



STATE OF ARKANSAS
ALCOHOLIC BEVERAGE CONTROL DIVISION

1515 West 7th Street, Suite 503
Little Rock, Arkansas 72201
Telephone (501) 682-1105
Fax (501) 682-2221

006,02,07--001

Michael W. Langley
Director

Donald R. Bennett
Attorney

Milton R. Lueken
Attorney

September 6, 2007

BOARD MEMBERS:

Ron Fuller, Chairman
Logan Hampton, Jr.
Tony Ellis
Patricia A. Cohee
J.J. Vigneault

Charlie Daniels
Secretary of State
State Capitol
Room 026
Little Rock, Arkansas 72201

Dear Mr. Daniels:

Please file the enclosed copies of new and amended regulations which were adopted by the ABC Board on August 15, 2007. Also enclosed are the Financial Impact Statements for each regulation. The effective date of the regulations will be ten (10) days after filing same with your office.

Sincerely,

Milton Lueken, Attorney
Alcoholic Beverage Control Division

ML\kb

Enclosure



FILED
AT REGISTERED DIV
07 SEP -6 AM 9:39
CHARLIE DANIELS
SECRETARY OF STATE
STATE OF ARKANSAS
BY

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only: Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Lueken E-mail Milton.lueken@dfa.state.ar.us Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Section 1.12

Intended Effective Date

Date

☐ Emergency

Legal Notice Published 7-4,5,6,7,17, 2007

☒ 10 Days After Filing

Final Date for Public Comment 8-15-07

☐ Other _____

Reviewed by Legislative Council 9-6-07

Adopted by State Agency 8-15-07

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1476 of 2003)

☒ Electronic Copy of Rule e-mailed from: Karen Blagg Karen.blagg@dfa.state.ar.us 8-31-07

Contact Person

Email Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

Signature

682-1105

Phone Number

Michael.langle@dfa.state.ar.us

E-mail Address

Director

Title

8-31-07

Date

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

BY

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 1.12

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

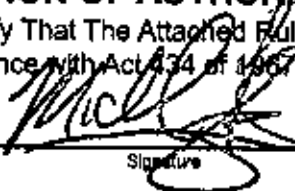
Section 1.12 “*Native Beverage*” means brandy manufactured in the State of Arkansas from the juices of grapes, berries and other fruits or vegetables grown in the State of Arkansas.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:			
Effective Date _____		Code Number _____	
Name of Agency <u>Alcoholic Beverage Control Division</u>			
Department <u>Department of Finance and Administration</u>			
Contact <u>Milton Luken</u>	E-mail <u>Milton.luken@dfa.state.ar.us</u>	Phone <u>682-1105</u>	
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>			
Rule Title: <u>Section 1.19(4)</u>			
Intended Effective Date		Date	
<input type="checkbox"/> Emergency	Legal Notice Published	<u>7-4,5,6,7,17, 2007</u>	
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>	
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>	
	Adopted by State Agency	<u>8-15-07</u>	
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)			
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from: <u>Karen Blagg</u>		<u>Karen.blagg@dfa.state.ar.us</u>	
Contact Person		Email Address	Date <u>8-31-07</u>
CERTIFICATION OF AUTHORIZED OFFICER I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1967 As Amended.			
 _____ Signature			
<u>682-1105</u>		<u>Michael.langley@dfa.state.ar.us</u>	
Phone Number		E-mail Address	
Director _____ Title			
<u>8-31-07</u> Date			

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

BY _____

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Amendment to Section 1.19(4)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 – 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 – 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

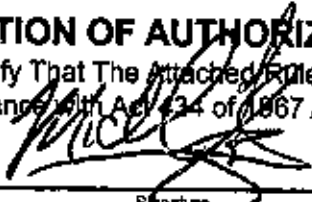
Section 1.19(4) Small Farm Wine Retail Off Premises Permit authorizes the sale of small farm wines for consumption off the premises described in the permit;

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____	Code Number _____	
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lueken</u>	E-mail <u>Milton.lueken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Section 1.19(6)</u>		
Intended Effective Date		
<input type="checkbox"/> Emergency	Legal Notice Published	<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	Karen Blagg Contact Person	Karen.blagg@dfa.state.ar.us E-mail Address
		8-31-07 Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Hereby Certify That The Attached Rules Were Adopted In Compliance With Act 434 of 1967 As Amended.		
 _____ Signature		
682-1105 Phone Number	Michael.langley@dfa.state.ar.us E-mail Address	
_____ Director		
_____ 8-31-07 Date		

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

BY

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 1.19(6)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

Section 1.19(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;

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Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Lueken

Milton.lueken@dfa.state.ar.us

E-mail _____ Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Section 1.19(7)

Intended Effective Date

Date

☐ Emergency

Legal Notice Published 7-4,5,6,7,17, 2007

☒ 10 Days After Filing

Final Date for Public Comment 8-15-07

☐ Other _____

Reviewed by Legislative Council 9-6-07

Adopted by State Agency 8-15-07

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

☒ Electronic Copy of Rule e-mailed from:

Karen Blagg

Karen.blagg@dfa.state.ar.us

8-31-07

Contact Person

Email Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

Michael Langley
Signature

682-1105

Phone Number

Michael.langley@dfa.state.ar.us

Email Address

Director

Title

8-31-07

Date

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

BY

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 1.19(7)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 – 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 – 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

Section 1.19(7) Small Farm Wine Manufacturer For Sale Permit

authorizes the sale of small farm wine to persons holding a wholesale wine or small arm 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;

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Lucken

Milton.lucken@dfa.state.ar.us

E-mail

Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Section 1.19(36)

Intended Effective Date

Date

☐ Emergency

Legal Notice Published 7-4,5,6,7,17, 2007

☒ 10 Days After Filing

Final Date for Public Comment 8-15-07

☐ Other _____

Reviewed by Legislative Council 9-6-07

Adopted by State Agency 8-15-07

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1476 of 2003)

☒ Electronic Copy of Rule e-mailed from:

Karen Blagg

Karen.blagg@dfa.state.ar.us

8-31-07

Contact Person

Email Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance With Act 434 of 1967 As Amended.


Signature

682-1105

Phone Number

Michael.langley@dfa.state.ar.us

E-mail Address

Director

Title

8-31-07

Date

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

BY

DEPARTMENT**DIVISION****PERSON COMPLETING THIS STATEMENT****TELEPHONE NO. (501) 682-1105****FAX NO. (501) 682-2221****FINANCIAL IMPACT STATEMENT**

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 1.19(36)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 – 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 – 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

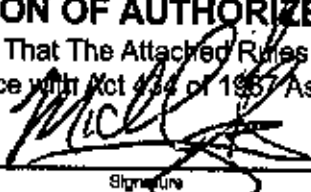
Section 1.19(36) Sampling Permit authorizes a retail liquor store to serve at no charge to the customer, servings of alcoholic beverages, as authorized by a permit, for on premises consumption at the retail liquor store. Samples may only be offered during the regular hours of operation of liquor stores. If authorized by the permit, wine samples shall be limited to a total of three samples not to exceed one-half ounce (0.5 oz.) per sample per customer each day. No more than two (2) two ounce (2 oz.) beer servings may be offered to each customer per day, authorized by the permit and no more than two (2) one-half ounce (0.5 oz.) samples of spirits may be served to each customer per day if authorized by the permit obtained by the retail liquor store.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____	Code Number _____	
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Luken</u>	E-mail <u>Milton.luken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Section 1.19(37)</u>		
Intended Effective Date	Legal Notice Published	Date <u>7-4,5,6,7,17, 2007</u>
<input type="checkbox"/> Emergency	Final Date for Public Comment	<u>8-15-07</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Reviewed by Legislative Council	<u>9-6-07</u>
<input type="checkbox"/> Other _____	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1476 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	Karen Blagg Contact Person	Karen.blagg@dfa.state.ar.us Email Address
		8-31-07 Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1997 As Amended.		
 Signature		
682-1105 Phone Number	Michael.langley@dfa.state.ar.us E-mail Address	
Director		
8-31-07 Date		

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

BY

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

New Regulation Section 1.19(37)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

<u>2007 – 2008 Fiscal Year</u>
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

<u>2008 – 2009 Fiscal Year</u>
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

<u>2007 - 2008 Fiscal Year</u>
NONE

<u>2008 – 2009 Fiscal Year</u>
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

<u>2007 – 2008 Fiscal Year</u>
NONE

<u>2008 – 2009 Fiscal Year</u>
NONE


Section 1.19 (37) Post Exchange Package Permit authorizes the sale of alcoholic beverages at a post exchange facility located upon property owned by the State of Arkansas and operated by the Military Department of Arkansas.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____	Code Number _____	
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lueken</u>	E-mail <u>Milton.lueken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Section 1.19(38)</u>		
Intended Effective Date	Legal Notice Published	Date
<input type="checkbox"/> Emergency		<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1479 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	Karen Blagg Karen.blagg@dfa.state.ar.us	8-31-07
Contact Person	Email Address	Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 464 of 1987 As Amended.		
		
Signature		
682-1105	Michael.Langley@dfa.state.ar.us	
Phone Number	E-mail Address	
Director		
True		
8-31-07		
Date		

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

BY

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

New Regulation Section 1.19(38)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

Section 1.19(38) Brandy Distilling Permit authorizes distilling brandy or spirituous liquors for use in fortifying of wines manufactured from the juices of grapes, berries, and other fruits or vegetables grown in Arkansas.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only: Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Luken E-mail Milton.luken@dfa.state.ar.us Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Section 1.19(39)

Intended Effective Date

☐ Emergency

☒ 10 Days After Filing

☐ Other _____

Legal Notice Published 7-4,5,6,7,17, 2007

Final Date for Public Comment 8-15-07

Reviewed by Legislative Council 9-6-07

Adopted by State Agency 8-15-07

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

☒ Electronic Copy of Rule e-mailed from: Karen Blagg Karen.blagg@dfa.state.ar.us 8-31-07

Contact Person

Email Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1997 As Amended.


