### STATE OF ARKANSAS

006,02.07-001



### ALCOHOLIC BEVERAGE CONTROL DIVISION

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

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 Lucken, Attorney

Alcoholic Beverage Control Division

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Enclosure

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### **Transmittal Sheet**

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

Name of Agency Department    Department   Department   Department of Finance and Administration	For Office Use Only: Effective Date	Code Nur	nber	
Department  Contact Milton Lueken  E-mail  ACA § 3-2-205(b) & 3-3-206  Rule Title: Section 1.12  Intended Effective Date  Emergency  Legal Notice Published  T-4,5,6,7,17,2007  10 Days After Filing  Final Date for Public Comment  Reviewed by Legislative Council  Other  Reviewed by Legislative Council  Selectronic Copy of Rule Provided on disk or CD (per Act 1476 of 2003)  Karen Blagg  Karen Blagg  Karen Blagg  Karen Blagg  CERTIFICATION OF AUTHORIZED OFFICER  I Hereby Certify That The Attached Fulles Were Adopted In Compliance with Act 434 of 1957 As Amended.  Director  Director  Title  Briefled Address  Briefled Address  Director  Title  Briefled Address  Briefled Address  Director  Title  Briefled Address  Director  Title  Briefled Address  Bri	- · · · · · · · · · · · · · · · · · · ·	-··	· · · ·	
### Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206    Rule Title:   Section 1.12	Department Departmet of Finance as	nd Administrati	D <b>ri</b>	
Rule Title:   Section 1.12		Milton bul	cen@dfa.state.ar.us Phone 68	2-1105
Intended Effective Date  Emergency  Legal Notice Published	Statutory Authority for Promulgating Rules	s ACA § 3-2-2	205(b) & 3-3-206	<del></del>
Emergency  Legal Notice Published  7-4,5,6,7,17, 2007  10 Days After Filing  Final Date for Public Comment  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)  Karen Blagg  Karen blagg@dfa.state.ar.us  8-31-07  Contact Parson  CERTIFICATION OF AUTHORIZED OFFICER  I Hereby Certify That The Attached Falles Were Adopted In Compliance with Act 434 of 1957 As Armended.  Director  Title  8-31-07	Rule Title: Section 1.12	*******	**************************************	
Director	<u></u>	Las-IN-th- Did		
Adopted by State Agency				
Adopted by State Agency 8-15-07  Electronic Copy of Rule Provided on disk or CD (per Act 1476 of 2003)  Karen Blagg Karen.blagg@dfa.state.ar.us 8-31-07  Corrlad Parson Email Address 8-31-07  Corrlad Parson Email Address 8-31-07				
Electronic Copy of Rule Provided on disk or CD (per Act 1476 of 2003)    X   Electronic Copy of Rule e-mailed from:   Karen Blagg   Karen.hlagg@dfa.state.ar.us   8-31-07     Contact Parson   Email Address   8-31-07     Karen Blagg   Karen.hlagg@dfa.state.ar.us   8-31-07     Karen Blagg   Karen.hlagg@dfa.state	Other	Reviewed by Leg	gislative Council	9-6-07
Electronic Copy of Rule e-mailed from:    Contact Parson   Email Address   8-31-07		Adopted by State	Agency	1-15-07
Electronic Copy of Rule e-mailed from:    Contact Parson   Email Address   8-31-07	Electronic Copy of Rule Provided on disl	k Or CD (per Act 1478 c	of 2003)	
CERTIFICATION OF AUTHORIZED OFFICER  I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1867 As Amended.    Signature	<u></u>		Karen.blagg@dfa.state.ar.us	8-31-07
Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1867 As Amended.    Compliance with Act 434 of 1867 As Amended.   Compliance w		Contact Parson	Emel Address	Darie
· · · · · · · · · · · · · · · · · · ·	I Hereby Certify for Compliance for	That The Attached e with Act 434 of 1  Signal  Mich	Rules Were Adopted #57 As Amended. ael.langley@dfa.state.ar.us	SEP - 6 2007 CHARLIE DANIELS SECRETARY OF STATE
a		8-31-17 Dete	<del> </del>	7

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

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue General Revenue Federal Funds Cash Funds Special Revenue

Other Total

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

2008 - 2009 Fiscal Year

NONE

NONE

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

<u>2007 – 2008 Fiscal Year</u>

<u> 2008 – 2009 Fiscal Year</u>

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.

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### **Transmittal Sheet**

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

For Office Use Only: Effective Date	Code Nu	mber	
Name of Agency Alcoholic Beverage			
Department Departmet of Finance a	nd Administrati	ion	
Contact Milton Lueken	Milton.lu — E-mail	ken@dfa.state.ar.us	682-1105
Statutory Authority for Promulgating Rule			
Rule Title: Section 1.19(4)		···	
Intended Effective Date  Emergency	- "		Date 7-4,5,6,7,17, 2007
10 Days After Filing	Final Date for P	ublic Comment	8-15-07
Other	Reviewed by Le	gislative Council	9-6-07
	Adopted by Stat	e Agency	8-15-07
Electronic Copy of Rule Provided on disi	COLOD (per Act 1478	of 2003)	
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen,blagg@dfa.state.ar.us	8-31-07
	Contact Person	Ernell Address	Deta
l Hereby Certify *	That The Attached	ORIZED OFFICER d Rules Were Adopted dec As Amended. Line As Amended. Line Address E-meil Address	SEP - 6 2007 CHARLIE DANIELS SECRETARY OF STATE

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)

- Does this proposed, amended, or repealed rule or regulation have a financial impact?
   Yes
   No
- 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

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue General Revenue Federal Funds Cash Funds Special Revenue

Other Total 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

<u>2008 – 2009 Fiscal Year</u>

NONE

NONE

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

2007 - 2008 Fiscal Year

<u> 2008 – 2009 Fiscal Year</u>

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;

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### **Transmittal Sheet**

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

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For Office Use Only: Effective Date	Code Number		
Name of AgencyAlcoholic Beverage			
Department Department of Finance at	nd Administration		
Contact Milton Lueken	Milton.luken@dfs — E-mail	ustate anus Phone -	682-1105
Statutory Authority for Promulgating Rule	ACA § 3-2-205(b)	& 3-3-206	
Rule Title: Section 1.19(6)			·
Intended Effective Date			Date
Emergency	Legal Notice Published .		7-4,5,6,7,17, 2007
10 Days After Filing	Final Date for Public Co	mment	8-15-97
Other	Reviewed by Legislative	Councii	9-6-07
	Adopted by State Agency	y	8-15-07
Electronic Copy of Rule Provided on disk	or CD (per Act 1478 of 2003)		
X Electronic Copy of Rule e-mailed from:	Karen Blagg	aren.blagg@dfa.state.ar.us	8-31-07
	Contact Person	Émail Address	Date
I Hereby Certify 1	pat The attached Roles th Act 24 of 1867 As storing Michael, lan	Were Adopted	P - 6 ZUV?
	Director		SEP SECHARI
	π6e 8-31-07	·- <del></del>	<b>1</b> 0%

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)

- 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

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue

General Revenue Federal Funds Cash Funds Special Revenue

Other Total

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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

<u> 2008 – 2009 Fiscal Year</u>

NONE

NONE

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

<u>2007 – 2008 Fiscal Year</u>

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;



### **Transmittal Sheet**

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

Code Nur	nber	
Control Divisio	on	
Milton Iul	ran@dfa stata av us	e 682-1105
ΛCA § 3-2-2	205(b) & 3-3-206	·
······································		
		Date
Legal Notice Pub	ished	7-4,5,6,7,17, 2007
Final Date for Pu	blic Comment	8-15-07
Reviewed by Leg	pislative Council	9-6-07
Adopted by State	Agency	8-15-07
or CD (per Act 1478 d	f 2003)	
Karen Blagg	Karen.blagg@dfa.statc.ar,u	s 8-31-07
Confect Person	Email Address	Date
het The Attached Aith Av 33 of LC Streture	Agies Were Adopted 967 As Amended.	- 1 - 1
Director Title 8-31-07 Date		SEP CHARI SECRET
	Control Division of Administration of Administration of Administration of Administration of ACA § 3-2-2  Legal Notice Publication of ACA § 3-2-2  Legal Notice Publication of ACA § 3-2-2  Legal Notice Publication of ACA § 3-2-2  Reviewed by Legal Adopted by State of Academy o	Contact Person  Email Address  ON OF AUTHORIZED OFFICER hat The Attached Agries Were Adopted with April 234 of 1867 As Amended.  Streeture  Michael.langley@dfa.state.ar.t  E-mail Address  Director Title  8-31-07

