

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1625

By: Representatives Flanagin and Beatty

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 3-3-213 TO PROVIDE SPECIFIC AUTHORITY TO THE ALCOHOLIC BEVERAGE CONTROL DIVISION TO ADOPT REGULATIONS REGARDING THE REGISTRATION OF BRANDS OF ALCOHOLIC BEVERAGES OFFERED FOR SALE IN ARKANSAS; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 3-3-213 is hereby amended to read as follows:

"3-3-213. Manufacturer-seller relationships - Exclusivity agreements.

(a) It shall be unlawful for any person engaged in the manufacture of alcoholic beverages:

(1) To require any wholesaler or retailer to purchase from that manufacturer to the exclusion, in whole or in part, of any alcoholic liquors sold or offered for sale by other persons; or

(2) To induce any retailer to purchase from that manufacturer or wholesaler to the exclusion, in whole or in part, of any alcoholic liquors sold or offered for sale by other persons, by:

(A) Acquiring any interest in property owned, occupied, or used by the retailer in his business, or in any license with respect to the premises of the retailer;

(B) Furnishing, giving, renting, lending, or selling to the retailer any equipment, fixtures, signs, supplies, money, service, or other thing of value, subject to exceptions provided by the rules and regulations of the Alcoholic Beverage Control Board and established trade customs;

(C) Paying or crediting the retailer for any advertising, display, or distribution service;

(D) Guaranteeing any loan or the repayment of any financial obligation

of the retailer;

(E) Offering or giving any bonus, premium, or compensation to the retailer or any of his officers, employees, or representatives.

(b) As used in this section, unless the context otherwise requires:

(1) 'Person' includes any and all corporations, partnerships, associations, or individuals and all agents, representatives, or employees of such persons;

(2) 'Manufacturer' means, unless otherwise specified, any person engaged in the business of distilling, brewing, making, blending, rectifying, or producing for sale in wholesale quantities alcoholic liquors of any kind, including whiskey, brandy, cordials, liquors, beer and wine, and other liquids containing alcohol, except patent medicines.

(c) The Arkansas Alcoholic Beverage Control Division is empowered to adopt reasonable rules and regulations to fully implement the provisions and intent of this act. The Alcoholic Beverage Control Division is further empowered to adopt reasonable rules and regulations to fully prescribe, define and regulate distribution agreements between alcoholic beverage suppliers and wholesalers of such beverages including, but not limited to, the registration of brands of alcoholic beverages for distribution in this state and the changing of designated Arkansas wholesalers authorized to distribute any such registered brands."

SECTION 2. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

