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AMENDMENT SUMMARY: The proposed amendment allows state parks to issue permits to sell alcohol. This proposed Amendment is in response to Act 655 of the 2023 Regular Session of the Arkansas General Assembly.

2.86 State parks are exempt from the three-tier system and do not need a permit from ABC to sell or serve alcohol, provided notice be given to ABC by the Secretary of Parks, Heritage, and Tourism when a state park is approved to sell or serve alcoholic beverages. State parks may still be eligible for an ABC permit.

A. A state park that has obtained authorization under § 3-9-103(b)(2)(A) may allow a third-party vendor at the state park to serve alcoholic beverages as described under § 3-9-103(b)(1).

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

1. the hours of operation of a restaurant on the state park property; or
2. the hours of an outdoor event.

C. A state park authorized to sell alcoholic beverages under § 3-9-103(b) shall purchase alcoholic beverages from a wholesaler. A wholesaler may sell and distribute alcoholic beverages to a state park permitted by ABC or ADPHT in any county.

D. A state park approved under this section to sell or serve alcoholic beverages shall comply with all division rules; and renew the state park's approval to sell or serve alcoholic beverages with the secretary yearly. Therefore, the Alcoholic Beverage Control and the Department of Parks, Heritage, and Tourism will both inspect and monitor to ensure the rules applicable to the sale of controlled beverages are being adhered to. All violations will be presented to the Alcoholic Beverage Control Board.

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

As Engrossed: S3/29/23

A Bill

SENATE BILL 472

5 By: Senator Irvin
6 By: Representative Maddox
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW REGARDING ALCOHOLIC
10 BEVERAGES; TO AUTHORIZE A STATE PARK TO SELL
11 ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION
12 WITHOUT OBTAINING A PERMIT FROM THE ALCOHOLIC
13 BEVERAGE CONTROL DIVISION; AND FOR OTHER PURPOSES.
14

Subtitle

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16 TO AMEND THE LAW REGARDING ALCOHOLIC
17 BEVERAGES; AND TO AUTHORIZE A STATE PARK
18 TO SELL ALCOHOLIC BEVERAGES FOR ON-
19 PREMISES CONSUMPTION WITHOUT OBTAINING A
20 PERMIT FROM THE ALCOHOLIC BEVERAGE
21 CONTROL DIVISION.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code Title 3, Chapter 9, Subchapter 1, is amended
28 to add an additional section to read as follows:

29 3-9-103. State parks – Definition.

30 (a) As used in this section:

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

33 (2) "On-premises consumption" means the serving of alcoholic
34 beverages on the state park property, including without limitation at a
35 restaurant or outdoor event.

36 (b)(1) A state park may seek approval from the Secretary of the



1 Department of Parks, Heritage, and Tourism to sell alcoholic beverages or
2 provide complimentary servings of alcoholic beverages for on-premises
3 consumption to an individual who is twenty-one (21) years of age or older at
4 the state park during legal operating hours without obtaining a permit from
5 the Alcoholic Beverage Control Division.

6 (2)(A) Upon approval by the secretary, the state park is
7 authorized to sell or serve alcoholic beverages as described under
8 subdivision (b)(1) of this section.

9 (B) A state park that has obtained authorization under
10 subdivision (b)(2)(A) may allow a third party vendor at the state park to
11 serve alcoholic beverages as described under subdivision (b)(1) of this
12 section.

13 (3) A state park authorized to sell alcoholic beverages under
14 this subsection shall serve the alcoholic beverages only during operating
15 hours of the premises, including without limitation:

16 (A) The hours of operation of a restaurant on the state
17 park property; or

18 (B) The hours of an outdoor event.

19 (c)(1) A state park authorized to sell alcoholic beverages under
20 subsection (b) of this section shall purchase all alcoholic beverages from a
21 wholesaler.

22 (2) A wholesaler may sell and distribute alcoholic beverages to
23 a state park in any county that has been approved under this section to sell
24 or serve alcoholic beverages.

25 (d)(1) A state park authorized to sell alcoholic beverages under
26 subsection (b) of this section is not subject to the provision of § 3-3-211
27 or § 3-9-201 et seq.

28 (2) A state park authorized to sell alcoholic beverages under
29 subsection (b) of this section is subject to all other applicable Arkansas
30 laws involving the distribution and sale of alcoholic beverages that do not
31 conflict with this section.

32 (e) A state park approved under this section to sell or serve
33 alcoholic beverages shall:

34 (1) Comply with all division rules; and

35 (2) Renew the state park's approval to sell or serve alcoholic
36 beverages with the secretary yearly.

1 (f) Liability shall be with the:

2 (1) State park approved under this section to sell or serve
3 alcoholic beverages; or

4 (2) Third-party vendor that served the alcoholic beverage at a
5 state park under this section.

6 (g) The division shall:

7 (1) Promulgate rules to implement this section; and

8 (2) Monitor and enforce compliance.

9 (h) A violation found by the division through monitoring under
10 subdivision (g)(2) of this section shall be presented to the Alcoholic
11 Beverage Control Board.

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13
14 /s/Irvin

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17 **APPROVED: 4/11/23**
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