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

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue General Revenue Federal Funds Cash Funds Special Revenue

Other Total 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

2008 - 2009 Fiscal Year

NONE

NONE

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

2007 - 2008 Fiscal Year

<u> 2008 – 2009 Fiscal Year</u>

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:



### **Transmittal Sheet**

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

For Office Use Only: Effective Date	Code Nun	nber		
Name of Agency Alcoholic Beverage	Control Divisio	en .		
Department Departmet of Finance an	d Administratio	on	<b></b>	
Contact Milton Lucken	Milton.luk _ E-mail	ken@dfa.state.ar.us Phone —	682-1105	
Statutory Authority for Promulgating Rules	ACA § 3-2-2	205(b) & 3-3-206		
Rule Title: Section 1.19(36)		·		
Intended Effective Date			Date	
Emergency	Legal Notice Pub	ished <u>7</u> -	4,5,6,7,17, 2007	
10 Days After Filing	Final Date for Public Comment			
Other	Reviewed by Leg	jislative Council	9-6-07	
	Adopted by State	Agency	8-15-07	
Electronic Copy of Rule Provided on disk	or CD (per Act 1478 o	of 2003)		
X Electronic Copy of Rule e-mailed from:	Karen Błagg	Karen.blagg@dfa.state.ar.us	8-31-07	
	Contact Person	Emeli Address	Date	
I Hereby Certify T	hat The Attached	RIZED OFFICER Fules Were Adopted 967 As Amended.  ael.langley@dfa.state.ar.us	SEP - 6 2007 CHARLIE DANIELS SECRETARY OF STATE	

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

<u>2007 – 2008 Fiscal Year</u>

2008 – 2009 Fiscal Year

NON

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

<u>2007 – 2008</u> Fiscal Year

2008 - 2009 Fiscal Year

NONE

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.



### **Transmittal Sheet**

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

	ALCOHOLD IN	(501) 682-3527		
For Office Use Only: Effective Date	Code Nu	ımber		
Name of AgencyAlcoholic Beverage			· <u>.</u> .	
Department Departmet of Finance a		tion		
ContactMilton Lueken	Milton.li E-mall	uken@dfa.state.ar.us 	те <u>682-1</u>	105
Statutory Authority for Promulgating Rule	ACA § 3-2	-205(b) & 3-3-206		
Rule Title: Section 1.19(37)			· <u>·</u>	
Intended Effective Date			Date	
Emergency	Legal Notice Pu	blished	7-4,5,6,7,	17, 2007
10 Days After Filing	Final Date for F	Public Comment	8-15	-07
Other	Reviewed by Lo	egislative Council,.	9-6-	07
	Adopted by Sta	te Agency	8-15-	07
Electronic Copy of Rule Provided on dis	k of CD (per Act 1476	of 2003)		
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.blagg@dfa.state.ar.	us	8-31-07
	Confect Person	Email Address		Date
CERTIFICATION	ON OF AUTH	ORIZED OFFICER		
I Hereby Certify	That The Attacke	O'Rives Were Adopted 1987 As Amended.	e i	2007 Aniets
	Short Line	5		<b>©</b> Q
682-1105 Phone Number	Mic	hael.langley@dfa.state.ar. E-mail Address	400	SEP -
	Director			3, S
	Title			

8-31-07

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)

- 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

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

2008 - 2009 Fiscal Year

NONE

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

<u> 2007 – 2008 Fiscal Year</u>

2008 - 2009 Fiscal Year

NONE

NONE

NONE

Total

**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.



### **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 Nur	nber	
Name of AgencyAlcoholic Beverage		····	
Department Departmet of Finance at	nd Administrati	on	
Contact Milton Lueken	Milton.lul —E-mail	ken@dfa.state.ar.us Phone	682-1105
Statutory Authority for Promulgating Rules	ACA § 3-2-2	205(b) & 3-3-206	
Rule Title; Section 1.19(38)			· <del>n.</del>
Intended Effective Date		•	Date
Emergency	-		7-4,5,6,7,17, 2007
10 Days After Filling	Final Date for Pu	iblic Comment	8-15-07
Other	Reviewed by Leg	gislative Council	9-6-07
	Adopted by State	Agency	8-15-07
Electronic Copy of Rule Provided on dist	c of CD (per Act 1478 c	of 2003)	
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.blagg@dfa.state.ar.us	8-31-07
	Contact Person	Émel Address	Date
! Hereby Certify ?	That The Attached	∕ ael.langlev@dfa.state.ar. <del>la</del>	SEP -6 2007 CHARLIE DANIELS SECRETARY OF STATE

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

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue General Revenue Federal Funds Cash Funds Special Revenue

Other Total

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

2008 - 2009 Fiscal Year

NONE

NONE

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

<u>2007 – 2</u>008 Fiscal Year

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.

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### **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 Nun	nber	
Name of Agency Alcoholic Beverage	e Control Divisio	DIT.	·
Department Department Department	nd Administration	O <b>n</b>	
Contact Milton Lueken	Milton.luk — E-mail —,	ken@dfa.state.or.us Phone <u>68</u>	32-1105
Statutory Authority for Promulgating Rule	sACA § 3-2-2	205(b) & 3-3-206	
Rule Title: Section 1.19(39)			· .
Intended Effective Date		<del>"</del>	Date
Emergency	Legal Notice Pub	olished	,6,7,17, 2007
10 Days After Filing	Final Date for Pu	rblic Comment	8-15-07
Other	Reviewed by Leg	pislative Council	9-6-07
	Adopted by State	- Agency	8-15-07
Electronic Copy of Rule Provided on dist	k or CD (per Act 1478 c	of 2003)	
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.blagg@dfa.statc.ar.us	8-31-07
	Confact Person	Email Address	Della
I Hereby Certify	That The Attached	PRIZED OFFICER Rules Were Adopted As Amended.	6 2007 UNIVELS YOF STATE
682-1105	Mich	ael.langley@dfa.state.ar.us	- #[일]
	Director	E-mail Address	(7) 1575
<del>- · · · · · · · · · · · · · · · · · · ·</del>	8-31-07 Date		. ;

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(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.

2007 - 2008 Fiscal Year

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue

General Revenue Federal Funds Cash Funds Special Revenue

Other Total 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

2008 - 2009 Fiscal Year

NONE

NONE

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

2007 - 2008 Fiscal Year

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.



### **Transmittal Sheet**

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

Code Nurr	nber	
c Control Divisio	ח	
and Administratio	on	
Milton luk	entitalia erate ar us	682-1105
ACA § 3-2-2	05(b) & 3-3-206	
**** · ·	F#*.	
		Date
Legal Notice Pub	lished	7-4,5,6,7,17, 2007
Final Date for Pu	blic Comment	8-15-07
Reviewed by Leg	Islative Council	9-6-07
Adopted by State	Agency	8-15-07
ik of CD (per Act 1478 o	f 2003)	
Karen Blagg	Karen.blagg@dfa.state.ar.us	8-31-07
Contact Person	Email Address	Cabe
That The Attached	Bules Were Adopted 967 As Amended.	SEP -6 2007 SECRETARY OF STATE SECRETARY OF STATE
Title	<del></del>	-
	E-mail  Legal Notice Pub Final Date for Pu Reviewed by Leg Adopted by State k of CD (per Act 1478 of Karen Blagg Cortect Person  ON OF AUTHO That The Attached E with A A 34 of Contector  Mich:	Final Date for Public Comment

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

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue General Revenue Federal Funds Cash Funds Special Revenue

Other Total 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

<u> 2008 – 2009 Fiscal Year</u>

NONE

NONE

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

<u>2007 – 20</u>08 Fiscal Year

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.



### **Transmittal Sheet**

Charlle 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 Reverage	·		
Department Departmet of Finance a	nd Administration		·-····
Contact Milton Lueken	Milton.luken@dfa.state.ar.us — E-mail	Phone 682-1	105
Statutory Authority for Promulgating Rule	ACA § 3-2-205(b) & 3-3-206		
Rule Title: Section 1.20(18)		·-	···
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	5-07
Other	Reviewed by Legislative Council	9-6-	07
	Adopted by State Agency	8-15-	-07
Electronic Copy of Rule Provided on dis	ik or CD (per Act 1478 of 2003)		
X Electronic Copy of Rule e-mailed from:	Karen Blagg Karen,blagg@dfa.sta	te.ar.us	8-31-07
	Contact Person Email Address		Date
! Hereby Certify	ON OF AUTHORIZED OFFICER That The Attached Fules Were Adopted to with Act of 4 of the As Amended.  Signature  Michael.langley@dfa.stat		SEP -6 2007
	Director		Č
	™ 8-31-07	-	

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.