Signature

682-1105

Phone Number

Michael.langley@dfa.state.ar.us

E-mail Address

Director

Title

8-31-07

Date

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FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

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SHORT TITLE OF THIS RULE

A new regulation Section 1.19(39)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

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Federal Funds
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Total

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Federal Funds
Cash Funds
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2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

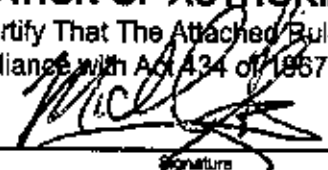
Section 1.19(39) Native Brandy Permit authorizes the manufacture and sale of brandy, cordials or other distillates or component parts thereof manufactured solely from agricultural or horticultural products produced in Arkansas.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

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Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lucken</u>	E-mail <u>Milton.lucken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Section 1.19(40)</u>		
Intended Effective Date		Date
<input type="checkbox"/> Emergency	Legal Notice Published	<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1476 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	Karen Blagg Contact Person	Karen.blagg@dfa.state.ar.us Email Address
		8-31-07 Date
CERTIFICATION OF AUTHORIZED OFFICER I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1967 As Amended.		
 _____ Signature		
682-1105 Phone Number	Michael.langley@dfa.state.ar.us E-mail Address	
Director _____ Title		
8-31-07 Date		

FILED

SEP -6 2007

CHARLIE DANIELS
SECRETARY OF STATE

FY

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

A new regulation Section 1.19(40)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE


Section 1.19(40) *Native Beer Permit* authorizes the permit holder to operate a small brewery or a microbrewery – restaurant in the manner provided for by Act 1805 of 2003.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____ Code Number _____		
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lueken</u>	E-mail <u>Milton.lueken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Section 1.20(18)</u>		
Intended Effective Date		Date
<input type="checkbox"/> Emergency	Legal Notice Published	<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	<u>Karen Blagg</u> Contact Person	<u>Karen.blagg@dfa.state.ar.us</u> E-mail Address
		<u>8-31-07</u> Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Hereby Certify That The Attached Rules Were Adopted In Compliance With Act 134 of 1967 As Amended.		
 Signature		
<u>682-1105</u> Phone Number	<u>Michael.langley@dfa.state.ar.us</u> E-mail Address	
<u>Director</u> Title		
<u>8-31-07</u> Date		

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

EX

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

A new regulation Section 1.19(41)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

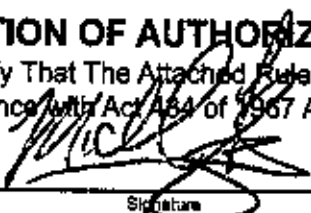
Section 1.20(18) Any person, corporation, or business entity making application to replace an existing permittee shall submit with the application a replacement notice from the current permit holder authorizing the replacement applicant to operate under the authority of the currently valid permit(s) while the replacement application is pending before the agency. The replacement authorization must be on the form provided to the applicant by the Alcoholic Beverage Control Division. In no event shall the current permit holder be allowed to withdraw the replacement notice of authorization once the replacement application has been accepted by the agency for processing. Once the replacement application has been acted on by final agency decision, the replacement notice expires and may not be used for subsequent applications.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____	Code Number _____	
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lucken</u>	E-mail <u>Milton.lucken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Section 1.22.1</u>		
Intended Effective Date	Legal Notice Published	Date
<input type="checkbox"/> Emergency		<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	Karen Blagg Contact Person	Karen.blagg@dfa.state.ar.us E-mail Address
		8-31-07 Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 464 of 1967 As Amended.		
		
Signature		
682-1105	Michael.jangley@dfa.state.ar.us	
Phone Number	E-mail Address	
Director		
Title		
8-31-07		
Date		

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT**DIVISION****PERSON COMPLETING THIS STATEMENT****TELEPHONE NO. (501) 682-1105****FAX NO. (501) 682-2221****FINANCIAL IMPACT STATEMENT**

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 1.20(18)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 – 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 – 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

Section 1.22.1 Temporary Beer Permit. Temporary beer permits for the sale of beer at functions sponsored by or for the benefit of non-profit or charitable organizations may be issued for a period of time not to exceed five (5) consecutive days. Applications for such permit shall meet the requirements as established by the Director and set out in the application and attachments thereto. The fee for such permit shall be forty dollars (\$40.00). The Director shall determine whether an application meets the established requirements and whether the function for which the permit is applied is non-profit or charitable in nature and purpose. Those requirements shall include but not be limited to:

- (1) The location of the event must be in an area which has voted for the sale of intoxicating liquors; and
- (2) The application must be received by the Alcoholic Beverage Control Division at least three (3) weeks prior to the event.

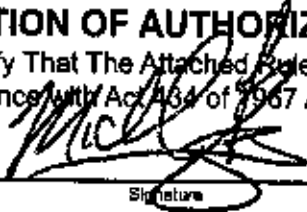
Any action by the Director in granting or denying such application is appealable to the Alcoholic Beverage Control Board pursuant to Section 1.51 of these Regulations, provided that any such action on the part of the Director shall be effective immediately without the requirement of such action being ratified by the Alcoholic Beverage Control Board at the next Board meeting.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____ Code Number _____		
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lucken</u>	E-mail <u>Milton.lucken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Section 1.22.2</u>		
Intended Effective Date		Date
<input type="checkbox"/> Emergency	Legal Notice Published	<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from: <u>Karen Blagg</u> <u>Karen.blagg@dfa.state.ar.us</u> <u>8-31-07</u>		
Contact Person	E-mail Address	Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Hereby Certify That The Attached Rules Were Adopted In Compliance With Act 434 of 1967 As Amended.		
		
Signature		
<u>682-1105</u>	<u>Michael.langley@dfa.state.ar.us</u>	
Phone Number	E-mail Address	
<u>Director</u>		
Title		
<u>8-31-07</u>		
Date		

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 1.22.2

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

Section 1.22.2 Temporary Wine Permit. Temporary wine permits for the sale of wine and light wine by single servings for on premises consumption at functions sponsored by or for the benefit of non-profit or charitable organizations may be issued for a period of time not to exceed five (5) consecutive days. Applications for such permit shall meet the requirements as established by the Director and set out in the application and attachments thereto. The fee for such permit shall be fifty dollars (\$50.00). The Director shall determine whether or not an application meets the established requirements and whether or not the function for which the permit is applied is non-profit or charitable in nature and purpose. Those requirements shall include but not be limited to:

- (1) The location of the event must be in an area which has voted for the sale of intoxicating liquors;
- (2) ***Repealed 8-20-97***
- (3) The application must be received by the Alcoholic Beverage Control Division at least three (3) weeks prior to the event.

Any action by the Director in granting or denying such application is appealable to the Alcoholic Beverage Control Board pursuant to Section 1.51 of these Regulations, provided that any such action on the part of the Director shall be effective immediately without the requirement of such action being ratified by the Alcoholic Beverage Control Board at the next Board meeting.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office
Use Only: Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Lueken E-mail Milton.lueken@dfa.state.ar.us Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Section 1.22.3

Intended Effective Date

☐ Emergency

☒ 10 Days After Filing

☐ Other _____

Legal Notice Published 7-4,5,6,7,17, 2007

Final Date for Public Comment 8-15-07

Reviewed by Legislative Council 9-6-07

Adopted by State Agency 8-15-07

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

☒ Electronic Copy of Rule e-mailed from: Karen Blagg Karen.blagg@dfa.state.ar.us 8-31-07

Contact Person

Email Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 1478 of 1997 As Amended.


Signature

682-1105

Phone Number

Michael.langley@dfa.state.ar.us

E-mail Address

Director

Title

8-31-07

Date

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 1.22.3

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 – 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 – 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

Section 1.22.3 Temporary Spirits Permit. Temporary permits for the sale of spirituous alcoholic beverages at functions sponsored by or for the benefit of non-profit or charitable organizations may be issued for a period of time not to exceed five (5) consecutive days. Such permits allow the sale of any such alcoholic beverages authorized to be sold pursuant to applicable local option election that otherwise meet the criteria set forth herein. Applications for such permit shall meet the requirements as established by the Director and set out in the application and attachments thereto. The fee for such permit shall be fifty dollars (\$50.00). The Director shall determine whether an application meets the established requirements and whether the function for which the permit is applied is non-profit or charitable in nature and purpose. Those requirements shall include but not be limited to:

- (1) The location of the event must be in an area which has voted for on premises consumption of spirituous beverages; and
- (2) The application must be received by the Alcoholic Beverage Control Division at least three (3) weeks prior to the event.

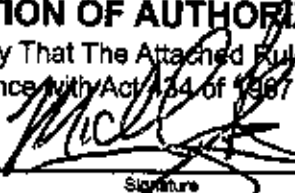
Any action by the Director in granting or denying such application is appealable to the Alcoholic Beverage Control Board pursuant to Section 1.51 of these Regulations, provided that any such action on the part of the Director shall be effective immediately without the requirement of such action being ratified by the Alcoholic Beverage Control Board at the next Board meeting.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only: Effective Date _____ Code Number _____		
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lueken</u>	E-mail <u>Milton.lueken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Section 1.23</u>		
Intended Effective Date		Date
<input type="checkbox"/> Emergency	Legal Notice Published	<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	<u>Karen Blagg</u> Contact Person	<u>Karen.blagg@dfa.state.ar.us</u> Email Address
		<u>8-31-07</u> Date
CERTIFICATION OF AUTHORIZED OFFICER I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 134 of 1987 As Amended.		
 _____ Signature		
<u>682-1105</u> Phone Number	<u>Michael.langley@dfa.state.ar.us</u> E-mail Address	
<u>Director</u> Title		
<u>8-31-07</u> Date		

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 1.23

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

Section 1.23 Publication of Notice That Application Has Been Made for Permit.

