

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1416

5 By: Representative Hammer
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For An Act To Be Entitled

8 AN ACT TO LIMIT THE ISSUANCE OF PERMITS FOR THE OFF-
9 PREMISES SALE OF BEER AND WINE IN PROXIMITY TO
10 CHURCHES AND SCHOOLS; AND FOR OTHER PURPOSES.
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Subtitle

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14 TO LIMIT THE ISSUANCE OF PERMITS FOR THE
15 OFF-PREMISES SALE OF BEER AND WINE IN
16 PROXIMITY TO CHURCHES AND SCHOOLS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 3-5-207(a), concerning the scope of state
22 permits for the sale of beer and light wines is amended to read as follows:

23 (a)(1) Except as provided in subsection (b) of this section, any permit
24 issued under the provisions of § 3-5-206 authorizing the sale of light wines
25 or beer for consumption under the provisions prescribed in the permit shall
26 be construed to authorize the sale of such liquor by the bottle, by the glass
27 or draught, and in or from the original package.

28 (2) A new permit under this subchapter shall not be issued by
29 the Director of the Alcoholic Beverage Control Division for a business
30 located within one thousand feet (1,000') of the property line of a church or
31 schoolhouse; and

32 (3)(A) An existing permit under this subchapter shall not be
33 transferred to a location within one thousand feet (1,000') of the property
34 line of any church or schoolhouse.

35 (B) As an exception to subdivision (a)(3)(A) of this
36 section, if a business permitted for under this subchapter already exists



1 within one thousand feet (1,000') of the property line of one (1) or more
 2 churches or schoolhouses, that the permit may be transferred to a new
 3 location that is within one thousand feet (1,000') of the property line of
 4 the closest church or schoolhouse to the present business location if the new
 5 location is determined by the Alcoholic Beverage Control Division to serve
 6 the public convenience and advantage.

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 8 SECTION 2. Arkansas Code § 3-5-226, concerning the on-premises sale of
 9 beer by breweries, is amended to add an additional subsection to read as
 10 follows:

11 (c)(1) A new permit under this subchapter shall not be issued by the
 12 Director of the Alcoholic Beverage Control Division for the location of a
 13 business situated within one thousand feet (1,000') of the property line of a
 14 church or schoolhouse; and

15 (2)(A) An existing permit under this subchapter shall not be
 16 transferred to a location within one thousand feet (1,000') of the property
 17 line of any church or schoolhouse.

18 (B) As an exception to subdivision (c)(2)(A) of this
 19 section, if a business permitted under this subchapter already exists within
 20 one thousand feet (1,000') of the property line of one (1) or more churches
 21 or schoolhouses, that the permit may be transferred to a new location that is
 22 within one thousand feet (1,000') of the property line of the closest church
 23 or schoolhouse to the present business location if the new location is
 24 determined by the Alcoholic Beverage Control Division to serve the public
 25 convenience and advantage.

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 27 SECTION 3. Arkansas Code § 3-5-1204, concerning licenses for
 28 microbrewery-restaurants, is amended to add an additional subsection to read
 29 as follows:

30 (d)(1) A new permit under this subchapter shall not be issued by the
 31 director for the location of a business situated within one thousand feet
 32 (1,000') of the property line of a church or schoolhouse; and

33 (2)(A) An existing permit under this subchapter shall not be
 34 transferred to a location within one thousand feet (1,000') of the property
 35 line of any church or schoolhouse.

36 (B) As an exception to subdivision (d)(2)(A) of this

1 section, if a business permitted under this subchapter already exists within
2 one thousand feet (1,000') of the property line of one (1) or more churches
3 or schoolhouses, that the permit may be transferred to a new location that is
4 within one thousand feet (1,000') of the property line of the closest church
5 or schoolhouse to the present business location if the new location is
6 determined by the Alcoholic Beverage Control Division to serve the public
7 convenience and advantage.

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9 SECTION 4. Arkansas Code § 3-5-1405, concerning licenses for small
10 breweries, is amended to add an additional subsection to read as follows:

11 (e)(1) A new permit under this subchapter shall not be issued by the
12 director for the location of a business situated within one thousand feet
13 (1,000') of the property line of a church or schoolhouse; and

14 (2)(A) An existing permit under this subchapter shall not be
15 transferred to a location within one thousand feet (1,000') of the property
16 line of any church or schoolhouse.

17 (B) As an exception to subdivision (e)(2)(A) of this
18 section, if a business permitted under this subchapter already exists within
19 one thousand feet (1,000') of the property line of one (1) or more churches
20 or schoolhouses, that the permit may be transferred to a new location that is
21 within one thousand feet (1,000') of the property line of the closest church
22 or schoolhouse to the present business location if the new location is
23 determined by the Alcoholic Beverage Control Division to serve the public
24 convenience and advantage.

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26 SECTION 5. Arkansas Code § 3-5-1602, concerning licensing of small
27 farm wineries, is amended to add an additional subsection to read as follows:

28 (e)(1) A new permit under this subchapter shall not be issued by the
29 Director of the Alcoholic Beverage Control Division for the location of a
30 business situated within one thousand feet (1,000') of the property line of a
31 church or schoolhouse; and

32 (2)(A) An existing permit under this subchapter shall not be
33 transferred to a location within one thousand feet (1,000') of the property
34 line of any church or schoolhouse.

35 (B) As an exception to subdivision (c)(2)(A) of this
36 section, if a business permitted under this subchapter already exists within

1 one thousand feet (1,000') of the property line of one (1) or more churches
2 or schoolhouses, that the permit may be transferred to a new location that is
3 within one thousand feet (1,000') of the property line of the closest church
4 or schoolhouse to the present business location if the new location is
5 determined by the Alcoholic Beverage Control Division to serve the public
6 convenience and advantage.

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