<u> 2007 - 2008 Fiscal Year</u>

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue General Revenue Federal Funds Cash Funds Special Revenue

Other Total

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

2008 - 2009 Fiscal Year

NONE

NONE

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

<u>2007 – 2008 Fiscal Year</u>

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.



### **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 Nur	mber	
Name of Agency Alcoholic Beverage	e Cantrol Divisio	on	
Department Department Department	nd Administrati	on	
Contact Milton Lucken	Milton Iu	ken@dfa.state.ar.us Phone 68	2-1105
Statutory Authority for Promulgating Rule	s ACA § 3-2-2	205(b) & 3-3-206	
Rule Title: Section 1.22.1			•
Intended Effective Date  Emergency	Legal Notice Put		Date 6,7,17, 2007
10 Days After Filing	Final Date for Pu	ublic Comment	8-15-07
Other	Reviewed by Leg	gislative Council	9-6-07
	Adopted by State	e Agency 8	3-15-07
Electronic Copy of Rule Provided on dis	k or CD (per Act 1478)	of 2003)	
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.hlagg@dfa.state.ar.us	8-31-07
	Contact Person	Emel Address	Dela
	That The Attached	OFFICER Rules Were Adopted 1967 As Amended. Langley@dfa.state.ar.us	SEP - 6 2007 ARLIE DANIELS
Phone Number		E-mail Address	- X
	Director		ž
	8-31-07 Deta	<del></del>	c.

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.

<u> 2007 – 2008</u> 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

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

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

2008 – 2009 Fiscal Year

NONE

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.



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### **Transmittal Sheet**

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

For Office Use Only: Effective Date	Code Nun	nber	
Name of Agency Alcoholic Beverage	e Control Divisio	on	
Department Departmet of Finance a	nd Administratio	n <b>n</b>	
Contact <u>Milton Lueken</u>	Milton.luk E-mail	sen@dfa.state.ar.us ———————Phone -	682-1105
Statutory Authority for Promulgating Rule	8 ACA § 3-2-2	205(b) & 3-3-206	<del></del>
Rule Title: Section 1.22.2			· .
Intended Effective Date		<del>"</del>	Date
Emergency .	Legal Notice Pub	lished	7-4,5,6,7,17, 2007
10 Days After Filing	Final Date for Pu	blic Comment	8-15-07
Other	Reviewed by Leg	islative Council	9-6-07
	Adopted by State	Agency	8-15-07
Electronic Copy of Rule Provided on dis	k Or CD (per Act 1478 c	r 2003)	
X Electronic Copy of Rule e-mailed from:	Кител Blagg	Karen.blagg@dfa.state.ar.us	8-31-07
	Contact Person	Email Address	Deta
I Hereby Certify	That The Attached	ael.langley@dfa.state.ar.us	SEP -6 2007  SECRETARY OF STATE

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

<u> 2008 – 2009 Fiscal Year</u>

NONE NONE

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

<u>2007 – 2008 Fiscal Year</u>

<u> 2008 – 2009</u> Fiscal Year

NONE

**Section 1.22.2** *Temporary Wine Permit.* Temporary wine permits for the sale of winc 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.



## **Transmittal Sheet**

For Office Use Only: Effective Date	Code Nun	nber	
Name of AgencyAlcoholic Beverage		-	
Department Departmet of Finance a		on	
Contact Milton Lueken	Milton.luk — E-mail	cen@dfa.state.ar.us Phone	682-1105
Statutory Authority for Promulgating Rule	8 ACA § 3-2-2	205(b) & 3-3-206	<del></del>
Rule Title: Section 1.22.3			·
Intended Effective Date		···	Date
Emergency .	Legal Notice Pub	lished 7.	-4,5,6,7,17, 2007
10 Days After Filing	Final Date for Pu	blic Comment	8-15-07
Other	Reviewed by Leg	jislative Council	9-6-07
	Adopted by State	Agency	8-15-07
Electronic Copy of Rule Provided on dis	k of CD (per Act 1478 o	f 2003)	
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.blagg@dfa.state.ar.us	8-31-07
	Confact Person	Email Address	Crais
l Hereby Certify '	That The Attached e Attached LC Signature	RIZED OFFICER RAIS Were Adopted As Amended.  aei.langley@dfa.state.ar.us  E-mail Address	EP -6 200 RLIE DANII ETARY OF 51

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?

<u>2007 – 2008 Fiscal Year</u>

<u> 2008 – 2009 Fis</u>cal 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.



### **Transmittal Sheet**

For Office Use Only: Effective Date	Code Number		
Name of Agency Alcoholic Reverage	e Control Division		
Department Departmet of Finance as	nd Administration	· ·	7.7
Contact Milton Lucken	Milton.luken@dfa.state.ar — E-mail	ıs Phone	682-1105
Statutory Authority for Promulgating Rule	ACA § 3-2-205(b) & 3-3-2	206	
Rule Title: Section 1.23			· · · · · · · · · · · · · · · · · · ·
Intended Effective Date		·	Date
Emergency	Legal Notice Published		7-4,5,6,7,17, 2007
10 Days After Filling	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 dist	k or CD (per Act 1478 of 2003)		
X Electronic Copy of Rule e-mailed from:	Karen Blagg Karen.blagg	@df#.state.ar.us	8-31-07
	Contact Person Em	all Address	Date
I Hereby Certify In Compliand  682-1105	ON OF AUTHORIZED OF That The Attached Rules Were A PythyAct 134 of 1997 As Amend IC Spann Michael.langley@c	dopted ed. lfa.state.ar.us	SEP - 6 ZOOT
Phone Number	E-mail Add	rbsa	SEP CHARU
	Director	<del></del> -	
	9-31-07		

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.

<u> 2007 – 2008 Fiscal Year</u>

General Revenue Federal Funds Cash Funds Special Revenue

Other Total

5.

<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

2007 - 2008 Fiscal Year

2008 - 2009 Fiscal Year

NONE

What is the total estimated cost by fiscal year to the agency to implement

2007 - 2008 Fiscal Year

this regulation?

<u>2008 – 200</u>9 Fiscal Year

NONE

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.



### **Transmittal Sheet**

For Office Use Only: Effective Date	Code Nur	mber	
Name of Agency Alcoholic Beverage		···-	
Department Departmet of Finance as		ion	
Contact Milton Lueken	Milton Iul	ken@dfa.state.ar.us Phone 68:	2-1105
Statutory Authority for Promulgating Rules			
Rule Title: Section 1.32.1			
Intended Effective Date		C	ate
Emergency	Legal Notice Put	blished <u>7-4,5,</u>	6,7,17, 2007
10 Days After Filing	Final Date for Pu	ublic Comment	8-15-07
Other	Reviewed by Leg	gislative Council	9-6-07
	Adopted by State	e Agency8	-15-07
Electronic Copy of Rule Provided on disf	k or CD (per Act 1478)	of 2003)	
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen,blagg@xlfa.state.ar.us	8-31-07
	Contact Person	Email Address	Date
I Hereby Certify I In Compliance	That The Attached	ORIZED OFFICER  Rules Were Adopted  1007 As Amended.	·6 2007 DANIELS YOF STATE
682-1105 Phone Number	Mich	ael.langley@dfa.state.ar.us	9. J.
	Director	4	SEP CHARL FICRETA
<del> </del>	Titie 8-31-07	· <u>-</u>	os,
	Date	· <del>V.</del>	. ,

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

2008 – 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue General Revenue Federal Funds Cash Funds Special Revenue

Other Total

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

<u> 2008 – 2009 Fiscal Year</u>

NONE

NONE

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

<u>2007</u> – 2008 Fiscal Year

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.



