AMENDMENT SUMMARY: The proposed amendment allows private clubs in wet areas to sell food to go or delivery. This proposed Amendment is in response to Act 540 of the 2023 Regular Session of the Arkansas General Assembly.

5.71 A private club holding a valid alcoholic beverage permit may serve alcoholic beverages in a sealed container during legal operating hours directly to a member or guest of a member of the private club who is twenty-one (21) years of age or older along with the purchase of a meal as defined in AXA § 3-9-202:

1) At the point of sale to be consumed off-premises;
2) At the drive-through to be consumed off-premises;
3) At the curbside to be consumed off-premises; or
4) Delivered to a consumer at a location off-premises.

The restaurant and private club to go and delivery rules do not apply to restaurants or private clubs located in a dry area.

3.24 Delivery in wet counties only. A permit holder authorized to deliver alcoholic beverages under Rule 3.20 or Rule 3.22 may deliver alcoholic beverages directly to a consumer only in a wet county or wet area and shall only be allowed to deliver in cities and counties, or portions of cities and counties, in which the:

1. Manufacture or sale of intoxicating liquor is not prohibited as a result of a local option election held under Initiated Act No. 1 of 1942, §§ 3-8-201 – 3-8-203 and 3-8-205 – 3-8-209; and
2. Sale of alcoholic beverages for on-premises consumption has been approved by a majority vote at a referendum election as provided in § 3-9-201 et. seq.

The delivery must be to the person that placed the order. The delivery must occur within the time of legal operating hours.

This section does not apply to a private club or restaurant in a dry area.