THE LAW RELATED TO THE SELLING OF
11 ALCOHOLIC BEVERAGES WITH FOOD PURCHASE FOR DELIVERY
12 OR TO BE CONSUMED OFF-PREMISES; AND FOR OTHER
13 PURPOSES.
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Subtitle

16 TO AMEND THE LAW REGARDING ALCOHOLIC
17 BEVERAGES; AND TO AMEND THE LAW RELATED
18 TO THE SELLING OF ALCOHOLIC BEVERAGES
19 WITH FOOD PURCHASE FOR DELIVERY OR TO BE
20 CONSUMED OFF-PREMISES.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 *SECTION 1. Arkansas Code § 3-4-108 is amended to read as follows:*

27 *3-4-108. Alcoholic beverages with food purchase – Definitions.*

28 *(a) A restaurant holding a valid alcoholic beverage permit may sell*
29 *alcoholic beverages in a sealed container during legal operating hours*
30 *directly to a consumer twenty-one (21) years of age or older along with the*
31 *purchase of a meal as defined in § 3-9-202:*

32 *(1) At the point of sale to be consumed off-premises;*

33 *(2) At the drive-through to be consumed off-premises;*

34 *(3) At the curbside to be consumed off-premises; or*

35 *(4) Delivered to a consumer at a location off-premises.*

36 *(b) A private club holding a valid alcoholic beverage permit may serve*



1 alcoholic beverages in a sealed container during legal operating hours
2 directly to a member or guest of a member of the private club who is twenty-
3 one (21) years of age or older along with the purchase of a meal as defined
4 in § 3-9-202:

5 (1) At the point of sale to be consumed off-premises;

6 (2) At the drive-through to be consumed off-premises;

7 (3) At the curbside to be consumed off-premises; or

8 (4) Delivered to a consumer at a location off-premises.

9 (c) A permit holder authorized to deliver alcoholic beverages under
10 this section shall deliver the alcoholic beverages by an employee of the
11 permit holder and not through a third-party delivery system.

12 ~~(e)~~(d) A permit holder authorized to deliver alcoholic beverages under
13 this section may deliver alcoholic beverages directly to a consumer only in a
14 wet county or area and shall only be allowed to deliver in cities and
15 counties, or portions of cities and counties, in which the:

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

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

22 ~~(d)~~(e) This section does not apply to a:

23 (1) Private club located in a dry area; or

24 (2) Restaurant located in a dry area.

25 ~~(e)~~(f) A permit holder authorized to sell or serve alcoholic beverages
26 with the purchase of a meal under this section is limited to the following
27 quantities per sale or service:

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

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

32 (3) Thirty-two ounces (32 oz.) of spirituous liquors as defined
33 in subdivision (h)(3) of this section, or the equivalent of four (4) eight-
34 ounce drinks.

35 ~~(f)~~(g) Unless authorized by local election under § 3-3-210, a permit
36 holder shall not sell or serve alcoholic beverages under this section on a

1 Sunday.

2 ~~(g)~~(h) The Director of the Alcoholic Beverage Control Division shall
3 adopt rules to implement and administer this section.

4 ~~(h)~~(i) As used in this section:

5 (1) "Alcoholic beverages" means beer, malt beverages, hard
6 ciders, vinous liquors, or spirituous liquors;

7 (2) "Restaurant" means a public or private place that:

8 (A) Is kept, used, maintained, advertised, and held out to
9 the public or to a private or restricted membership as a place where complete
10 meals are actually and regularly served;

11 (B) Provides adequate and sanitary kitchen and dining
12 equipment;

13 (C) Has a seating capacity of at least twenty-five (25)
14 persons;

15 (D) Employs a sufficient number and variety of employees
16 to prepare, cook, and serve suitable food for its guests or members;

17 (E) Serves at least one (1) meal per day; and

18 (F) Is open a minimum of five (5) days per week, with the
19 exception of holidays, vacations, and periods of redecorating; and

20 (3)(A) "Spirituous liquors" includes mixed drinks or specialty
21 drinks that are made by the permit holder at the premises.

22 (B) "Spirituous liquors" does not include unmixed spirits
23 or spirits in the manufacturer's original containers.

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25 /s/Fortner

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28 **APPROVED: 4/11/23**

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