### **Transmittal Sheet**

For Office Use Only: Effective Date	Code Nui	nber	
Name of AgencyAlcoholic Beverage	e Control Divisi	on	
Department Departmet of Finance a		o <b>n</b>	
Contact Milton Lueken	Milton.lu E-mail	ken@dfa.state.ar.us Phone 6	82-1105
Statutory Authority for Promulgating Rule	ACA § 3-2-	205(b) & 3-3-206	
Rule Title: Repeal of Section	1.33(8)	·	
Intended Effective Date  Emergency	Legal Notice Pul	ollshed	Date 5,6,7,17, 2007
10 Days After Filing	Final Date for Po	iblic Comment	8-15-07
Other	Reviewed by Le	gislative Council	9-6-07
	Adopted by State	Agency	8-15-07
Electronic Copy of Rule Provided on dis	k or CD (per Act 1478)	of 2003)	
X Electronic Copy of Rule e-mailed from:	Koren Blagg	Karen.blagg@dfa.state.ar.us	8-31-07
	Contact Person	Emel Address	Delte
it Hereby Certify	That The Attached	PRIZED OFFICER Reles Were Adopted St. As Amended.	-6 ZOO7
682-1105 Phone Number	Mich	ael.langley@dfa.state.ar.us	SEP
<del></del>	Director T864 8-31-07		Sig /
	Dete		

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.

<u>2007 – 2008 Fiscal Year</u> <u>2008 – 2009 Fiscal Year</u>

General Revenue
Federal Funds
Cash Funds
Special Revenue
Others

Other Other Total 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 1.33(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)



### **Transmittal Sheet**

For Office Use Only: Effective Date	Code Nun	nber	· · · · · · · · · · · · · · · · · · ·
Name of AgencyAlcoholic Reverage	e Control Divisio	n	
Department Departmet of Finance a	nd Administration	on	
Contact Milton Lucken	Milton.iul — E-mail	ken@dfa.state.ar.us Phone —	682-1105
Statutory Authority for Promulgating Rule	sACA § 3-2-2	205(b) & 3-3-206	
Rule Title: Section 1.33(15)			·· <del>··</del> ··
Intended Effective Date			Date
Emergency	_		-4,5,6,7,17, 2007
10 Days After Filing	Final Date for Pu	iblic Comment	8-15-07
Other	Reviewed by Leg	gislative Council	9-6-07
	Adopted by State	Agency	8-15-07
Electronic Copy of Rule Provided on dis	k of CD (per Act 1478 c	of 2003)	
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.blagg@dfa.state.ar.us	8-31-07
	Contact Person	Email Address	Craire
I Hereby Certify	That The Attached with Act 434 of	Action of the control	SEP -6 2007 CHARLIE DANIELS
<del></del>	Director		SEP -
	8-31-07 Date		- 5,

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)

- Does this proposed, amended, or repealed rule or regulation have a financial impact?
   Yes
   No
- 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</u> Fiscal Year

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue General Revenue Federal Funds Cash Funds Special Revenue

Other Total 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

2008 - 2009 Fiscal Year

NONE

NONE

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

2007 - 2008 Fiscal Year

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.



### **Transmittal Sheet**

For Office Use Only: Effective Date	Code Nu	mber	·
Name of Agency Alcoholic Beverage			
Department Department of Finance at		ion	
Contact Milton Lueken	Milton lu	ken@dfa.state.ar.us Phone	682-1105
Statutory Authority for Promulgating Rule	8ACA § 3-2-		<del>, .,</del>
Rule Title: Section 1.79(25)			·
Intended Effective Date  Emergency			Date 7-4,5,6,7,17, 2007
10 Days After Filing	Final Date for P	ublic Comment	8-15-07
Other	Reviewed by Le	gislative Council	9-6-07
	Adopted by Stat	e Agency	8-15-07
Electronic Copy of Rule Provided on dist	k or CD (per Act 1478	of 2003)	
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen,blagg@dfa.state.ar.us	8-31-07
	Contact Person	Email Address	Date
I Hereby Certify	That The Attacks e with Act 434 of		SEP -6 2007  CHARLIE DANIELS SECRETARY OF STATE
	8-31-07 Dete		į.

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)

- 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

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue General Revenue Federal Funds Cash Funds Special Revenue

Other Total

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

<u> 2008 – 2009 Fiscal Year</u>

NONE

NONE

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

2007 - 2008 Fiscal Year

<u> 2008 – 2009 Fiscal Year</u>

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;



### **Transmittal Sheet**

For Office Use Onty: Effective Date	Code Nur	nber		·····
Name of Agency Alcoholic Beverage	Control Division	On .		
Department Department of Finance as	nd Administrati	on		
Contact Milton Lucken	Milton.iul — E-mail	ken@dfa.state.ar.us ————————P	hone <u>682</u> -	1105
Statutory Authority for Promulgating Rules	ACA § 3-2-4	205(b) & 3-3-206		<u>,</u>
Rule Title; Section 2.12			············	·
intended Effective Date			— Da:	te
Emergency .	Legal Notice Put	olished	7-4,5,6,	7,17, 2007
10 Days After Filing	Final Date for Pu	ıblic Comment	. 8-:	15-07
Other	Reviewed by Le	gislative Council	9-0	6-07
	Adopted by State	Agency	. 8-1	5-07
Electronic Copy of Rule Provided on disk	COLCD (per Act 1478)	of 2003)		
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.blagg@dfa.state	.ar.us	8-31-07
	Contact Person	Errell Address		Dala
1 Hereby Certify 1 In Compliance  682-1105	That The Attached	ael.langley@dfa.state.	ar.us	SEP - 6 2007
Phone Number	W- 4	E-mell Address		6- ' (G∃)
<del>1</del>	Director		il.	SEP
	8-31-07			₹

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

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue General Revenue Federal Funds Cash Funds Special Revenue

Other Total 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>

2008 - 2009 Fiscal Year

NONE

NONE

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

<u>2007 – 2008 Fiscal Year</u>

<u> 2008 – 2009 Fiscal</u> 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.



### **Transmittal Sheet**

		1001,002 0021	
For Office Use Only: Effective Date	Code Nur	mber	
Name of Agency Alcoholic Reverag			
Department Departmet of Finance a	nd Administrati	on	
Contact Milton Lucken	Milton.lu — E-mail	ken@dfa.state.ar.us Phone	682-1105
Statutory Authority for Promulgating Rule	ACA § 3-2-0	205(b) & 3-3-206	
Rule Title: Repeal of Section	2.12.1		
Intended Effective Date			Date
Emergency	Legal Notice Pul	olished	7-4,5,6,7,17, 2007
10 Days After Filing	Final Date for Po	ublic Comment	8-15-07
Other	Reviewed by Le	gislative Council	9-6-07
	Adopted by State	a Agency	8-15-07
Electronic Copy of Rule Provided on dis	ik of CD (per Act 1478)	of 2003)	
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.blagg@dfa.state.ar.us	8-31-07
	Contact Person	Email Address	Dale
I Hereby Certify In Compliand	That The Attacked	ORIZED OFFICER Rules Were Adopted 1987 As Amended.	EP -6 2007 RLIE DANIELS
682-1105 Phone Number	Mich	acl.langley@dfa.state.ar.us	SEP SEP
	Director		Sici Sici
	8-31-07		
<del></del>	Date		

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

- 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 Year2008 - 2009 Fiscal YearGeneral RevenueGeneral RevenueFederal FundsFederal FundsCash FundsCash FundsSpecial RevenueSpecial RevenueOtherOtherTotalTotal

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 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 scaled-case had been unlawfully opened. Failure to attach such seal shall constitute a violation of these-Regulations. (Adopted 7-15-91)



