AMENDMENT SUMMARY: The proposed amendment makes changes to the prohibition of sale of controlled beverages by vending machines. This proposed Amendment is in response to Act 705 of the 2023 Regular Session of the Arkansas General Assembly.

3.19(8) Sale of Controlled Beverages by Vending Machine Prohibited. The permittee or any employee, agent or servant of the permittee sold, offered to sell, dispensed or gave away any controlled beverages by means of a vending machine or other similar type device; except as allowed under 3.35 of these rules. (Amended 1-23-24)

3.35 Sale of Controlled Beverages by Vending Machine. As used in this section, “spirituous liquors” means mixed drinks or specialty drinks that are made by the permit holder at the premises. Except as provided in § 3-9-242, notwithstanding the provisions of § 3-4-404(15) concerning vending machine sales, an on-premises consumption permit holder may sell controlled beverages via a dispensing machine located on the premises if:

(1) the dispensing machine is not located at a customer’s booth or table;

(2) The customer activates the dispensing machine with a radio-frequency identification device supplied by:

   a. The on-premises consumption permit holder; or

   b. A clerk, servant, agent, or employee of the on-premises consumption permit holder;

(3) The radio frequency identification must be attached to the customer at all times;

(4) The dispensing machine does not dispense more than the following before the radio-frequency identification device requires reactivation by the on-premises consumption permit holder or a clerk, servant, agent, or employee of the on-premises consumption permit holder;

   a. Thirty-two ounces (32 oz) of beer;

   b. Twelve ounces (12 oz) of wine;

   c. Ten ounces (10 oz) of mixed spirituous liquors; or

   d. Three ounces (3 oz) of unmixed spirits;

(5) The on-premises consumption permit holder or a clerk, servant, agent, or employee of the on-premises consumption permit holder monitors the sale, service, and consumption of beer, wine, spirituous liquors, or unmixed spirits from the dispensing machine to ensure compliance with this agency’s rule; and

(6) An on-premises consumption permit holder or a clerk, servant, agent, or employee of the on-premises consumption permit holder that supplies a radio-frequency identification device under subsection B of this section or reactivates a radio-frequency identification device under subsection D of this section shall comply with § 3-9-236.