After filing an application with the Director, the applicant shall cause to be published at least once a week for two (2) consecutive weeks in a legal newspaper of general circulation in the city in which the premises is situated, or if the premises is not in a city, in a newspaper of general circulation in the locality in which the business is to be conducted, a notice that the applicant has applied for a permit to sell, manufacture or dispense controlled beverages, as applicable. The notice shall be verified and shall give the name of the applicant and the name and address or location of the business, and shall state that the applicant is a resident of Arkansas, that he has good moral character, that he has never been convicted of a felony or had a permit revoked within the five (5) years preceding the date of notice. **Provided**, that this requirement shall not apply if the applicant holds a restaurant mixed drink permit and subsequently makes application for a beer and/or wine permit only at the same location.

It is further provided that applicants for a retail liquor permit or a private club permit shall be required to publish at least once a week for four (4) consecutive weeks in a legal newspaper as described above, per the authority of Act 735 of 2007.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only: Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Lueken E-mail Milton.lueken@dfa.state.ar.us Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Section 1.32.1

Intended Effective Date

☐ Emergency

☒ 10 Days After Filing

☐ Other _____

Legal Notice Published 7-4,5,6,7,17, 2007

Final Date for Public Comment 8-15-07

Reviewed by Legislative Council 9-6-07

Adopted by State Agency 8-15-07

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

☒ Electronic Copy of Rule e-mailed from: Karen Blagg Karen.blagg@dfa.state.ar.us 8-31-07

Contact Person

Email Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance With Act 434 of 1997 As Amended.

Signature

682-1105

Phone Number

Michael.langley@dfa.state.ar.us

E-mail Address

Director

Title

8-31-07

Date

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 1.32.1

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 – 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 – 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

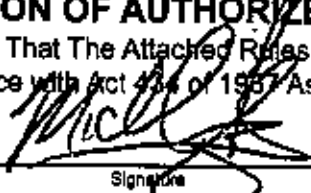
Section 1.32.1 Applicant Must Attend Educational Seminar. Any person who is applying for a retail alcoholic beverage license or private club license must attend an educational seminar offered by the Alcoholic Beverage Control Division. Attendance at the seminar by the applicant shall be required prior to any action on the application by the Director. ***Provided***, that such attendance is not required by those applicants who have held a permit prior to the initial adoption of Section 1.32.1 (8-17-88) and have continued to hold the permit to a point within twelve (12) months of filing a new application.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____	Code Number _____	
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lueken</u>	E-mail <u>Milton.lueken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Repeal of Section 1.33(8)</u>		
Intended Effective Date	Legal Notice Published	Date <u>7-4,5,6,7,17, 2007</u>
<input type="checkbox"/> Emergency	Final Date for Public Comment	<u>8-15-07</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Reviewed by Legislative Council	<u>9-6-07</u>
<input type="checkbox"/> Other _____	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1476 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	Karen Blagg Contact Person	Karen.blagg@dfa.state.ar.us E-mail Address
		8-31-07 Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1987 As Amended.		
 Signature		
682-1105 Phone Number	Michael.langley@dfa.state.ar.us E-mail Address	
Director		
8-31-07 Date		

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Repeal of Section 1.33(8)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 – 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 – 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

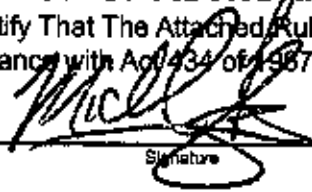
~~Section 1.33(8) Retail Wine Permit Not to be Issued to Any On Premises Beer Permitted Establishment That is Not a Restaurant Qualified to Hold Restaurant Wine Sales Permit.~~ No permit for the sale of retail wine for off premises consumption shall be placed in a permitted premises for the sale of beer for on premises consumption, unless said establishment shall be a restaurant qualified to hold a restaurant wine sales permit. This Regulation will not be construed to restrict retail liquor permit holders' sales of native wines under retail liquor permits or restrict the replacement of presently active retail wine permits; (Amended 8-15-01)

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____ Code Number _____		
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Luken</u>	E-mail <u>Milton.luken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Section 1.33(15)</u>		
Intended Effective Date		Date
<input type="checkbox"/> Emergency	Legal Notice Published	<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1476 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	Karen Blagg Contact Person	Karen.blagg@dfa.state.ar.us E-mail Address
		8-31-07 Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1987 As Amended.		
		
Signature		
<u>682-1105</u>	<u>Michael.langley@dfa.state.ar.us</u>	
Phone Number	E-mail Address	
Director		
Title		
<u>8-31-07</u>		
Date		

FILED

SEP - 6 2007

CHARLIE DANIELS

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 1.33(15)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 – 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 – 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

Section 1.33(15) Drive Up Windows Prohibited at Off Premises

Retail Beer and Small Farm Wine Permitted Outlets – Exception. Drive up windows are prohibited at off premises retail beer and small farm wine permitted outlets, except for such outlets that also hold a retail liquor off premises permit. **Provided**, that those off premises permitted outlets with health department approved kitchen facilities that prepare food on premises for off and/or on premises consumption may sell food products and other convenience store items, except beer and small farm wine, through drive up windows. Such permitted outlets must post a notice not less than three inches by five inches (3" x 5"), clearly affixed to the drive up window and clearly visible to patrons thereof, stating **"NO ALCOHOLIC BEVERAGES SOLD THROUGH THIS DRIVE UP WINDOW"**. The same notice must also be posted on the interior of the permitted outlet so as to be clearly visible to employees selling items, other than beer and small farm wine, through the drive up window. **Provided**, those establishments, subject to this regulation, having an established and recognized history with this agency of operating a drive up window not in compliance with this Regulation will be considered as **"Grandfathered"** in and allowed to continue to operate in accordance with such established history.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office
Use Only: Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Luken

Milton.luken@dfa.state.ar.us

E-mail _____ Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Section 1.79(25)

Intended Effective Date

Date

☐ Emergency

Legal Notice Published 7-4,5,6,7,17, 2007

☒ 10 Days After Filing

Final Date for Public Comment 8-15-07

☐ Other _____

Reviewed by Legislative Council 9-6-07

Adopted by State Agency 8-15-07

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

☒ Electronic Copy of Rule e-mailed from:

Karen Blagg

Karen.blagg@dfa.state.ar.us

8-31-07

Contact Person

Email Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1987 As Amended.

682-1105

Phone Number

Michael.jangley@dfa.state.ar.us

E-mail Address

Director

Title

8-31-07

Date

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 1.79(25)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 – 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 – 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

Section 1.79(25) Employing a Convicted Felon. The holder of any permit issued by this agency had in employment during any hours the outlet was open for business in any capacity a convicted felon whose felony conviction has not been pardoned or record not expunged whose duties include the sale, service, or dispensing of alcoholic beverages, the control of crowds or entrance to the permitted premises, or the management of the business or activities of the outlet; such prohibited employment shall include but not be limited to managers, bartenders, waiters/waitresses, bouncers, door persons, and cashiers. **Provided,** that those convicted felons whose felony conviction does not involve bodily harm or the threat thereof to another person or the use of a weapon, as such is defined in Section 1.79(33) of these Regulations, may be employed in an Alcoholic Beverage Control permitted outlet;

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only: Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Lueken E-mail Milton.lueken@dfa.state.ar.us Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Section 2.12

Intended Effective Date

☐ Emergency

☒ 10 Days After Filing

☐ Other _____

Legal Notice Published 7-4,5,6,7,17, 2007

Final Date for Public Comment 8-15-07

Reviewed by Legislative Council 9-6-07

Adopted by State Agency 8-15-07

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

☒ Electronic Copy of Rule e-mailed from: Karen Blagg Karen.blagg@dfa.state.ar.us 8-31-07

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 134 of 1997 As Amended.

Signature

682-1105

Phone Number

Michael.langley@dfa.state.ar.us

E-mail Address

Director

Title

8-31-07

Date

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Amendment to Section 2.12

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 – 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 – 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE


Section 2.12 Manufacturer to Sell Only to Wholesalers; Exception for Small Farm Wine and Brandy. Any person manufacturing controlled beverages under any alcoholic beverage control law of the State of Arkansas shall sell such controlled beverages only to persons holding a permit to sell such controlled beverages at wholesale. **Provided,** that manufacturers of small farm brandy may also sell to consumers in accordance with the laws and Regulations applicable to such permits.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____	Code Number _____	
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lucken</u>	E-mail <u>Milton.lucken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Repeal of Section 2.12.1</u>		
Intended Effective Date		
<input type="checkbox"/> Emergency	Legal Notice Published	Date <u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	Karen Blagg Contact Person	Karen.blagg@dfa.state.ar.us Email Address
		8-31-07 Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1997 As Amended.		
		
