

From: Tripp Walter
Sent: Wednesday, January 12, 2022 5:16 PM

Hello again, Mr. Lewis. I'm sorry to bother you, but could you point me to the provisions in the statutes and/or the regulations that define "beer" or "beer sales permit" versus the definition of "liquor" and "retail liquor" permit. Thanks,
Tripp Walter

From: Michael Lewis <Michael.Lewis@dfa.arkansas.gov>
Sent: Thursday, January 13, 2022 8:35 AM
To: Tripp Walter
Subject: RE: A.C.A. 3-4-206

Good morning:

Below are three regulations that may help. Two of the regulations are the definitions for Off Premise Liquor Permit and Beer Off Premises Permit. The other is the Regulation that prohibits Retail Liquor Permits from being within 1000 feet of a school or church. When we are referring "liquor stores" we are using the term "liquor" because "liquor stores" have a Liquor Off Premise Permit. All "liquor stores" have a Liquor Off Premises Permit which is also known as a Retail Liquor Permit. Convenience stores and grocery stores do not have a "liquor" permit. They have Beer Off Premises Permits, Small Farm Wine, and/or grocery Store wine. I hope this helps. Please let me know if you have any other questions.

ABC Rule 1.19(9) Liquor Off Premises Permit authorizes the purchase of spirituous and vinous beverages from persons holding a wholesale liquor or a wholesale wine permit and the sale of such beverages to consumers for consumption off the premises; any holder of a liquor off premises permit may also purchase malt liquors containing more than five percent (5%) alcohol by weight from either persons holding a beer wholesale permit or a liquor wholesale permit, and sell such beverages to consumers for consumption off premises;

ABC Rule 1.19(2): Beer Off Premises Permit authorizes the sale of beer or malt liquor containing less than five (5%) alcohol by weight for consumption off the premises described in the permit;

ABC Rule 1.33(6):Permits Not To Be Issued To Premises Within The Following Stated Distances From Church Or Schoolhouse. No permit for the sale or dispensing of alcoholic beverages shall be issued nor any existing permit transferred to any location within the following prohibited distances of any church or schoolhouse, such distances to be calculated based upon the existence of the church or school building at the time the application is accepted by the agency for processing:

- A. **Retail Liquor Permit.** One thousand (1000) feet to be measured from the nearest property line point of the church or school building to the nearest property line point of the building sought to be permitted.



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State of Arkansas



Alcoholic Beverage Control Division

Rules

Alcoholic Beverage Control Board

Freddie Black, Chairman

Pam DePriest

Jamie Anderson

Steve Smith

Alex Blass

Doralee Chandler, Director

~ 2020 ~

SUBTITLE C – PERMIT PROCEDURE

Application for Permits, Issuance of Permits, Sale of Business and Stock of Beverages and Transfer of Permits by Operation of Law.

Article 1 – APPLICATIONS FOR PERMITS AND TRANSFER OF LOCATION

Section 1.19 Types of Permits for Which Application May Be Made. The categories of permits under which controlled beverages may be sold and the controlled beverages which may be sold pursuant to those permits are as follows:

- (1) **Beer On Premises Permit** authorizes the sale of beer or malt liquor containing less than five percent (5%) alcohol by weight for consumption on or off the premises described in the permit;
- (2) **Beer Off Premises Permit** authorizes the sale of beer or malt liquor containing less than five (5%) alcohol by weight for consumption off the premises described in the permit;
- (3) **Beer Wholesale Permit** authorizes the purchase of beer or malt liquor from a licensed manufacturer or importer and the sale thereof to persons holding permits to sell beer or malt liquor for consumption on or off the premises;
- (4) **Small Farm Wine Retail Off Premises Permit** authorizes the sale of small farm wines for consumption off the premises described in the permit; (Amended 8-15-07)
- (5) **Wine Restaurant On Premises Permit** authorizes the sale of wine and hard cider containing not more than twenty-one percent (21%) alcohol by weight for consumption on the premises of a restaurant; (Amended 8-17-05)
- (6) **Small Farm Wine Wholesale Permit** authorizes the purchase of small farm wine from a licensed manufacturer and the sale thereof to persons holding permits to sell small farm wine for consumption on or off the premises; (Amended 8-15-07)
- (7) **Small Farm Wine Manufacturer For Sale Permit** authorizes the sale of small farm wine to persons holding a small farm wholesale wine or small farm retail wine permit, or the sale of small farm wine to the consumer sold upon the premises of the winery. In addition, the winery may sell wine by the glass.

