

PUBLIC NOTICE


In compliance with the Administrative Procedure Act of the State of Arkansas (Act 434 of 1967), notice is hereby given that the Alcoholic Beverage Control Board proposes to promulgate rules concerning the alcoholic beverage industry and medical marijuana industry in the state of Arkansas.

The Board will consider rules in the following areas: Allowing alcoholic beverages to be carried between an on premises alcoholic beverage outlet and a contiguous outlet issued a casino permit by the Arkansas Racing.

The public comment hearing will be held on December July 16, 2020, at the hour of 9:00 a.m., in the fifth floor conference room, 1515 West Seventh Street, Little Rock, Arkansas. All interested parties will be afforded an opportunity to present their views at the hearing. The proposed rule is available on our website at: <https://www.dfa.arkansas.gov/alcoholic-beverage-control>

The Alcoholic Beverage Control Division will accept written comments on the proposed rule from November 15, 2020 to December 16, 2020. Please send comments to: The Alcoholic Beverage Control Division, 1515 WEST 7th, SUITE 503, LITTLE ROCK, AR 72201

All inquiries concerning the public comment hearing should be directed to Michael Lewis, Staff Attorney, ABC Division, 1515 West Seventh Street, Suite 503, Little Rock, Arkansas, 72201.


DORALEE CHANDLER, DIRECTOR
ALCOHOLIC BEVERAGE CONTROL DIVISION
DEPARTMENT OF FINANCE & ADMINISTRATION

**SUBTITLE G – PROHIBITED CONDUCT AND ACTIVITIES AND
PROCEDURE FOR CANCELLATION, SUSPENSION
AND REVOCATION OF PERMITS**

Section 1.79(27) *Allowing Alcoholic Beverages to be Carried From Any On Premises Alcoholic Beverage Outlet or Private Club.* The permittee allowed any patron to exit the permitted premises carrying any open container of alcoholic beverages or allowed any patron to exit any on premises retail beer outlet carrying sealed alcoholic beverages in any combination not authorized by the Director for off premises sales. Private clubs and hotel-motel-restaurant mixed drink permitted outlets are not allowed to sell any alcoholic beverages to be taken off the permitted premises. ***Provided,*** (1) those establishments holding an on premises wine restaurant or café permit, a combined restaurant beer and wine permit, hotel-motel-restaurant mixed drink permit, or private club permit, may allow a customer, who purchases an unsealed package of wine in conjunction with a food purchase and consumes a portion of the wine on the premises with the meal, to replace the cork and remove the partially filled package from the premises; ~~and~~ (2) patrons may walk back and forth with an alcoholic beverage between a private club permitted premises and another contiguous permitted premises when both premises are a part of the same business operation and the alcoholic beverage is a type permitted by both premises; ~~and~~ (3) patrons may walk back and forth with an alcoholic beverage between an on premises permitted outlet and a contiguous outlet issued a casino license by the Arkansas Racing Commission as long as the casino licensee is in operation. (Amended 10-21-20)

It is further provided that any on-premises outlet in a valid Entertainment District may allow patrons to leave the permitted premises with alcoholic beverages. A city, municipality, or incorporated town that has designated an Entertainment District shall notify the ABC within ten (10) days of issuance or removal of a district. Notification for issuance of an Entertainment District shall include: whether the district is temporary or permanent, the days and hours of operation of the Entertainment District, any other regulations within the Entertainment District, as well as any on-premises outlets that elect to opt out of the Entertainment District. Any on-premise permit within an Entertainment District that opts out of the Entertainment District may not permit patrons to leave the premises with alcoholic beverages.

SUMMARY OF SUBSTANTIVE CHANGES

Pursuant to Amendment 100 the Alcoholic Beverage Control will not be overseeing the sale of alcoholic beverages within a licensed casino. This rule will allow patrons to move with their alcoholic beverages between restaurants and hotels that are licensed by the ABC and an attached casino licensed by the Arkansas Racing Commission.

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