Signature		
682-1105	Michael.Langley@dfa.state.ar.us	
Phone Number	E-mail Address	
Director		
Title		
8-31-07		
Date		

FILED

SEP - 6 2007
CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Repeal of Section 2.12.1

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

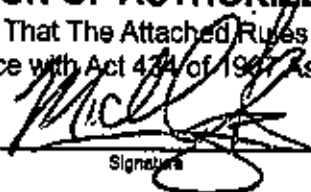
~~Section 2.12.1 Sale of Wine for On Premises Consumption at Arkansas Native Wineries.~~ Any permitted Arkansas native winery is authorized to sell wine by the glass with foods on any day of the week. The hours of sale shall be the hours identified in Section 1.19(7) of these Regulations. For the purpose of this Regulation, foods are defined, at a minimum, to include items traditionally accompanying wine tastings. Examples are sandwiches, cheese and crackers, meats, fruits or other types of finger food items. In addition, any winery desiring to sell wine for on premises consumption with food must offer tours to customers through the cellars located at the winery. When an Arkansas winery sells native wine products for off premises consumption on a Sunday, the containers of sealed native beverages must be in a package which shall be closed with a tape or other seal. On each tape or seal shall be printed or stamped in black or blue ink the words "Not to be opened on date of sale by order of Arkansas Alcoholic Beverage Control Board, Violation Class C misdemeanor. Date: _____" (date of sale to be provided at winery). The letters on such seal shall be at least one eighth (1/8) inch in height. The tape or seal shall be affixed in such a manner as will prohibit the opening thereof in transit, or if opened in transit would be of such design or nature as to enable any law enforcement officer to determine that the sealed case had been unlawfully opened. Failure to attach such seal shall constitute a violation of these Regulations. (Adopted 7-15-91)

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____	Code Number _____	
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lueken</u>	E-mail <u>Milton.lueken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Section 2.16(10)</u>		
Intended Effective Date		Date
<input type="checkbox"/> Emergency	Legal Notice Published	<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	Karen Blagg Contact Person	Karen.blagg@dfa.state.ar.us Email Address
		8-31-07 Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1967 As Amended.		
		
Signature		
682-1105 Phone Number	Michael.langley@dfa.state.ar.us E-mail Address	
Director		
Title		
8-31-07 Date		

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Amendment to Section 2.16(10)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
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Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

Section 2.16(10) Wholesalers to Register Brands of Controlled Beverages; Manufacturers and Wholesalers Not to Change Brands Without Approval of Director. The terms, conditions and requirements of this Regulation are hereby expressly made a part of the terms of and as conditions to the approval granted by the Arkansas Alcoholic Beverage Control Division to distillers, manufacturers, importers or producers to do business in the state and by the application for, the acceptance of, or the conduct of business under any such approval, a distiller, manufacturer, importer or producer consents and agrees to comply with the terms, conditions and requirements of this Regulation. This Regulation does not apply to manufacturers or wholesalers of small farm wine.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only: Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Lueken E-mail Milton.lueken@dfa.state.ar.us Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Section 2.28(12)

Intended Effective Date

☐ Emergency

☒ 10 Days After Filing

☐ Other _____

Legal Notice Published 7-4,5,6,7,17, 2007

Final Date for Public Comment 8-15-07

Reviewed by Legislative Council 9-6-07

Adopted by State Agency 8-15-07

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

☒ Electronic Copy of Rule e-mailed from: Karen Blagg Karen.blagg@dfa.state.ar.us 8-31-07

Contact Person

Email Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

Michael Langley
Signature

682-1105

Phone Number

Michael.Langley@dfa.state.ar.us

E-mail Address

Director

Title

8-31-07

Date

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 2.28(12)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

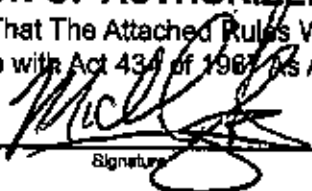
Section 2.28(12) Wholesalers May Pay for Advertising Devices in Certain Retail Outlets. Wholesale beer permittees shall be allowed to pay for certain advertising devices used at government owned facilities which are issued a large attendance facility permit as long as the permitted facility is located in a county which has a population of more than one hundred fifty-five thousand (155,000) people according to the most recent federal census. Such advertising devices shall include items such as inside or outside signs, scoreboards, programs, scorecards, and the like. However, payment for the advertising devices cannot result in the formation or existence of an exclusive buying arrangement between the large attendance facility permittee and the wholesaler who furnishes such advertising items;

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____	Code Number _____	
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lueken</u>	E-mail <u>Milton.lueken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Section 2.28(15)</u>		
Intended Effective Date		
<input type="checkbox"/> Emergency	Legal Notice Published	<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	Karen Blagg Contact Person	Karen.blagg@dfa.state.ar.us E-mail Address
		8-31-07 Date
CERTIFICATION OF AUTHORIZED OFFICER I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1987 as Amended.		
 _____ Signature		
682-1105 Phone Number	Michael.Langley@dfa.state.ar.us E-mail Address	
Director _____ Title		
8-31-07 Date		

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 2.28(15)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

Section 2.28(15) Professional Sports Teams Allowed Sponsorship. A large attendance facility permitted establishment owned or operated by an owner of a professional sports team franchised by the National Association of Professional Baseball Leagues within a county that has a population of more than one hundred fifty-five thousand (155,000), according to the most recent federal census, may accept sponsorship funds, advertising items or promotional items from licensed beer wholesalers. The furnishing of the sponsorship funds, advertising or promotional items may not result in the formation or existence of an exclusive buying arrangement between the large attendance facility permittee and the wholesaler who furnishes the sponsorship funds, advertising items or promotional items.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only: Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Lueken E-mail Milton.Lueken@dfa.state.ar.us Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Repeal Section 2.46

Intended Effective Date

☐ Emergency

☒ 10 Days After Filing

☐ Other _____

Legal Notice Published 7-4,5,6,7,17, 2007

Final Date for Public Comment 8-15-07

Reviewed by Legislative Council 9-6-07

Adopted by State Agency 8-15-07

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

☒ Electronic Copy of Rule e-mailed from:

Karen Biagg

Karen.biagg@dfa.state.ar.us

8-31-07

Contact Person

Email Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance With Act 434 of 1987 As Amended.

Michael Langley
Signature

682-1105

Phone Number

Michael.Langley@dfa.state.ar.us

E-mail Address

Director

Title

8-31-07

Date



SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Repeal of Section 2.46

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

~~Section 2.46 Native Beverages Must be Sealed and Stamped Before Transport.~~

~~Each case or partial case of native beverages sold at any retail outlet of any native beverage manufacturer shall have attached around the central seam of each such case or partial case a tape or other seal to seal said package. The tape or seal shall be affixed in such a manner as will prohibit the opening thereof in transit or, which if opened in transit would enable any law enforcement officer to determine that the sealed case had been unlawfully opened. On each such case shall be stamped in ink the words: "Not to be Opened in Transit by Order of the Arkansas Alcoholic Beverage Control Board". The letters shall be at least one (1) inch in height. In addition, there shall be stamped or printed on the case substantially the following:~~

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only: Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Luken E-mail Milton.luken@dfa.state.ar.us Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Repeal Section 2.47

Intended Effective Date

- ☐ Emergency
☒ 10 Days After Filing
☐ Other _____

	Date
Legal Notice Published	<u>7-4,5,6,7,17, 2007</u>
Final Date for Public Comment	<u>8-15-07</u>
Reviewed by Legislative Council	<u>9-6-07</u>
Adopted by State Agency	<u>8-15-07</u>

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

☒ Electronic Copy of Rule e-mailed from: Karen Blagg Karen.blagg@dfa.state.ar.us 8-31-07

Contact Person E-mail Address Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 184 of 1987 As Amended.

Signature

682-1105
Phone Number

Michael.langley@dfa.state.ar.us
E-mail Address

Director
Title

8-31-07
Date

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Repeal of Section 2.47

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

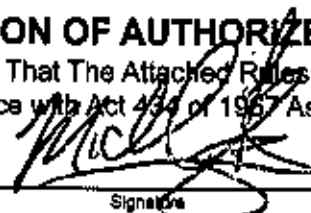
~~Section 2.47 Sealing, Stamping and Printing of Native Beverages Responsibility of Holder of Permit.~~ The sealing, stamping or printing of each case or partial case of native beverages sold at any retail outlet of any native beverage manufacturer shall be by and the responsibility of the person holding the permit to sell such native beverages at retail.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____	Code Number _____	
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lueken</u>	E-mail <u>Milton.lueken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Repeal Section 2.48</u>		
Intended Effective Date	Legal Notice Published	Date
<input type="checkbox"/> Emergency		<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	Karen Blagg Karen.blagg@dfa.state.ar.us	8-31-07
Contact Person	E-mail Address	Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1967 As Amended.		
		
Signature		
682-1105	Michael.langley@dfa.state.ar.us	
Phone Number	E-mail Address	
Director		
Title		
8-31-07		
Date		

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Repeal of Section 2.48

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 – 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 – 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE


~~Section 2.48 Sale of Native Beverages for Transportation Without Seal and Stamp Prohibited.~~ No person holding a permit to sell native beverages at retail at an outlet maintained by a native beverage manufacturer shall sell any native beverages which will be transported unless the case or partial case in which such native beverages are sold is sealed and stamped as required by these Regulations.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____	Code Number _____	
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lueken</u>	E-mail <u>Milton.lueken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Repeal Section 2.49</u>		
Intended Effective Date	Legal Notice Published	Date <u>7-4,5,6,7,17, 2007</u>
<input type="checkbox"/> Emergency	Final Date for Public Comment	<u>8-15-07</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Reviewed by Legislative Council	<u>9-6-07</u>
<input type="checkbox"/> Other _____	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	Karen Blagg Contact Person	Karen.blagg@dfa.state.ar.us E-mail Address
		8-31-07 Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1967 As Amended.		
		
