AMENDMENT SUMMARY: The proposed amendment allows microbrewery-restaurant private clubs to sell spirituous beverages. This proposed Amendment is in response to Act 334 of the 2023 Regular Session of the Arkansas General Assembly.

5.86 Permit Scope and Restrictions. The Director of the Alcoholic Beverage Control Division may issue a microbrewery-restaurant private club permit that authorizes the permittee to:

Operate a microbrewery-restaurant private club and manufacture one (1) or more varieties of beer, malt beverage, or hard cider in an aggregate quantity not to exceed forty-five thousand (45,000) barrels per year from all facilities under common ownership with the microbrewery;

Store beer, malt beverage, and hard cider manufactured by the microbrewery-restaurant private club and any other beer, malt beverage, hard cider, and spirituous liquor that the microbrewery-restaurant private club permittee may purchase from retailers and small brewers permitted by this state on the microbrewery-restaurant private club permitted premises and on the premises of the one (1) separate brewing facility of a microbrewery-restaurant private club.

Two (2) or more microbrewery-restaurant private clubs sharing common ownership or a brewery of any size sharing common ownership with a microbrewery-restaurant private club shall be considered one (1) entity for purposes of: calculating barrel production; and the transportation of beer, malt beverage, or hard cider produced by one (1) entity among no more than three (3) microbrewery-restaurant private clubs of the one (1) entity; Operate a restaurant that is the sales outlet for beer, malt beverage, or hard cider manufactured by the microbrewery-restaurant private club and that sells the beer, malt beverage, or hard cider and any other beer, malt beverage, hard cider, wine, or spirituous liquor that the microbrewery-restaurant private club permittee may purchase from retailers permitted by this state for consumption on the permitted premises or purchased directly from permitted small brewers allowed to distribute directly to the microbrewery-restaurant private club; Sell on the premises beer, malt beverage, or hard cider manufactured by the microbrewery-restaurant private club or commonly owned facility to a member for on-premises consumption during legal operating hours; Serve to a member on-premises complimentary samples of beer, malt beverages, or hard cider produced by the microbrewery-restaurant private club; Sell beer, malt beverage, or hard cider of its own manufacture to a wholesale dealer permitted by this state for the purpose of resale to other retail permit holders.

5.90 Advertising for a microbrewery-restaurant private club. Except as provided in ACA § 3-5-1904(d)(2), a microbrewery-restaurant private club may use advertising media to announce social functions of general interest, including without limitation:

(1) A golf tournament;
(2) A charity ball;
(3) An entertainment event; or
(4) A similar activity.
Such event shall be held within the confines of the microbrewery-restaurant private club property. The advertising for the social function shall be preceded by the words “Notice to Members” and the name of the club or organization sponsoring the event.

The prohibition on advertising or promoting the consumption and use of alcoholic beverages under ACA § 3-5-1904(d)(1) does not apply to a microbrewery-restaurant private club advertisement consisting solely of the name of the microbrewery-restaurant private club.