### **Transmittal Sheet**

Name of Agency	For Office Use Only: Effective Date	Code Num	ber	
Department  Contact Milton Lueken E-mail Phone 682-1105  Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206  Rule Title: Section 2.16(10)  Intended Effective Date Date Date Emergency Legal Notice Published	Name of Agency Alcoholic Beverage	Control Division	1	
Contact Milton Lueken  E-mail Milton.Juken@dfa.state.ar.us  Phone 682-1105  Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206  Rule Title: Section 2.16(10)  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)  Karen Blagg Knren.blagg@dfa.state.ar.us 8-31-07  Corract Parson Email Address Date  CERTIFICATION OF AUTHORIZED OFFICER  I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 4 Act 1936 as Amended.	Department Departmet of Finance as	nd Administratio	п	
Intended Effective Date    Date	-	Milton.luke	n@dfa.state.ar.us Phone	682-1105
Intended Effective Date  Emergency  Legal Notice Published	Statutory Authority for Promulgating Rules	ACA § 3-2-20	)5(b) & 3-3-206	
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)   X Electronic Copy of Rule e-mailed from:   Karen Blagg   Karen.blagg@dfa.state.ar.us   8-31-07     Cornact Person   Email Address   Date     CERTIFICATION OF AUTHORIZED OFFICER   Hereby Certify That The Attached Ruses Were Adopted   In Compliance with Act 474-of 1947 as Amended.	Rule Title: Section 2.16(10)			<u>.</u>
Emergency Legal Notice Published	Intended Effective Date			Date
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)  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 Ruses Were Adopted In Compliance with Act 474 of 194 As Amended.	Emergency	Legal Notice Publi	shed	
Adopted by State Agency	10 Days After Filing	Final Date for Pub	lic Comment	8-15-07
Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)    X   Electronic Copy of Rule e-mailed from:	Other	Reviewed by Legis	slative Council	9-6-07
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 474-of 1947 As Amended.		Adopted by State A	Agency	8-15-07
Electronic Copy of Rule e-mailed from:    Contact Person   Email Address   Building	Electronic Copy of Rule Provided on disk	COLCD (per Act 1478 of	2003)	
CERTIFICATION OF AUTHORIZED OFFICER  I Hereby Certify That The Attached Ruses Were Adopted  In Compliance with Act 434 of 1947 As Amended.	X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.blagg@dfa.state.ar.us	8-31-07
I Hereby Certify That The Attached Ruses Were Adopted In Compliance with Act 474/of 1967 As Amended.		Contact Parson	Email Address	Date
· · · · · · · · · · · · · · · · · · ·	I Hereby Certify 1 In Compliance682-1105	That The Attached Fe with Act 474/of 19	Rues Were Adopted As Amended.  el.langley@dfa.state.ar.u	SEP -6 2007

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.
- 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 Year2008 - 2009 Fiscal YearGeneral RevenueGeneral RevenueFederal FundsFederal FundsCash FundsCash FundsSpecial RevenueSpecial RevenueOtherOtherTotalTotal

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?

 2007 - 2008 Fiscal Year
 2008 - 2009 Fiscal Year

 NONE
 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.



### **Transmittal Sheet**

For Office Use Only: Effective Date	Code Number		<del></del>		<u> </u>
Name of AgencyAlcoholic Beverag					ヿ
DepartmentDepartment	nd Administration				
Contact Milton Lucken	Wilton Luken@dfa.ctota.ca.uc	_Phone	682-11	105	_  _
Statutory Authority for Promulgating Rule	ACA § 3-2-205(b) & 3-3-206				_
Rule Title: Section 2.28(12)					$\dashv$
Intended Effective Date			Date		
Emergency	Legal Notice Published	,	7-4,5,6,7,1	17, 2007	.
2 10 Days After Filing	Final Date for Public Comment		8-15	-07	
Other	Reviewed by Legislative Council		9-6-1	07	
	Adopted by State Agency	······ -	8-15-	07	
Electronic Copy of Rule Provided on dis	k or CD (per Act 1478 of 2003)				
X Electronic Copy of Rule e-mailed from:	Karen Biagg Koren.blagg@dfa.s	tate.ar.us		8-3 j-07	,
	Contact Parson Email Address	,		Oute	
l'Hereby Certify	ON OF AUTHORIZED OFFICE That The Attached Rules Were Adopted e with Act 434 of 1967 As Amended.			-6 2007	E DANIELS
682-1105 Phone Number	Michael.langley@dfa.sta	<u>ate</u> .ar.u:	5 1 405	S.	CHARL:E
<del></del>	Director Title 8-31-07	_	<b>Sh</b> kak		

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.

<u>2007 – 2008 Fis</u>cal Year

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

2007 - 2008 Fiscal Year

2008 - 2009 Fiscal Year

NONE

NONE

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

<u> 2007 – 2008 Fiscal Year</u>

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;



## **Transmittal Sheet**

For Office Use Only: Effective Date	Code Nun	nber	
Name of Agency Alcoholic Beverag			
Department Department of Finance a		on	. <del>-</del>
Contact Milton Lueken	Milton luk	sen@dfa.state.ar.us Phone 682	-1105
Statutory Authority for Promulgating Rule			· -
Rule Title: Section 2.28(15)			
Intended Effective Date	<u>.</u>		ate
Emergency	Legal Notice Pub	7-4,5,6	,7,17, 2007
10 Days After Filing	Final Date for Pu	iblic Comment 8	-15-07
Other	Reviewed by Leg	gislative Council9	-6-07
	Adopted by State	9 Agency 8-	15-07
Electronic Copy of Rule Provided on dis	k or CD (per Act 1478 c	of 2003)	
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.blagg@dfa.state.ar.us	8-31-07
	Contact Person	Erneti Acidr ses	Deta
I Hereby Certify	That The Attached to with Act 434 of 1	PRIZED OFFICER Rules Were Adopted 96 As Amended.  ael.tangley@dfa.state.ar.us  E-mail Address	SEP -6 2007 CHARLIE DANIELS SECRETARY OF STATE

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)

- 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

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue General Revenue Federal Funds Cash Funds Special Revenue

Other Total

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

<u>2008 – 2009 Fiscal Year</u>

NONE

NONE

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

<u>2007 – 2008 Fiscal Year</u>

<u> 2008 – 2009 Fiscal Year</u>

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.



## **Transmittal Sheet**

Code Nur	mber	
-		
and Administrati	on	
Milton.lul	ken@dfa.state.ar.us Phone	682-1105
es ACA § 3-2-2	205(b) & 3-3-206	
46		·
	·	Date ,5,6,7,17, 2007
Final Date for Pu	ublic Comment	8-15-07
Reviewed by Leg	gislative Council	9-6-07
Adopted by State	e Agency	8-15-07
sk or CD (per Act 1478 (	of 2003)	
Karen Błagg	Karen,blagg@dfa.state.ar.us	8-31-07
Contact Parson	Emell Address	Creto
That The Attached	ael.langley@dfa.statc.ar.us	
	E-mail  Be Control Division and Administration  Milton.lu  E-mail  Be ACA § 3-2-2  Milton.lu  Milton	Legal Notice Published

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

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue General Revenue Federal Funds Cash Funds Special Revenue

Other Total 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

2008 - 2009 Fiscal Year

NONE

NONE

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

2007 - 2008 Fiscal Year

<u> 2008 – 2009 Fiscal Year</u>

NONE

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

Bach-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 Alcoholie Beverage Control Board". The letters shall be a least one (1) inch in height. In addition, there shall be stamped or printed on the case substantially the following:



### **Transmittal Sheet**

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

For Office Use Only; Effective Date	Code Num	ber		·
Name of Agency Alcoholic Beverage	Control Division	1		
Department Departmet of Finance as	nd Administratio	n	_	
Contact Milton Lueken	Milton,luke E-mail	en@dfa.state.ar.us Phx	one <u>682-</u>	1105
Statutory Authority for Promulgating Rules	ACA § 3-2-20	05(b) & 3-3-206	. <del></del>	
Rule Title: Repeal Section 2,4	7	- w.·	<del></del>	
Intended Effective Date	Logol bleties C. bl	:-L4	- Dat 7-4 5 6 7	ie 7,17, 2007
10 Days After Filing	_	lic Comment		15-07
Other	Reviewed by Legi	stative Council	9-6	5-4)7
	Adopted by State	Agency	8-1:	5-07
Electronic Copy of Rule Provided on dist  X Electronic Copy of Rule e-mailed from:	or CD (per Act 1478 of Karen Blagg	2003) Karen.blagg@dfa.state.n	r.us	8-31-07
	Contact Parson	Empl Address		Cale
I Hereby Certify 1	That The Attached I	RIZED OFFICER Rules Were Adopted R. As Amended. R.	r.us	SEP - 6 2007 CHARLIE DANIELS SECTION ANY OF STATE

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

- 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
General Revenuc
Federal Funds
Cash Funds
Special Revenue

2008 – 2009 Fiscal Year
General Revenuc
Federal Funds
Cash Funds
Special Revenue

Other Other Total 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 2.47 Scaling, Stamping and Printing of Native Beverages Responsibility of Holder of Permit. The scaling, 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.