Signature		
682-1105 Phone Number	Michael.Langley@dfa.state.ar.us E-mail Address	
Director		
8-31-07 Date		

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

BY

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Repeal of Section 2.49

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

~~Section 2.49 Quantity of Native Wine Which May be Transported by Consumer.~~

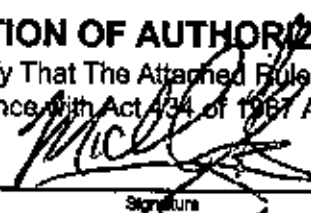
~~Any person who shall purchase any native beverages at a retail outlet maintained on the premises of, and operated by, a manufacturer of such native beverages, may transport a quantity of not more than three (3) cases, not to exceed three (3) gallons per case, of Arkansas native beverages. **Provided,** an individual who purchases native Arkansas wine at the winery may transport the wine as set out above or may have the purchase shipped to him or her at the individual's home by common carrier or appropriate parcel delivery service.(Amended 8-17-05)~~

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____	Code Number _____	
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lucken</u>	E-mail <u>Milton.lucken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Repeal Section 2.50</u>		
Intended Effective Date	Legal Notice Published	Date
<input type="checkbox"/> Emergency		<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	Karen Blagg Karen.blagg@dfa.state.ar.us	8-31-07
Contact Person	Email Address	Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1967 As Amended.		
		
Signature		
682-1105	Michael.langley@dfa.state.ar.us	
Phone Number	E-mail Address	
Director		
Title		
8-31-07		
Date		



SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Repeal of Section 2.50

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

~~Section 2.50 Transportation of Native Beverages.~~ All native beverages which are packaged, sealed and stamped in the manner as provided in these Regulations may be transported upon the public highways of this state without the transportation thereof being in violation of any laws of this state or any local ordinance prohibiting the manufacture, possession or sale of controlled beverages in any dry area through which the same is transported on the public highway so long as the container has been unopened and is being transported by a vehicle to a destination, as reflected on the package, outside the State of Arkansas or to a destination within the State of Arkansas in which the manufacture, possession or sale of controlled beverages is not prohibited by law. For purposes of these Regulations, each purchaser of Arkansas native beverages shall be entitled to purchase not more than three (3) cases of native beverages per purchase per day. Nothing in this Regulation shall be construed to limit the transportation of three (3) cases per vehicle.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office
Use Only: Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Lucken E-mail Milton.lucken@dfa.state.ar.us Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Repeal Section 2.51

Intended Effective Date

☐ Emergency

☒ 10 Days After Filing

☐ Other _____

Legal Notice Published 7-4,5,6,7,17, 2007

Final Date for Public Comment 8-15-07

Reviewed by Legislative Council 9-6-07

Adopted by State Agency 8-15-07

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1476 of 2003)

☒ Electronic Copy of Rule e-mailed from: Karen Blagg Karen.blagg@dfa.state.ar.us 8-31-07

Contact Person

Email Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 444 of 1967 As Amended.

Signature

682-1105

Phone Number

Michael.langley@dfa.state.ar.us

E-mail Address

Director

Title

8-31-07

Date

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Repeal of Section 2.51

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

~~Section 2.51 Opening Container or Breaking Seal of Case or Package~~

~~Prohibited.~~ Any person purchasing native beverages and transporting the same in the manner authorized in these Regulations shall not open any container or break any seal or package in which said native beverages are packaged for transportation in compliance with these Regulations until the same reaches the destination thereof as designated on the sealed package. Violation of this Regulation shall subject the violator to the penalties provided by law.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only: Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Lueken E-mail Milton.lueken@dfa.state.ar.us Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Repeal Section 2.52

Intended Effective Date

☐ Emergency

☒ 10 Days After Filing

☐ Other _____

Legal Notice Published 7-4,5,6,7,17, 2007

Final Date for Public Comment 8-15-07

Reviewed by Legislative Council 9-6-07

Adopted by State Agency 8-15-07

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

☒ Electronic Copy of Rule e-mailed from: Karen Blagg Karen.blagg@dfa.state.ar.us 8-31-07

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance With Act 1478 of 1997 As Amended.


Signature

682-1105

Phone Number

Michael.langley@dfa.state.ar.us

E-mail Address

Director

Title

8-31-07

Date

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Repeal of Section 2.52

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

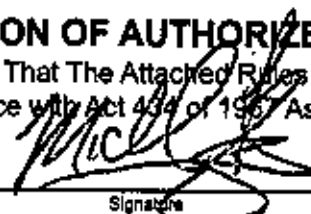
~~Section 2.52 Native Beverages to be Available for Inspection While Transported;~~
~~Procedure for Inspection.~~ All cases of native beverages transported pursuant to these Regulations shall be made available for inspection, upon request, by any law enforcement officer. If a law enforcement officer determines it necessary to open said case for any lawful inspection he shall attach thereto a statement in writing, identifying the name, address and commission of the officer, the site, hour and date on which the same has been opened, in order that if the person transporting the same is required to submit said package for further inspection there will be a proper identification thereon that the same was opened for inspection and has not been opened in violation of these Regulations.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____	Code Number _____	
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lueken</u>	E-mail <u>Milton.lueken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>New regulation Section 2.70</u>		
Intended Effective Date		
<input type="checkbox"/> Emergency	Legal Notice Published	<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	<u>Karen Blagg</u> Contact Person	<u>Karen.blagg@dfa.state.ar.us</u> E-mail Address
		<u>8-31-07</u> Date
CERTIFICATION OF AUTHORIZED OFFICER I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1987 As Amended.		
 _____ Signature		
<u>682-1105</u> Phone Number	<u>Michael.Langley@dfa.state.ar.us</u> E-mail Address	
<u>Director</u> Title		
<u>8-31-07</u> Date		

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

New Regulation Section 2.70

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

Section 2.70 "Small Farm Winery" means a wine-making establishment that does not produce for sale more than two hundred fifty thousand (250,000) gallons of wine, the alcoholic content of which is not less than one-half of one percent (0.5%) and which does not exceed twenty-one percent (21%) by weight, per calendar year, as reported on the federal tax report form TTB 5120-17, as it existed on January 1, 2007.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only: Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Lueken E-mail Milton.lueken@dfa.state.ar.us Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: New regulation Section 2.71

Intended Effective Date

☐ Emergency

☒ 10 Days After Filing

☐ Other _____

Legal Notice Published 7-4,5,6,7,17, 2007

Final Date for Public Comment 8-15-07

Reviewed by Legislative Council 9-6-07

Adopted by State Agency 8-15-07

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

☒ Electronic Copy of Rule e-mailed from: Karen Blagg Karen.blagg@dfa.state.ar.us 8-31-07

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1987 As Amended.

Signature

682-1105

Phone Number

Michael.langley@dfa.state.ar.us

E-mail Address

Director

Title

8-31-07

Date



SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

BY

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

New Regulation Section 2.71

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 – 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 – 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

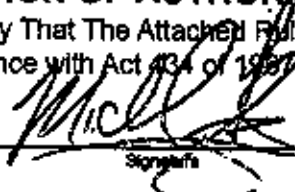
Section 2.71 "Small Farm Wine Grocery Store" means an establishment that has more than fifty thousand dollars (\$50,000) of inventory of human consumable items. The applicant must prove the inventory requirement to apply for the small farm wine retail permit. The establishment must be of such a nature and size that it offers a full range of typical grocery store items including, but not limited to, fresh produce, fresh meat, laundry detergents, frozen foods, dairy products, breads and other such items. The above list is not all inclusive.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____ Code Number _____		
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lueken</u>	E-mail <u>Milton.lueken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>New regulation Section 2.72</u>		
Intended Effective Date		Date
<input type="checkbox"/> Emergency	Legal Notice Published	<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1476 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	Karen Blagg Contact Person	Karen.blagg@dfa.state.ar.us E-mail Address
		8-31-07 Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1997 As Amended.		
		
682-1105 Phone Number	Michael.langley@dfa.state.ar.us E-mail Address	
Director Title		
8-31-07 Date		

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

New Regulation Section 2.72

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 – 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 – 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

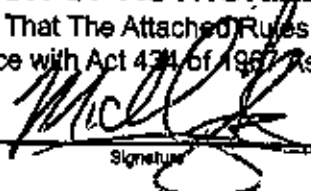
Section 2.72 "Small Farm Wine Convenience Store" means an establishment which sells a combination of motor fuel products and human consumable food. The convenience store must prove, in order to apply for the Small Farm Wine retail permit for convenience stores, that it has in inventory at least seven thousand five hundred dollars (\$7,500) worth of human consumable food items.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 028
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____ Code Number _____		
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lueken</u>	E-mail <u>Milton.lueken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>New regulation Section 2.73</u>		
Intended Effective Date		Date
<input type="checkbox"/> Emergency	Legal Notice Published	<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	Karen Blagg Contact Person	Karen.blagg@dfa.state.ar.us E-mail Address
		8-31-07 Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Herby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1997 as Amended.		
		
Signature		
682-1105 Phone Number	Michael.langley@dfa.state.ar.us E-mail Address	
Director		
Title		
8-31-07 Date		

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

FY

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

New Regulation Section 2.73

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 – 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 – 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

Section 2.73 Small Farm Winery may Bottle and Sell Wines Produced by Another Permitted Small Farm Winery. Under the provisions of Act 668 of 2007, a small farm winery permit authorizes the permittee to manufacture and bottle wines produced by that small farm winery. In addition, a small farm winery permit authorizes the holder of that permit to bottle and sell wines produced by another small farm winery. In order for a small farm winery to bottle and sell another small farm winery's products, both the selling winery and the buying winery must be small farm winery permit holders as defined in Act 668 of 2007.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only: Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Luken E-mail Milton.luken@dfa.state.ar.us Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: New regulation Section 2.74

Intended Effective Date

- ☐ Emergency
- ☒ 10 Days After Filing
- ☐ Other _____

	Date
Legal Notice Published	<u>7-4,5,6,7,17, 2007</u>
Final Date for Public Comment	<u>8-15-07</u>
Reviewed by Legislative Council	<u>9-6-07</u>
Adopted by State Agency	<u>8-15-07</u>

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

☒ Electronic Copy of Rule e-mailed from: Karen Blagg Karen.blagg@dfa.state.ar.us 8-31-07

Contact Person Email Address Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.