It is further provided that such on premises and off premises sales may occur on any day of the week. On Monday through Friday, wine may not be sold at a winery for either on premises or off premises consumption

before 7:00 a.m. or after 1:00 a.m. the next day. On Saturday, the winery may not sell wine as set out above before 7:00 a.m. or after 12:00 midnight Saturday night. On a Sunday, the winery may sell wine as set forth above to consumers between the hours of 12:00 p.m. and 10:00 p.m., or within such lesser period as may be provided by an ordinance by any city or county where the winery is located; (Amended 8-15-07)

- (8) ***Wine Manufacturer For Home Use Permit; Repealed 8-20-97***
- (9) ***Liquor Off Premises Permit*** authorizes the purchase of spirituous and vinous beverages from persons holding a wholesale liquor or a wholesale wine permit and the sale of such beverages to consumers for consumption off the premises; any holder of a liquor off premises permit may also purchase malt liquors containing more than five percent (5%) alcohol by weight from either persons holding a beer wholesale permit or a liquor wholesale permit, and sell such beverages to consumers for consumption off premises;
- (10) ***Liquor On Premises Consumption – Hotel or Motel Permit*** authorizes the purchase of any controlled beverages from persons holding a wholesale permit and the sale of such beverages for consumption on the premises of the hotel or motel described in the permit;
- (11) ***Liquor On Premises Consumption – Restaurant Permit*** authorizes the purchase of any controlled beverages from persons holding a wholesale permit and the sale of such beverages for consumption on the premises of the restaurant described in the permit;
- (12) ***Liquor On Premises Consumption – Private Club Permit*** authorizes the purchase of any controlled beverages from persons holding an off premises retail liquor or beer permit who have been designated by the Director as a private club distributor and the dispensing of such beverages for consumption on the premises of the private club to members and guests only of the private club;
- (13) ***Liquor Wholesale Permit*** authorizes the purchase from licensed manufacturers or licensed importers of spirituous, vinous beverages or malt liquor containing more than five percent (5%) alcohol by weight, and the sale of such beverages to persons holding off premises liquor permits, or hotel or motel, or restaurant permits. Effective July 1, 2010, under the provisions of Act 294 of 2009, the holder of a wholesale liquor permit is also authorized to sell beer products as defined in the Arkansas Code under this same permit. (Amended 8-19-09)
- (14) ***Liquor Manufacturer Permit*** authorizes the manufacture of and the sale of spirituous, vinous and malt liquor beverages, under the following circumstances:
 - (1) Sell, deliver, or transport to wholesalers;

e. Corkscrews, wine aerators, bottle stoppers and devices designed to preserve wine. (Amended 9-20-17)

- (3) **Premises for Which Adequate Police Protection is Not Available.** Any premises for which, in the judgement of the Director, or the Board on appeal, adequate police protection is not available due to the remoteness of the location of the premises;
- (4) **Premises Which Will Not Promote Public Convenience and Advantage.** Any premises for which the issuance of a permit would not, in the judgement of the Director, or the Board on appeal, promote the public convenience and advantage. In determining whether the issuance of a permit would promote the public convenience and advantage the Director, or the Board on appeal, may consider, in addition to all other relevant factors, the number of permits issued in the general vicinity of the premises for which application has been made and whether such area is adequately served by existing outlets; (Amended 8-19-93)
- (5) **Premises for Which Permit has been Revoked; Repealed 8-19-93**
- (6) **Permits Not To Be Issued To Premises Within The Following Stated Distances From Church Or Schoolhouse.** No permit for the sale or dispensing of alcoholic beverages shall be issued nor any existing permit transferred to any location within the following prohibited distances of any church or schoolhouse, such distances to be calculated based upon the existence of the church or school building at the time the application is accepted by the agency for processing:
 - A. **Retail Liquor Permit.** One thousand (1000) feet to be measured from the nearest property line point of the church or school building to the nearest property line point of the building sought to be permitted.
 - B. **Off Premises Retail Beer Permit to be Issued to Retail Liquor Store.** One thousand (1000) feet to be measured from the nearest property line point of the church or school building to the nearest property line point of the building sought to be permitted.
 - C. **Exception for Retail Liquor Store Outlets Which are Within One Thousand Feet of a Church or School Building on the Date of August 13, 2001. Repealed 9-16-15**

For purposes of this Rule "church" means a church and all immediately adjacent property owned or leased by the church that is used for church purposes.