### **Transmittal Sheet**

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

For Office Use Only: Effective Date	Code Num	nber	
Name of Agency Alcoholic Beverage  Departmet of Finance ar	Control Divisio	n	
Department	. Adilton luk	en@dfa.state.ar.us	
Contact Milton Lucken	_ E-mail	Phone 68.	<u>2-1105</u>
Statutory Authority for Promulgating Rules	ACA § 3-2-2	05(b) & 3-3-206	
Rule Title: Repeal Section 2.48	}		
Intended Effective Date	,		ate
Emergency	Legal Notice Publ	lished	6.7,17. 2007
10 Days After Filing	Final Date for Pul	blic Comment	8-15-07
Other	Reviewed by Leg	islative Council	9-6-07
	Adopted by State	Agency 8	-15-07
Electronic Copy of Rule Provided on disk	or CD (per Act 1478 o	f 2003)	
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.blagg@dfa.state.ar.us	8-31-07
	Context Person	Ermell Addresse	Data
I Hereby Certify 7		RIZED OFFICER Rifes Were Adopted As Amended.	-6 2007 JE DANIELS ARY OF STATE
682-1105	Micha	ael.langley@dfa.state.ar.us	SEP
5_Urbuse Leminforc	D	E-mail Address	고일
	Director 764	<del></del>	i
	8-31-07 Dets		<u></u>

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.

<u>2007 – 2008 Fis</u>cal 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

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.



## **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 Num	nber	
Name of Agency <u>Alcoholic Beverage</u> Departmet of Finance an	Control Divisio	n	
Department	TO Administration	····	
Contact Milton Lucken	Milton.luk — E-mall —,———	en@dfa.state.ar.us Phone	682-1105
Statutory Authority for Promulgating Rules	ACΛ § 3-2-2	05(b) & 3-3-206	<u>.</u>
Rule Title: Repeal Section 2.49			
Intended Effective Date			Date
Emergency .	Legal Notice Pub	lished	7-4,5,6,7,17, 2007
10 Days After Filling	Final Date for Pu	blic Comment	8-15-07
Other	Reviewed by Leg	islative Council	9-6-07
	Adopted by State	Agency	8-15-07
Electronic Copy of Rule Provided on disk	or CD (cer Act 1478 or	f 2003)	
	Karen Blagg	Karen,blagg@dfa.state.ar.us	8-31-07
	Contact Person	Email Address	Date
I Hereby Certify 7	hat The Attached with Act 43 hor IC Signature		SEP - 6 2007 CHARLIE DANIELS SECRETARY OF STATE
	Director		
	8-31-07		-
	Dete		

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

2008 – 2009 Fiscal Year General Revenue

General Revenue Federal Funds Cash Funds Special Revenue

Federal Funds Cash Funds Special Revenue

Other Total

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

<u> 2008 – 2009 Fiscal Year</u>

NONE

NONE

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

<u> 2007 – 2008 Fiscal Year</u>

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)



### **Transmittal Sheet**

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

For Office Use Only: Effective Date	Code Number	Trin.
Name of AgencyAlcoholic	Beverage Control Division	· · · · · · · · · · · · · · · · · · ·
	Finance and Administration	
Contact Milton Lucken	Milton.luken@dfa.state.er.us E-mailPhone	e 682-1105
Statutory Authority for Promulga	ating Rules ACA § 3-2-205(b) & 3-3-206	
Rule Titte: Repeal Se	ection 2.50	···
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 Prov	ided on disk or CD (per Act 1478 of 2003)	
X Electronic Copy of Rule e-ma	Karen Blagg  Karen blagg@dfa.state.ar.u	s 8-31-07
	Contact Person Email Address	Date
I Here	IFICATION OF AUTHORIZED OFFICER by Certify That The Attached Foles Were Adopted Compliance with Act 434 of 1967 As Amended.	EP -6 2007 ETARY OF STATE
	Signatura	S S
682- Pho	Number E-mail Address	us — w
<del></del>	Director	
	8-31-07 Date	

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.

<u>2007 - 2008 Fiscal Year</u>

<u> 2008 – 2009 Fiscal Year</u>

General Revenue Federal Funds Cash Funds Special Revenue General Revenue Federal Funds Cash Funds Special Revenue

Other Total 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

<u> 2008 – 2009 Fiscal Year</u>

NONE

NONE

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

<u>2007 – 2008 F</u>iscal Year

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 cale 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.



### **Transmittal Sheet**

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

			(001) 002-0021	
For Office Use Only: Effective Date		Code Nun	nber	
Name of AgencyAlco		•		
Department	t of Finance ar	ed Administratio	on .	
Contact Milton Lucken	<del></del>	Milton.luk _ E-meil	en@dfa.state.ar.us Phor	ne 682-1105
Statutory Authority for Pror	nulgating Rules	ACA § 3-2-2	05(b) & 3-3-206	
Rule Title: Repo	eal Section 2.51		····	<u>-</u>
Intended Effective Date	1			Date
Emergency		Legal Notice Pub	lished	7-4,5,6,7,17, 2007
10 Days After Filling		Final Date for Pu	blic Comment	8-15-07
Other		Reviewed by Leg	islative Council	9-6-07
		Adopted by State	Agency	8-15-07
Electronic Copy of Rule	Provided on disk	or CD (per Act 1478 o	f 2003)	
X Electronic Copy of Rule	e-mailed from:	Karen Błagg	Koren.blagg@dfa.state.ar.	us 8-31-07
		Contact Person	Email Address	Dale
<u> </u>	Hereby Certify T In Compliance	hat The Attached	RIZED OFFICER Ryles Were Adopted Set As Amended.	<b>1 1 1 1 1 1 1 1 1 1</b>
<del></del>	682-1105 Phone Number	Mich	acl.langley@dfa.state.ar.	.us கேணு டூ
<del></del>		Director	- 11211	. S
<del></del>	<u> </u>	8-31-07		
		Data	· · · · · · · · · · · · · · · · · · ·	

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

- 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 – 2</u>008 Fiscal Year

2008 - 2009 Fiscal Year

General Revenuc Federal Funds Cash Funds Special Revenue

General Revenue Federal Funds Cash Funds Special Revenue

Other Total 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

<u> 2008 – 2009</u> Fiscal Year

NONE

NONE

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

2007 - 2008 Fiscal Year

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.



## **Transmittal Sheet**

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

Code Number		**-	
e Control Division	····		
nd Administration			
		682-1105	
8 ΛCA § 3-2-205(b) & 3-3-	206		
2	·		··
		Date	
Legal Notice Published,,,	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		007
Final Date for Public Comment .		8-15-07	
Reviewed by Legislative Counci	۱	9-6-07	
		8-15-07	_
K or CD (per Act 1478 of 2003)			
Karen Blagg	gg@dfa.state.ar.us	N-3	H-07
Contact Person 6	me3 Address		Date
That The Attended Bules Were As Amended Senters  Senters  Michael.langley@	Adopted ded.	SEP ~ 6 2007	CHARLIE DANIELS SECRETARY DE STATE
	E-mail  Adopted by State Agency  Contact Person  E-mail  Contact Person  Milton.luken@@fa.state.ar  Milton.luken@@fa.state.ar  Milton.luken@@fa.state.ar  Milton.luken@@fa.state.ar  Milton.luken@@fa.state.ar  Milton.luken@@fa.state.ar  Person  ACA § 3-2-205(b) & 3-3-  Person  Final Date for Public Comment  Reviewed by Legislative Counci  Adopted by State Agency  Karen Blagg  Contact Person  B  ON OF AUTHORIZED OF  That The Attached Bules Were  Person  Michael.langley@  E-mail Act  Director  Title	E-mail Phone  Milton.luken@6fa.state.ar.us  E-mail Phone  ACA § 3-2-205(b) & 3-3-206  Legal Notice Published  Final Date for Public Comment  Reviewed by Legislative Council  Adopted by State Agency  K or CD (per Act 1478 of 2003)  Karen Blagg  Karen.blagg@dfa.state.ar.us  Contact Person  Email Address  Director  Tibe  Michael.langley@dfa.state.ar.us  E-mail Address  Director	Date  Legal Notice Published  Reviewed by Legislative Council  Adopted by State Agency  Kor CD (per Act 1478 of 2003)  Karen Blagg  Karen.blagg@dfa.state.ar.us  Email Address  Director  Tibe

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

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue

General Revenue Federal Funds Cash Funds Special Revenue

Other Total

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

2008 – 2009 Fiscal Year

NONE

NONE

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

<u> 2007 – 2008 Fiscal Year</u>

<u> 2008 – 2009 Fiscal Year</u>

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 cite, 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.



