

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

As Engrossed: H3/7/23

A Bill

HOUSE BILL 1498

5 By: Representatives M. Brown, Magie
6 By: Senators Irvin, J. Bryant
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW REGARDING ALCOHOLIC
10 BEVERAGES; TO AMEND THE LAW RELATED TO MICROBREWERY-
11 RESTAURANT PRIVATE CLUBS; TO PERMIT A MICROBREWERY-
12 RESTAURANT PRIVATE CLUB PERMITTEE TO STORE AND SELL
13 SPIRITUOUS LIQUOR TO MEMBERS FOR ON-PREMISES
14 CONSUMPTION; TO PROVIDE DISCRETION RELATED TO
15 REVOCATION OF A MICROBREWERY-RESTAURANT PRIVATE CLUB
16 PERMIT; TO INCLUDE MICROBREWERY-RESTAURANT PRIVATE
17 CLUBS AS A TYPE OF ENTITY PERMITTED IN AN
18 ENTERTAINMENT DISTRICT; AND FOR OTHER PURPOSES.
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Subtitle

21 TO AMEND THE LAW RELATED TO MICROBREWERY-
22 RESTAURANT PRIVATE CLUBS.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 3-5-1901, concerning definitions related to
29 microbrewery-restaurant private clubs, is amended to add an additional
30 subdivision to read as follows:

31 (9) "On-premises consumption" means the sale of alcoholic
32 beverages by the drink or in broken or unsealed containers for consumption:

33 (A) On the premises where sold; or

34 (B) Within the boundaries of a designated entertainment
35 district established under § 14-54-1412 that is contiguous with the premises.
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1 SECTION 2. Arkansas Code § 3-5-1904(a)(2) and (3), concerning the
2 scope of a microbrewery-restaurant private club permit, are amended to read
3 as follows:

4 (2)(A) Store beer, malt beverage, and hard cider manufactured by
5 the microbrewery-restaurant private club and any other beer, malt beverage,
6 ~~and hard cider, and spirituous liquor~~ that the microbrewery-restaurant
7 private club permittee may purchase from retailers and small brewers
8 permitted by this state on the microbrewery-restaurant private club permitted
9 premises and on the premises of the one (1) separate brewing facility of a
10 microbrewery-restaurant private club authorized under subdivision (a)(8) of
11 this section.

12 (B) Two (2) or more microbrewery-restaurant private clubs
13 sharing common ownership or a brewery of any size sharing common ownership
14 with a microbrewery-restaurant private club shall be considered one (1)
15 entity for purposes of:

16 (i) Calculating barrel production; and
17 (ii) The transportation of beer, malt beverage, or
18 hard cider produced by one (1) entity among no more than three (3)
19 microbrewery-restaurant private clubs of the one (1) entity;

20 (3) Operate a restaurant that:

21 (A) ~~is~~ Is the sales outlet for beer, malt beverage, or
22 hard cider manufactured by the microbrewery-restaurant private club; and

23 (B) ~~that sells~~ Sells the beer, malt beverage, or hard
24 cider and any other beer, malt beverage, hard cider, ~~or wine, or spirituous~~
25 liquor that the microbrewery-restaurant private club permittee may purchase;

26 (i) ~~from~~ From retailers permitted by this state for
27 on-premises consumption ~~on the permitted premises;~~ or

28 (ii) ~~purchased directly~~ Directly from permitted
29 small brewers allowed to distribute directly to the microbrewery-restaurant
30 private club;

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32 SECTION 3. Arkansas Code § 3-5-1904(d), concerning advertising by a
33 microbrewery-restaurant private club, is amended to read as follows:

34 (d)(1) A Except as provided in subdivision (d)(2) of this section, a
35 microbrewery-restaurant private club, as described in this subchapter, shall
36 not use advertising media to promote the consumption and use of alcoholic

1 beverages or to advertise or announce the price of service of alcoholic
2 beverages for on-premises consumption in a county where voters have not
3 authorized the sale of intoxicating liquor in a local option election under
4 Initiated Act No. 1 of 1942, as amended, §§ 3-8-201 – 3-8-203, and 3-8-205 –
5 3-8-209.

6 (2) The prohibition on advertising or promoting the consumption
7 and use of alcoholic beverages under subdivision (d)(1) of this section does
8 not apply to a microbrewery-restaurant private club advertisement consisting
9 solely of the name of the microbrewery-restaurant private club.

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11 SECTION 4. Arkansas Code § 3-5-1905(b), concerning the penalty on a
12 microbrewery-restaurant private club permit holder related to prohibited
13 sales, is amended to read as follows:

14 (b) If a permittee sells, barter, loans, or gives away an alcoholic
15 beverage in violation of this subchapter or other alcoholic beverage control
16 laws of this state, the permit of the club ~~shall~~ may be revoked.

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18 SECTION 5. Arkansas Code § 3-5-1906(1), concerning the state
19 permitting fee paid by a microbrewery-restaurant private club permittee, is
20 amended to read as follows:

21 (1) Pay the applicable city or county permit fees and barrelage
22 or taxes and shall pay a state permitting fee to the Alcoholic Beverage
23 Control Division of seven hundred fifty dollars (\$750) per fiscal year to
24 manufacture and sell to members its beer, malt beverages, and hard cider for
25 on-premises consumption ~~on the premises~~ and to sell to members other beer,
26 malt beverages, ~~and~~ hard cider, and spirituous liquor purchased from a
27 permitted ~~wholesaler~~ retailer for on-premises consumption ~~on the premises~~;
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29 SECTION 6. Arkansas Code § 14-54-1412(a)(2), concerning the definition
30 of a "designated entertainment district", is amended to read as follows:

31 (2) Contains any number and any combination of restaurants,
32 taprooms, taverns, entertainment establishments, hospitality establishments,
33 music venues, theaters, bars, private clubs, microbrewery-restaurant private
34 clubs, art galleries, art studios, tourist destinations, distilleries, dance
35 clubs, cinemas, or concert halls.

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/s/M. Brown