Signature

682-1105
Phone Number

Michael.langley@dfa.state.ar.us
E-mail Address

Director
Title

8-31-07
Date

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE
CY

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE New Regulation 2.74

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

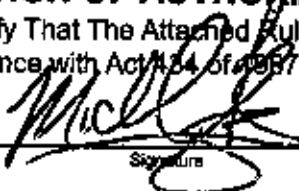
Section 2.74 Product Source for Small Farm Wine. Small farm wine means wine made from grapes, berries, other fruits, honey or vegetables. Small farm wine includes mead.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____	Code Number _____	
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lucken</u>	E-mail <u>Milton.lucken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Section 3.1</u>		
Intended Effective Date		Date
<input type="checkbox"/> Emergency	Legal Notice Published	<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	Karen Blagg Contact Person	Karen.blagg@dfa.state.ar.us E-mail Address
		8-31-07 Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 134 of 1997 As Amended.		
		
Signature		
682-1105	Michael.Langley@dfa.state.ar.us	
Phone Number	E-mail Address	
Director		
Title		
8-31-07		
Date		

FILED

SEP - 6 2007
CHARLIE DANIELS

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 3.1

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

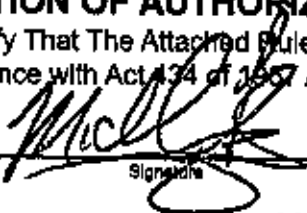
Section 3.1 - General The Regulations under this Title apply to all permits issued by the authority of the Alcoholic Beverage Control Division of the State of Arkansas to sell controlled beverages at retail. These Regulations should be regarded as being supplementary to, and not in replacement of, the code provisions of this State relating to the matters covered by this Title. In addition to these Regulations, other Regulations applicable to the matters covered by this Title may be found under Title 1 of these Regulations, under Title 4 of these Regulations in regard to hotel and motel, and restaurant permits, and under Title 2 of these Regulations in regard to the transportation of native Arkansas beverages.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____	Code Number _____	
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Luken</u>	E-mail <u>Milton.luken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Section 3.19(1)C.</u>		
Intended Effective Date		
<input type="checkbox"/> Emergency	Legal Notice Published	<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1476 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	<u>Karen Blagg</u> Contact Person	<u>Karen.blagg@dfa.state.ar.us</u> Email Address
		<u>8-31-07</u> Date
CERTIFICATION OF AUTHORIZED OFFICER I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 134 of 2007 As Amended.		
 _____ Signature		
<u>682-1105</u> Phone Number	<u>Michael.langley@dfa.state.ar.us</u> E-mail Address	
<u>Director</u> Title		
<u>8-31-07</u> Date		

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 3.19(1)C.

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 – 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 – 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

Section 3.19(1) C. Gambling on Premises. Permitted gambling or games of chance or kept any gambling device, machine or apparatus upon the permitted premises.

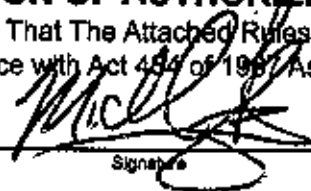
Provided, any establishment licensed under the authority of Act 132 of 1969, as amended, (e.g. hotel-motel mixed drink, restaurant mixed drink, private club & large attendance facility) shall be allowed to have certain gambling machines or devices on its property in conformance with Act 1170 of 2005. Gambling devices or machines may only be on the property of a premises described above if the gambling machines or devices are being used by a non-profit organization that is described in the Act. Any non-profit organization desiring to use gambling machines on a permitted premises must register the event with the Alcoholic Beverage Control Division at least sixty (60) days before the event. The games used at the event may not use money but may use some form of play money. No cash or other item of value may be won or awarded as a prize. This proviso shall only be available for one event during a calendar year by any specific non-profit qualified organization. No permitted premises shall be allowed to host more than ten (10) such events per calendar year under authority of this law. **Provided further**, that games of bingo and raffles are not considered gambling when conducted at those permitted outlets which have obtained an authorized organization license from the Department of Finance and Administration to conduct games of bingo and raffles, pursuant to Act 388 of 2007. A violation of any provision of Act 388 of 2007 subjects the permitted outlet to the full range of administrative sanctions that may be levied by the Alcoholic Beverage Control Division;

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____	Code Number _____	
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lucken</u>	E-mail <u>Milton.lucken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Section 3.19(2)</u>		
Intended Effective Date		
<input type="checkbox"/> Emergency	Legal Notice Published	<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	Karen Blagg Karen.blagg@dfa.state.ar.us	8-31-07
Contact Person	Email Address	Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 484 of 1997 As Amended.		
		
Signature		
682-1105	Michael.langley@dfa.state.ar.us	
Phone Number	E-mail Address	
Director		
Title		
8-31-07		
Date		

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 3.19(2)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

Section 3.19(2) Samples Prohibited. The permittee or any agent, servant or Employee of the permittee accepted from any person or sold or gave to any person any samples, either in unbroken packages, partial packages, or by the drink; this provision is applicable to private clubs, and all holders of retail permits. **Provided,** retail liquor stores may offer samples of intoxicating liquors of all kinds pursuant to permit as authorized by Act 455 of 2007. **Provided further,** that holders of large attendance facility permits in which parimutuel wagering has been authorized by law may offer samples of alcoholic beverages by the drink to patrons who are in that area of the permitted facility where games of skill are housed. All such samples offered shall be subject to the gross receipts and use taxes as a withdrawal from stock and shall be paid by the permit holder in the manner prescribed by law.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office
Use Only: Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Lucken E-mail Milton.lucken@dfa.state.ar.us Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Section 3.19(3)F.

Intended Effective Date

☐ Emergency

☒ 10 Days After Filing

☐ Other _____

Legal Notice Published 7-4,5,6,7,17, 2007

Final Date for Public Comment 8-15-07

Reviewed by Legislative Council 9-6-07

Adopted by State Agency 8-15-07

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

☒ Electronic Copy of Rule e-mailed from:

Karen Blagg

Karen.blagg@dfa.state.ar.us

8-31-07

Contact Person

Email Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1987 As Amended.

Signature

682-1105

Phone Number

Michael.langley@dfa.state.ar.us

E-mail Address

Director

Title

8-31-07

Date

FILED

SEP -6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

New regulation Section 3.19(3)F.

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 – 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 – 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

Section 3.19 Prohibited Conduct and Activities; Grounds for Suspension or Revocation of Retail Permit. In addition to the violation or failure to comply with any of these Regulations or any alcoholic beverage control law of the State of Arkansas, a permit to sell or dispense controlled beverages at retail may be cancelled, suspended or revoked or assessed a monetary fine for any of the following prohibited activities committed by the permittee or any employee, agent or servant of the permittee:

- (3) **Closing Hours.** The permittee or any agent, servant or employee of the permittee sold, offered for sale, dispensed, gave away or allowed the consumption of any controlled beverages at any time prohibited by law, including the following:

- A. Sundays, Mondays between 12:00 a.m. and 1:00 a.m., or on any other days between the hours of 1:00 a.m. and 7:00 a.m.
Provided, that this Regulation shall not conflict with the ordinance of any city or town. In addition, the governing body of any city or town may fix later closing hours for the permitted premises of a hotel or restaurant which in no event shall be later than two (2) hours after midnight on Saturday night. (Amended 7-19-95)

It is further provided that any establishment which has a Sunday alcoholic beverage permit as authorized by law shall be able to sell alcoholic beverages and allow the possession and consumption thereof on a Sunday between the hours of 12:00 noon and 10:00 p.m., or within a lesser period of time as authorized by city or county ordinance. It is further provided that if a city or county has held an election under the provisions of Act 857 of 1999, legalizing the sale of alcoholic beverages on a Sunday by all permittees located within their jurisdiction, then such retail sales shall be lawful between the hours of 12:00 noon and 10:00 p.m., or within a lesser period of time as authorized by city or county ordinance. (Amended 8-18-99)

It is further provided that when Sunday falls on December 31st of any year, such Sunday alcoholic beverage permit holder, or any on premises consumption permit holder in an area that has opted for the sale of alcoholic beverages on Sunday, may sell alcoholic beverages for on premises consumption between the hours of 12:00 noon on Sunday and 2:00 a.m. on the following Monday unless the city or county establishes by ordinance a lesser period of time in which alcoholic beverages may be sold for on premises consumption by restaurants and hotels on New Year's Eve; (Amended 8-15-01)

- B. Christmas Day;

C. ***Deleted 12-15-89***

D. Under the provisions of Act 305 of 1999, if a permittee is cited by a local jurisdiction for operating during hours prohibited by local city ordinance or by local county quorum court ordinance, and if such hours of operation for which the permittee is cited are more restrictive than the general hours of operations established by the Alcoholic Beverage Control Division or by the Arkansas General Assembly for a retail or private club permit, then such violation shall only be heard by a local court of competent jurisdiction and such violation shall not be considered to be an administrative violation against the permit issued by the Alcoholic Beverage Control Division; (Adopted 8-18-99)

E. Post Exchange Liquor Store permits may sell alcoholic beverages seven days per week to those customers that may purchase from such facilities. The post exchange package store may operate on the same hours as those established for military service clubs pursuant to ACA § 3-4-706. (Adopted 8-17-05)0

F. Any large attendance facility permit issued under the authority of ACA § 3-9-202(8)(B) in which parimutuel wagering has been authorized and which has a current large attendance facility permit for on premises consumption, may sell alcoholic beverages on Sundays between the hours of 12:00 a.m. and 2:00 a.m. and on Sundays between the hours of 12:00 noon and 2:00 a.m. the following Monday, in addition to other times authorized by law for selling alcoholic beverages for consumption on the premises.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office
Use Only: Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Lueke E-mail Milton.lueke@dfa.state.ar.us Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Section 3.19(10)A.