### **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 Nur	nber		
Name of AgencyAlcoholic Beverage				┫
Department Departmet of Finance at		<b>0</b> п		_
Contact Milton Lucken	Milton Iu	ken@dfs.state.ar.us Phon	ne 682-1105	_ _
Statutory Authority for Promulgating Rule	SACA § 3-2-2	205(b) & 3-3-206		_
Rule Title: New regulation Sec	ction 2.70		<del></del>	┨
Intended Effective Date			Date	
Emergency	Legal Notice Put	olished	7-4,5,6,7,17, 2007	
10 Days After Filing	Final Date for Pu	blic Comment	8-15-07	1
Other	Reviewed by Leg	gislative Council	9-6-07	Į
	Adopted by State	Agency	8-15-07	
Electronic Copy of Rule Provided on disk	COLCD (per Act 1478 c	of 2003)		
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.blagg@dfa.state.ar.u	us 8-31-07	
	Contact Person	Emell Address	Clahe	-
I Hereby Certify 1	That The Attached e with act 434 of 1	PRIZED OFFICER Refers Were Adopted As Amended.	2007 2007	NIELS
682-1105	Signature		<b></b> 40	2
Phone Number	Director	ael.langley@dfa.state.ar. E-mail Address	SE SE	HARIE
	Title 8-31-07		•	
<del></del>	Dela			- 1

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

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue

General Revenue Federal Funds Cash Funds Special Revenue

Other Total

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 F</u>iscal Year

2008 - 2009 Fiscal Year

NONE

NONE

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

<u>2007 – 2008 Fiscal Year</u>

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.



### **Transmittal Sheet**

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

	(001) 002-0021			
For Office Use Only: Effective Date	Code Number		·	· · · · · · · · · · · · · · · · · · ·
Name of Agency Alcoholic Beverage				
Department Departmet of Finance as	nd Administration			••
Contact Milton Lueken	Milton.luken@dfa.state.ar.us _ E-mail	Phone	682-1	105
Statutory Authority for Promulgating Rules	ACA § 3-2-205(b) & 3-3-206			
Rule Title: New regulation Sec	tion 2.71		· <u>-</u>	
Intended Effective Date			Date	ı
Emergency	Legal Notice Published	H41H11-111	7-4,5,6,7,	17, 2007
10 Days After Filing	Final Date for Public Comment	*********	8-15	5-07
Other	Reviewed by Legislative Council	17417441144	9-6-	07
	Adopted by State Agency		8-15	-07
Electronic Copy of Rule Provided on disk	or CD (per Act 1478 of 2003)			
X Electronic Copy of Rule e-mailed from:	Karen Blagg Karen.blagg@d	fa.state.ar.us	ı	8-31-07
	Contact Person Email Add	ksee	<del>-</del>	Dela
	DN OF AUTHORIZED OFFICE that The Attached Rules Were Adopt with 198 as Amended. Signature Michael.langley@dfa.	ted		SEP -6 2007 HARLIE DANIELS
	Director			·
	8-31-07			JA42A

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

- Does this proposed, amended, or repealed rule or regulation have a financial impact?
   Yes
   No
- 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>

2008 – 2009 Fiscal Year General Revenue Federal Funds Cash Funds

General Revenue Federal Funds Cash Funds Special Revenue

Special Revenue Other Total

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>

<u> 2008 – 2009 Fiscal Year</u>

NONE

NONE

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

<u>2007 – 2008 Fiscal Year</u>

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.



## **Transmittal Sheet**

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

Code Nun	nber	· v-
ge Control Divisio	ח	
and Administratio	on	
Milton tak	eo@dfa.state.ar.us Phone	682-1105
esACA § 3-2-2	205(b) & 3-3-206	
ection 2.72		<u> </u>
	_	Date
Legal Notice Pub	lished	7-4,5,6,7,17, 2007
Final Date for Pu	blic Comment	8-15-07
Reviewed by Leg	islative Council	9-6-07
Adopted by State	Agency	8-15-07
sk or CD (per Act 1478 c	f 2003)	
Karen Blagg	Karen.blagg@dfa.state.ar.u	s 8-31-07
Contact Parson	Emell Address	Dale
That The Attached ce with Act 434 of 1	Refles Were Adopted As Amended.	SEP - 6 2007 SECRETARY OF STATE
	E-mail  Be Control Division and Administration  Milton, luke the E-mail  Be ACA § 3-2-2  Bection 2.72  Legal Notice Publication Publication Date for Publication Publication State  Sk or CD (per Act 1478 of Karen Blagg  Contact Person  ION OF AUTHO  That The Attached of 1  Somethic Michael  Director  Title	E-mailPhone  B-mailPhone  B-mail

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

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue General Revenue Federal Funds Cash Funds Special Revenue

Other Total 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

<u> 2008 – 2009 Fiscal Year</u>

NONE

NONE

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

<u>2007 – 2008 Fiscal Year</u>

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.



## **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 Nu	mber	······································	
Name of Agency Alcoholic Reverage	Control Divisi	9 <b>n</b>	•	<del></del>
Department Departmet of Finance an		ion		T-1
Contact Milton Lucken	Milton Iu	ken@dfa.state.ar.us	Phone <u>682</u>	-1105
Statutory Authority for Promulgating Rules	ACA § 3-2-	205(b) & 3-3-206		
Rule Title: New regulation Sect	tion 2.73			
Intended Effective Date  Emergency	Legal Notice Pu	blished	Da 	ate , <u>7,</u> 17, 2007
10 Days After Filing	_	ublic Comment		15-07
Other	Reviewed by Le	gislative Council	9.	-6-07
	Adopted by Stat	e Agency	8-	15-07
Electronic Copy of Rule Provided on disk	OF CD (per Act 1478	of 2003)		
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.blagg@dfa.str	nte.ar.us	8-31-07
	Contact Person	Errell Address		Date
I Hereby Certify T	Mich Director Tibe 8-31-97	ORIZED OFFICEI PRIMES Were Adopted 1967 As Amended.  Inacl. langley@dfa.star  E-mell Address		SECRETARY OF STATE
· · · · · · · · · · · · · · · · · · ·	Date	<del></del>	_	_

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.

<u>2007 - 2008 Fiscal Year</u>

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue

General Revenue Federal Funds Cash Funds Special Revenue

Other Total

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

2008 - 2009 Fiscal Year

NONE

NONE

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

2007 - 2008 Fiscal Year

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.



## **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 Nur	mber	
Name of Agency Alcoholic Beverage	e Control Divisio	on .	
Department Department of Finance as	nd Administrati	on	
Contact Milton Lueken	Milton.lul — E-mail	ken@dfa.state.ar.us Phone	682-1105
Statutory Authority for Promulgating Rule			,,, <u>-</u>
Rule Title; New regulation Sec	ction 2.74	,, <u>, , , , , , , , , , , , , , , , , ,</u>	<del> </del>
intended Effective Date  Emergency		· <del>V</del>	Date 4,5,6,7,17, 2007
10 Days After Filling	Final Date for Pu	ublic Comment	8-15-07
Other	Reviewed by Leg	gislative Council	9-6-07
	Adopted by State	e Agency	8-15-07
Electronic Copy of Rule Provided on disk	k or CD (per Act 1478 d	of 2003)	
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen,blagg@dfa.state.ar.us	8-31-07
	Contact Person	Email Address	Deta
I Hereby Certify 1	That The Attached	DRIZED OFFICER Pules Were Adopted PGAS Amended.	2007 DANIELS OF STATE
682-1105 Phone Number	Mich	ael.langley@dfa.state.ar.us	
	Director 78a 8-31-07		- 7:
	Date		

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

- 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?

<u>2007 – 2008 Fiscal Year</u>

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.



### **Transmittal Sheet**

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

For Office Use Only: Effective Date	Code Nun	nber	· <del>"</del>
Name of Agency Alcoholic Reverses	<u>-</u>		
Department Departmet of Finance at	nd Administratio	on	
Contact Milton Lucken	Milton Luk	en@dfa.state.or.us Phone 682	2-1105
Statutory Authority for Promulgating Rules			
Rule Title: Section 3.1			
Intended Effective Date Emergency		D	ate 5,7,17, 2007
10 Days After Filing	-		L-15-07
Other		islative Council	9-6-07
	Adopted by State	Agency 8-	15-07
Electronic Copy of Rule Provided on disk	or CD (per Act 1478 o	12003)	
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.hlagg@dfa.state.ar.us	8-31-07
	Contact Person	Erneil Address	Date
I Hereby Certify 1	That The Attached a with Act/104 of a Mic Say dure	Aules Were Adopted  Wiles	9 - 6 10 - 6
	718a 8-31-07		~ a
<del></del>	0-31-07 Date	··· <del>·</del> ··	

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

- 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

<u>2008 - 2009 Fiscal Year</u> NONE

NONE

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

<u>2007 – 2008 Fiscal Year</u>

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.



