

AMENDMENT SUMMARY: The proposed amendment makes changes to the prohibition of sale of controlled beverages by vending machines. This proposed Amendment is in response to Act 705 of the 2023 Regular Session of the Arkansas General Assembly.

**3.19(8) Sale of Controlled Beverages by Vending Machine Prohibited.** The permittee or any employee, agent or servant of the permittee sold, offered to sell, dispensed or gave away any controlled beverages by means of a vending machine or other similar type device; except as allowed under 3.35 of these rules. (Amended ~~8-18-99~~ 1-23-24)

**3.35 Sale of Controlled Beverages by Vending Machine.** As used in this section, “spirituous liquors” means mixed drinks or specialty drinks that are made by the permit holder at the premises. Except as provided in § 3-9-242, notwithstanding the provisions of § 3-4-404(15) concerning vending machine sales, an on-premises consumption permit holder may sell controlled beverages via a dispensing machine located on the premises if:

(1) the dispensing machine is not located at a customer’s booth or table;

(2) The customer activates the dispensing machine with a radio-frequency identification device supplied by:

a. The on-premises consumption permit holder; or

b. A clerk, servant, agent, or employee of the on-premises consumption permit holder;

(3) The radio frequency identification must be attached to the customer at all times;

(4) The dispensing machine does not dispense more than the following before the radio-frequency identification device requires reactivation by the on-premises consumption permit holder or a clerk, servant, agent, or employee of the on-premises consumption permit holder;

a. Thirty-two ounces (32 oz) of beer;

b. Twelve ounces (12 oz) of wine;

c. Ten ounces (10 oz) of mixed spirituous liquors; or

d. Three ounces (3 oz) of unmixed spirits;

(5) The on-premises consumption permit holder or a clerk, servant, agent, or employee of the on premises consumption permit holder monitors the sale, service, and consumption of beer, wine, spirituous liquors, or unmixed spirits from the dispensing machine to ensure compliance with this agency’s rule; and

(6) An on-premises consumption permit holder or a clerk, servant, agent, or employee of the on-premises consumption permit holder that supplies a radio-frequency identification device under subsection 2 of this section or reactivates a radio-frequency identification device under subsection 4 of this section shall comply with § 3-9-236.

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1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4  
5 By: Senator J. Bryant

# A Bill

SENATE BILL 475

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW REGARDING ALCOHOLIC  
9 BEVERAGES; TO CLARIFY THE VIOLATION REGARDING THE  
10 SALE OF CONTROLLED BEVERAGES BY VENDING MACHINE; TO  
11 AUTHORIZE THE SALE THROUGH A DISPENSING MACHINE UNDER  
12 CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES.

## Subtitle

16 TO AMEND THE LAW REGARDING ALCOHOLIC  
17 BEVERAGES; TO CLARIFY THE VIOLATION  
18 REGARDING THE SALE OF CONTROLLED  
19 BEVERAGES BY VENDING MACHINE; AND TO  
20 AUTHORIZE THE SALE THROUGH A DISPENSING  
21 MACHINE UNDER CERTAIN CIRCUMSTANCES.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26 SECTION 1. Arkansas Code § 3-4-404(15), concerning Class B permit  
27 violations related to the sale of controlled beverages by vending machine, is  
28 amended to read as follows:

29 (15) ~~Sale~~ Except as provided in § 3-9-242, sale of controlled  
30 beverages by vending machine.

32 SECTION 2. Arkansas Code Title 3, Chapter 9, Subchapter 2, is amended  
33 to add an additional section to read as follows:

34 3-9-242. Dispensing machine - Definition.

35 (a) As used in this section, "spirituous liquors" means mixed drinks  
36 or specialty drinks that are made by the permit holder at the premises.



1 (b) Notwithstanding the provisions of § 3-4-404(15) concerning vending  
2 machine sales, an on-premises consumption permit holder may sell controlled  
3 beverages via a dispensing machine located on the premises if:

4 (1) The dispensing machine is not located at a customer’s booth  
5 or table;

6 (2) The customer activates the dispensing machine with a radio-  
7 frequency identification device supplied by:

8 (A) The on-premises consumption permit holder; or

9 (B) A clerk, servant, agent, or employee of the on-  
10 premises consumption permit holder;

11 (3) The radio-frequency identification device under subdivision  
12 (b)(2) of this section is attached to the customer at all times;

13 (4) The dispensing machine does not dispense more than the  
14 following before the radio-frequency identification device under subdivision  
15 (b)(2) of this section requires reactivation by the on-premises consumption  
16 permit holder or a clerk, servant, agent, or employee of the on-premises  
17 consumption permit holder:

18 (A) Thirty-two ounces (32 oz) of beer;

19 (B) Twelve ounces (12 oz) of wine;

20 (C) Ten ounces (10 oz) of spirituous liquors; or

21 (D) Three ounces (3 oz) of unmixed spirits;

22 (5) The on-premises consumption permit holder or a clerk,  
23 servant, agent, or employee of the on-premises consumption permit holder  
24 monitors the sale, service, and consumption of beer, wine, spirituous  
25 liquors, or unmixed spirits from the dispensing machine to ensure compliance  
26 with this title and the rules promulgated under this title; and

27 (6) An on-premises consumption permit holder or a clerk,  
28 servant, agent, or employee of the on-premises consumption permit holder that  
29 supplies a radio-frequency identification device under subdivision (b)(2) of  
30 this section or reactivates a radio-frequency identification device under  
31 subdivision (b)(4) of this section shall comply with § 3-9-236.

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34 **APPROVED: 4/11/23**