Intended Effective Date

☐ Emergency

☒ 10 Days After Filing

☐ Other _____

Legal Notice Published 7-4,5,6,7,17, 2007

Final Date for Public Comment 8-15-07

Reviewed by Legislative Council 9-6-07

Adopted by State Agency 8-15-07

☐ Electronic Copy of Rule Provided on disk or CD (per Act 147B of 2003)

☒ Electronic Copy of Rule e-mailed from: Karen Blagg Karen.blagg@dfa.state.ar.us

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Heraby Certify That The Attached Rules Were Adopted
In Compliance with Act 134 of 1987 As Amended.

Signature

682-1105

Phone Number

Michael.langley@dfa.state.ar.us

E-mail Address

Director

Title

8-31-07

Date

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 3.19(10)A.

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

Section 3.19(10) Employment of Certain Persons Prohibited.

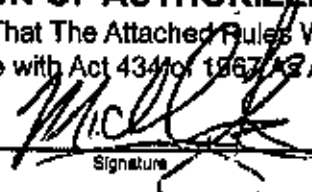
- A. **A Person Convicted of Certain Laws.** Any person in the serving or mixing of controlled beverages, or in the dispensing of alcoholic beverages, the control of crowds or entrance to the permitted premises, or the management of the business or activities of the outlet who is a convicted felon whose felony conviction has not been pardoned or record not expunged. **Provided,** that those convicted felons whose felony conviction does not involve bodily harm or the threat thereof to another person or the use of a weapon, as such is defined in Section 1.79(33) of these regulations, may be employed in an Alcoholic Beverage Control permitted outlet.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____ Code Number _____		
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Lueken</u>	E-mail <u>Milton.lueken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Section 3.19(10)B.</u>		
Intended Effective Date		
<input type="checkbox"/> Emergency	Legal Notice Published	Date <u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	Karen Blagg Contact Person	Karen.blagg@dfa.state.ar.us E-mail Address
		8-31-07 Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1967 As Amended.		
		
Signature		
682-1105	Michael.langley@dfa.state.ar.us	
Phone Number	E-mail Address	
Director		
Title		
8-31-07		
Date		

FILED

SEP -6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 3.19(10)B.

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 – 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 – 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

Section 3.19 Prohibited Conduct and Activities; Grounds for Suspension or Revocation of Retail Permit.

- (10) **Employment of Certain Persons Prohibited.** The permittee knowingly had in his employment any person who is not qualified by reason of these Regulations or by reason of any alcoholic beverage control law of the State of Arkansas for the position to which such person was employed, including but not limited to, any of the following persons:
- B. **Persons Under Twenty-One (21); Exceptions.** Any person less than twenty-one (21) years of age in the mixing, serving, selling or handling of controlled beverages. **Provided**, that nothing in this Regulation shall prohibit a minor eighteen (18) years of age or older to be employed as a musician or entertainer or to be employed in the preparation or serving of food or in the housekeeping department of any establishment permitted by this Agency; and nothing in this Regulation shall prohibit a minor eighteen (18) years of age or older, with the written consent of a parent or guardian, to be employed in the sale of beer and small farm wine at retail grocery establishments, nor from being employed by permitted liquor and beer wholesalers and by permitted small farm wineries to handle alcoholic beverages at the place of business of the permitted wholesaler or winery; and further, nothing in this Regulation shall prohibit a minor of any age to be employed as an entertainer when the minor and his parent or guardian perform together as part of the same show and the parent or guardian remains with the minor in a supervisory capacity.

For purposes of this Regulation, retail grocery establishments shall not include those establishments engaged in the sale of motor fuels which do not maintain an inventory of human consumables (not including alcoholic beverage products) in an amount in excess of fifty thousand dollars (\$50,000). The burden of providing this inventory requirement shall be on the permittee.

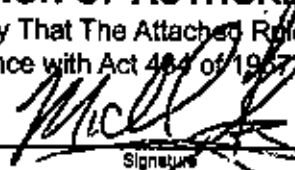
In accordance with Act 1807 of 2003, any person or organization which holds a public restaurant mixed drink permit, a public hotel-motel-restaurant mixed drink permit, a restaurant wine permit or a Sunday beverage permit, may employ persons 19 years of age or older, who have the written consent of a parent or guardian, to sell and handle alcoholic beverages. **Provided**, that persons 19 years of age and older may not act as bartenders but they may otherwise open bottles of wine and beer and serve the alcoholic beverages and take payment for the same.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date _____ Code Number _____		
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Luken</u>	E-mail <u>Milton.luken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Section 3.19(13)</u>		
Intended Effective Date	Legal Notice Published	Date
<input type="checkbox"/> Emergency		<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	Karen Blagg Contact Person	Karen.blagg@dfa.state.ar.us E-mail Address
		8-31-07 Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 464 of 1997 As Amended.		
		
682-1105 Phone Number	Michael.Langley@dfa.state.ar.us E-mail Address	
Director		
8-31-07 Date		

FILE

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 3.19(13)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 – 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 – 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
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Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

- (13) ***Sellers of Keg of Beer and Malt Liquor to Require Registration Statements to be Signed by Purchasers; Sellers of Kegs of Malt Beverage Products to Affix Identification Label to Keg; Sellers Required to Collect Registration Deposit; Conditions for Return of Registration Deposit or Forfeiture of Registration Deposit; Violation for Failure to Report Forfeitures of Registration Deposits.*** Under the provisions of Act 254 of 2007, all retail sellers of kegs of beer and malt liquor products are required to attach an identification label to the keg of malt beverage product, to have their customers sign certain statements, and to collect a registration deposit on each keg delivered to the customer. The sellers are also required to return the registration deposit in certain circumstances and to require a forfeiture of the registration deposit under other circumstances as described in the law. This regulation will be applicable to persons who hold a permit to sell beer for off premises consumption under the provisions of Sections 1.19(1), 1.19(2), 1.19(18), 1.19(27), and 1.19(34). A keg as defined in the law means any vessel, constructed of any material, which has a liquid capacity of more than five gallons (5 gals.). Off premises is defined in the law to mean a place other than the licensed retailer who is selling the keg described. Provided, no keg registration statement will be required when the retailer is selling the keg of malt beverage product to a licensed private club permittee for dispensing at the private club property.

- A. All retailers that sell a keg of malt beverage product for off premises consumption are required to attach an identification label or tag approved by the Alcoholic Beverage Control Division to the keg prior to the time of sale.
1. The identification label or tag shall consist of a paper within a clear protective coating that is composed of either plastic, metal or other durable material that may not be easily damaged or destroyed.
 2. The paper shall be of a kind which allows the information to be copied and retained by the retail dealer.
 3. Identification labels used may contain a non-permanent adhesive material in order to apply the label directly to the outside service of the keg at the time of sale. Otherwise, the identification tag shall be attached at the time of sale with nylon ties, or cording, wire ties or other tag metal attachment devices or some other durable means of tying or attaching the identification tag to the keg. The identification label or tag shall be perforated and of a composition and so designed and affixed that it will not mar or otherwise physically damage the keg. The tag must be of a design that allows for the full removal of the tag when common external cleaning procedures are performed at retail.

4. The identification tag or label shall include the following information:

- a. The name and address of the retail dealer making the sale.
- b. The name of the purchaser.
- c. An identification number assigned by the retail dealer that uniquely identifies that particular keg of malt beverage product.
- d. Prior to the retail sale of the keg of malt beverage product, the retail dealer shall require the purchaser to sign a statement furnished by the Director of the Alcoholic Beverage Control Division.

- B. The retail dealer shall also record the following information and retain it as part of their records:

1. The name and address of the purchaser.
2. The identification card or driver's license number from the purchaser's acceptable documentation of age.
3. The amount of the container deposit of not less than seventy-five dollars (\$75.00).
4. The date and time of the purchase.
5. The keg identification number that was created by the retailer making the sale.
6. All records and statements required under this law shall be maintained by the retail dealer for a period of ninety (90) days from the date of the return of the keg. In the event that a keg is not returned as required by law and a forfeiture occurs, the records and statements required under this law and regulation shall be maintained by the retailer dealer for a period of ninety (90) days after the declared date of forfeiture.
 - a. The records and statements required by the Keg Registration Law shall remain open to inspection by agents of the ABC Enforcement Division and law enforcement officers during the retail dealer's normal business hours.

- C. The retail dealer shall notify the Director of the Alcoholic Beverage

Control Enforcement Division that a forfeiture has occurred. The retail dealer shall forward to the Alcoholic Beverage Control Division its \$25.00 portion of the forfeited container deposit. The retail dealer shall indicate on a form furnished by the ABC Division, within ten (10) days of the date of forfeiture, the reason why the container deposit has been forfeited, including but not limited to the following reasons:

1. The keg was not returned;
2. The keg was returned more than one hundred twenty (120) days after purchase;
3. The identification label or tag was removed; or
4. The identification label or tag was damaged.

Any retail dealer that fails to notify the Director of the ABC Enforcement Division or forward to the ABC Division its share of the forfeited container deposit within ten (10) days of the forfeiture of each container deposit is guilty of a violation of Act 254 of 2007 and is also guilty of a Class B violation against their permit as is provided in ACA 3-4-402.

Any Arkansas brewery or microbrewery-restaurant operation that sells for off premises consumption, as described above, shall be required to engage in the keg registration process on the same basis as any other retailer of keg malt beverage products.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only: Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Lueken E-mail Milton.lueken@dfa.state.ar.us Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Section 4.3

Intended Effective Date

Date

☐ Emergency

Legal Notice Published 7-4,5,6,7,17, 2007

☒ 10 Days After Filing

Final Date for Public Comment 8-15-07

☐ Other _____

Reviewed by Legislative Council 9-6-07

Adopted by State Agency 8-15-07

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

☒ Electronic Copy of Rule e-mailed from: Karen Blagg Karen.blagg@dfa.state.ar.us 8-31-07

Contact Person

Email Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 134 of 1997 As Amended.

Michael Langley
Signature

682-1105

Phone Number

Michael.langley@dfa.state.ar.us

E-mail Address

Director

Title

8-31-07

Date



SEP 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 4.3

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
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Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

Section 4.3 “Alcoholic Beverages” means all intoxicating liquors of any sort other than beer and wine.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only: Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Lucken E-mail Milton.lucken@dfa.state.ar.us Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Repeal Section 5.41

Intended Effective Date		Date
<input type="checkbox"/> Emergency	Legal Notice Published	<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other _____	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
 <input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	<u>Karen Blagg</u> <u>Karen.blagg@dfa.state.ar.us</u> <u>8-31-07</u>	
	Contact Person	E-mail Address Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1987 As Amended.

Michael Langley
Signature
682-1105 Michael.langley@dfa.state.ar.us
Phone Number E-mail Address
Director
Title
8-31-07
Date

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Repeal of Section 5.41

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

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4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

~~Section 5.41 Transportation of Controlled Beverages Through "Dry" Area to Private Club.~~ ~~Controlled beverages purchased from a private club distributor may be transported into or through a "dry" area to the premises of the private club only by an individual approved by the Alcoholic Beverage Control Division to haul such controlled beverages.~~

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only: Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Luken E-mail Milton.luken@dfa.state.ar.us Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Repeal Section 5.42

Intended Effective Date

☐ Emergency

☒ 10 Days After Filing

☐ Other _____

Legal Notice Published 7-4,5,6,7,17, 2007

Final Date for Public Comment 8-15-07

Reviewed by Legislative Council 9-6-07

Adopted by State Agency 8-15-07

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

☒ Electronic Copy of Rule e-mailed from: Karen Blagg Karen.blagg@dfa.state.ar.us 8-31-07

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 134 of 1997 As Amended.

Michael Langley
Signature

682-1105

Phone Number

Michael.langley@dfa.state.ar.us

E-mail Address

Director

Title

8-31-07

Date

FILE

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT**DIVISION****PERSON COMPLETING THIS STATEMENT****TELEPHONE NO. (501) 682-1105****FAX NO. (501) 682-2221****FINANCIAL IMPACT STATEMENT**

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Repeal of Section 5.42

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

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Total

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2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

~~Section 5.42 Director to Issue Permit to Transport Through "Dry" Area; Permit to be in Possession of Driver When Controlled Beverages Transported.~~ Upon approval by the Director pursuant to these Regulations of an individual to transport controlled beverages into or through a "dry" area, the Director shall issue a permit to the private club authorizing such transportation by such individual. The permit and the private club distributor's invoice of sale required by these Regulations shall be in possession of the driver of the vehicle at all times when controlled beverages are being transported to a private club and said driver shall be named in the permit as being approved by the Director.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only: Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Lueken E-mail Milton.lueken@dfa.state.ar.us Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Repeal Section 5.43

Intended Effective Date

☐ Emergency

☒ 10 Days After Filing

☐ Other _____

Legal Notice Published 7-4,5,6,7,17, 2007

Final Date for Public Comment 8-15-07

Reviewed by Legislative Council 9-6-07

Adopted by State Agency 8-15-07

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

☒ Electronic Copy of Rule e-mailed from: Karen Blagg Karen.blagg@dfa.state.ar.us 8-31-07

Contact Person

Email Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 424 of 1987 As Amended.

Signature

682-1105

Phone Number

Michael.Langley@dfa.state.ar.us

E-mail Address

Director

Title

8-31-07

Date



SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

BT

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Repeal of Section 5.43

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 – 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 – 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 – 2008 Fiscal Year
NONE

2008 – 2009 Fiscal Year
NONE

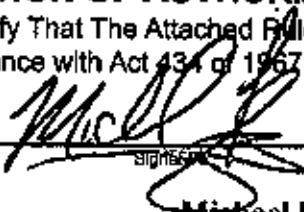
~~**Section 5.43 Permit to Transport Controlled Beverages to Private Club Valid for One Year From Date of Issuance.**~~ The permit to transport controlled beverages into or through a "dry" area shall be valid for one (1) year from the date of issuance by the Director.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office Use Only:		
Effective Date	Code Number	
Name of Agency <u>Alcoholic Beverage Control Division</u>		
Department <u>Department of Finance and Administration</u>		
Contact <u>Milton Luken</u>	E-mail <u>Milton.luken@dfa.state.ar.us</u>	Phone <u>682-1105</u>
Statutory Authority for Promulgating Rules <u>ACA § 3-2-205(b) & 3-3-206</u>		
Rule Title: <u>Repeal Section 5.44</u>		
Intended Effective Date	Date	
<input type="checkbox"/> Emergency	Legal Notice Published	<u>7-4,5,6,7,17, 2007</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment	<u>8-15-07</u>
<input type="checkbox"/> Other	Reviewed by Legislative Council	<u>9-6-07</u>
	Adopted by State Agency	<u>8-15-07</u>
<input type="checkbox"/> Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)		
<input checked="" type="checkbox"/> Electronic Copy of Rule e-mailed from:	<u>Karen Blagg</u> Contact Person	<u>Karen.blagg@dfa.state.ar.us</u> E-mail Address
		<u>8-31-07</u> Date
CERTIFICATION OF AUTHORIZED OFFICER		
I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1967 As Amended.		
		
<u>682-1105</u> Phone Number	<u>Michael.langley@dfa.state.ar.us</u> E-mail Address	
<u>Director</u> Title		
<u>8-31-07</u> Date		



SEP - 6 2007
CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Repeal of Section 5.44

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No ☒ X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

~~Section 5.44 Unloading or Transfer of Controlled Beverages While in Transit Prohibited; Vehicle to be Locked While in Transit.~~ No private club shall allow any person to unload or transfer controlled beverages while such controlled beverages are in transit to a private club except when the transfer may be required by reason of the mechanical failure of the transporting vehicle. The vehicle in which said controlled beverages are transported must be locked at all times when the individual approved pursuant to these Regulations to transport the controlled beverages is not present within the vehicle.

ARKANSAS REGISTER

Transmittal Sheet



Charlie Daniels
Secretary of State
State Capitol Room 026
Little Rock, Arkansas 72201-1094
(501) 682-3527

For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Lucken E-mail Milton.lucken@dfa.state.ar.us Phone 682-1105

Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206

Rule Title: Section 6.6

Intended Effective Date

☐ Emergency

☒ 10 Days After Filing

☐ Other _____

Legal Notice Published 7-4,5,6,7,17, 2007

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Adopted by State Agency 8-15-07

☐ Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

☒ Electronic Copy of Rule e-mailed from: Karen Blagg Karen.blagg@dfa.state.ar.us 8-31-07

Contact Person

Email Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1997, As Amended.

Signature

682-1105

Phone Number

Michael.langley@dfa.state.ar.us

E-mail Address

Director

Title

8-31-07

Date

FILED

SEP - 6 2007

CHARLIE DANIELS
SECRETARY OF STATE

DEPARTMENT

DIVISION

PERSON COMPLETING THIS STATEMENT

TELEPHONE NO. (501) 682-1105

FAX NO. (501) 682-2221

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Amendment to Section 6.6

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2007 - 2008 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

2008 - 2009 Fiscal Year
General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2007 - 2008 Fiscal Year
NONE

2008 - 2009 Fiscal Year
NONE

Section 6.6 Small Farm Wineries and Liquor Wholesalers May be Authorized to Distribute Free Wine Samples in Any Area of the State. Any small farm winery or Arkansas liquor wholesaler licensed by the Alcoholic Beverage Control Division may petition the Alcoholic Beverage Control Division for permission to conduct a wine tasting event for educational and promotional purposes in any area of the State, including areas in which the retail sale of alcoholic beverages is not authorized by law.

Application for permission to distribute wine samples must be received by the Alcoholic Beverage Control Division at least three (3) weeks prior to the event. Written notice of the application shall be mailed by the Alcoholic Beverage Control Division to the law enforcement officer who has primary jurisdiction over the site where the event will be held. If the Director finds that circumstances exist which precluded the timely filing of the application with the Alcoholic Beverage Control Division, written approval of the event by the law enforcement officer having primary jurisdiction over the site of the event must accompany any such late filed application received by the Alcoholic Beverage Control Division.

The request must be submitted with authorization from the landowner or the party exercising legal control over the area where the event will be held. The application for permission must describe the area where the event will be held, including the size and dimensions of the area, and the request must clearly describe the character of the location. No wine tasting event shall be held in any facility already licensed by the Alcoholic Beverage Control Division.

As used in this Regulation wine means any product made from grapes, fruits, berries, or other similar products which contains more than one-half of one percent (0.5%) alcohol by weight but which does not contain more than fourteen percent (14%) alcohol by weight, regardless of the location of the manufacturer. Samples may be distributed Monday through Friday between the hours of 7:00 a.m. and 1:00 a.m. of the next day. On a Saturday, samples may be distributed only between the hours of 7:00 a.m. and 12:00 midnight. No sampling activity may take place on a Sunday unless the event is taking place in an area which has voted for the sale of liquor by the drink on a Sunday and, in such event, samples may be distributed between the hours of 12:00 noon and 10:00 p.m., or such lesser period of time as may be provided by local ordinance for the retail sale of alcoholic beverages on a Sunday.

Any action by the Director in granting or denying such application is appealable to the Alcoholic Beverage Control Board pursuant to Section 1.51 of these Regulations, provided that such action on the part of the Director shall be effective immediately without the requirement of such action being ratified by the Alcoholic Beverage Control Board at the next Board meeting.