### **Transmittal Sheet**

Code Nur	mber	
e Control Divisio	O <b>n</b>	
nd Administrati	on	
Milton.lul — E-mail	ken@dfa.state.ar.us Phone 65	82-1105
8 ACA § 3-2-2	205(b) & 3-3-206	, <del>.</del>
· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·
	···	Date
Legal Notice Put	7-4,5	5,6,7,17, 2007
Final Date for Pu	ublic Comment	8-15-07
Reviewed by Leg	gislative Council	9-6-07
Adopted by State	a Agency	8-15-07
k of CD (per Act 1478 (	of 2003)	
Karen Biagg	Karen, blagg@dfa.state.ar.us	8-31-07
Contact Parson	Email Address	Date
That The Attacktod e with Act 434 of p	As Amended.	SEP - 6 2007 CHARLIE DANIELS SECRETARY OF STATE
	Legal Notice Pull Final Date for Pul Reviewed by Legal Notice Pul Final Date for Pul Reviewed by Legal Notice Pul Reviewed by Legal Notice Pul Reviewed by State K or CD (per Act 1478) Karen Blagg Contact Parson  ON OF AUTHO That The Attacked by With Act 134 of pul Signal Pul Signal Pul Signal Pul Signal Pul Director Tile	Final Date for Public Comment  Reviewed by Legislative Council  Adopted by State Agency  K or CD (per Act 1478 of 2003)  Karen Biagg  Karen biagg  Karen biagg  Karen biagg  Karen biagg  Contect Parson  Emeli Address  Director  Title  Title

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

<u> 2008 – 2009 Fiscal Year</u>

NONE

NONE

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

2007 - 2008 Fiscal Year

<u> 2008 – 2009 Fiscal Year</u>

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:



### **Transmittal Sheet**

For Office Use Only: Effective Date	Code Nun	nber	
Name of Agency Alcoholic Beverage	Control Divisio	n	
Department Department Department	ıd Administratio	) <b>n</b>	
Contact Milton Lucken	Milton.luk E-mail	en@dfw.state.ar.us ————————————————————————————————————	682-1105
Statutory Authority for Promulgating Rules	ACA § 3-2-2	05(b) & 3-3-206	,
Rule Title: Section 3.19(2)			··
Intended Effective Date  Emergency	Legal Notice Pub	lished	Date 7-4,5,6,7,17, 2007
10 Days After Filling	Final Date for Pu	blic Comment	8-15-07
Other	Reviewed by Leg	islative Council	9-6-07
	Adopted by State	Agency	8-15-07
Electronic Copy of Rule Provided on disk	OF CD (per Act 1478 o	f 2003)	
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.blagg@dfa.state.ar.us	8-31-07
	Contact Person	Ernell Address	Dete
I Hereby Certify 1	hat The Attached with Act 444 of 1 Signant Michael	RIZED OFFICER Rules Were Adopted 987 As Amended.  201 202 203 203 204 205 205 205 205 205 205 205 205 205 205	A 1% 1
<del></del>	Director Title 8-31-07 Date		· · · · · È

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)

- 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>

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue

General Revenue Federal Funds Cash Funds Special Revenue

Other Total 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>

<u> 2008 – 2009 Fiscal Year</u>

NONE

NONE

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

2007 - 2008 Fiscal Year

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.



### **Transmittal Sheet**

Name of Agency	For Office Use Only: Effective Date	Code Nur	mber	
Department  Contact Milton Lucken  E-mail  ACA § 3-2-205(b) & 3-3-206  Rule Title: Section 3.19(3) F.  Intended Effective Date  Emergency  Legal Notice Published  7-4.5,6.7,17, 2007  10 Days After Filing  Final Date for Public Comment  Reviewed by Legislative Council  9-6-07  Adopted by State Agency  Raren Blagg  Karen Blagg  Karen Blagg  Karen Blagg  Karen Blagg  Karen Blagg  Karen Blagg  CERTIFICATION OF AUTHORIZED OFFICER  I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 424 for 1997 As Amended.  Director  Director  Director  Title  Director  Title  Director  Director  Director  Director			· · · · · · · · · · · · · · · · · · ·	
Contact Milton Lucken E-mail Phone 682-J105  Statutory Authority for Promulgating Rules ACA § 3-2-205(b) & 3-3-206  Rule Title: Section 3.19(3)F.  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)  Karen Blagz Karen.blagg@dfa.state.ar.us 8-31-07  Consect Person Emet Address Blagz Armended.  CERTIFICATION OF AUTHORIZED OFFICER  1 Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1937 as Amended.  Bignature Blagz Blags Armended.  CERTIFICATION OF AUTHORIZED OFFICER  1 Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1937 as Amended.  CERTIFICATION OF AUTHORIZED OFFICER  1 Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1937 as Amended.  CERTIFICATION OF AUTHORIZED OFFICER  1 Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1937 as Amended.  CERTIFICATION OF AUTHORIZED OFFICER  1 Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1937 as Amended.  CERTIFICATION OF AUTHORIZED OFFICER  1 Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1937 as Amended.  CERTIFICATION OF AUTHORIZED OFFICER  2 Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1937 as Amended.	Department Departmet of Finance as	nd Administrati	on	,
Rule Title: Section 3.19(3) F.  Intended Effective Date  Emergency  Legal Notice Published	•			ne <u>682-1105</u>
Intended Effective Date  Emergency  Legal Notice Published	Statutory Authority for Promulgating Rules	s ACA § 3-2-2	205(b) & 3-3-206	
Intended Effective Date  Emergency  Legal Notice Published	Rule Title: Section 3.19(3)F.	<del></del>		· <u>···</u>
To Days After Filing   Final Date for Public Comment   8-15-07				
Adopted by State Agency 8-15-07  Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)  X Electronic Copy of Rule e-mailed from:    Karen Blagg   Karen.blagg@dfa.state.ar.us   8-31-07	10 Days After Filing	-		
Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)    X   Electronic Copy of Rule e-mailed from:   Karen Blagg   Karen.blagg@dfa.state.ar.us   8-31-07	Other	Reviewed by Les	gislative Council	9-6-07
Electronic Copy of Rule e-mailed from:    Contact Person   Email Address   8-31-417		Adopted by State	Agency	8-15-07
Electronic Copy of Rule e-mailed from:  Contact Person  Contact Person  Contact Person  Email Address  CERTIFICATION OF AUTHORIZED OFFICER  Hereby Certify That The Attacheo Rules Were Adopted In Compliance with Act 424 of 1987 as Amended.  Signatur  Signatur  Signatur  Fhore Number  E-meil Address  Director  Title	Electronic Copy of Rule Provided on disk	c or CD (per Act 1478 c	of 2003)	
CERTIFICATION OF AUTHORIZED OFFICER  I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 424 of 196 As Amended.  Signature  Signature  Signature  Signature  Fhore Number  E-mell Address  Director	$oxed{X}$ Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen blagg@dfa.state.ar,	us 8-31-07
Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 424/of 1967 As Amended.    C		Contact Person	Email Address	Dala
•	# Hereby Certify 1 In Compliance  682-1105	That The Attached with Act 424 of IC Signatur Mich	Rujes Were Adopted 987 As Amended. ael.langley@dfa.state.ar.	2 At
9_71_07		Title 8-31-07		. []

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.

<u> 2007 –</u> 2008 Fiscal Year

<u> 2008 – 2009 Fiscal Year</u>

General Revenue Federal Funds Cash Funds Special Revenue

General Revenue Federal Funds Cash Funds Special Revenue

Other Total

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

<u> 2008 – 2009 Fiscal Year</u>

NONE

NONE

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

<u> 2007 – 2008 Fis</u>cal Year

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.



### **Transmittal Sheet**

		(***,7 ***	
For Office Use Only: Effective Date	Code Nu	mber	
Name of Agency Alcoholic Reverse	e Control Divisi	ion	
Department Department of Finance			
Contact Milton Lucke	Milton.lı — E-mail ——	ueken@dfa.state.ar.us ————————————————————————————————————	ne 682-1105
Statutory Authority for Promulgating Rule	es ACA § 3-2-	-205(b) & 3-3-206	<del></del>
Rule Title: Section 3.19(10)A.			
Intended Effective Date			Date
Emergency	Legal Notice Pu	blished	7-4,5,6,7,17, 2007
10 Days After Filing	Final Date for P	ublic Comment	8-15-07
Other	Reviewed by Le	egislative Council	9-6-07
	Adopted by Star	te Agency	8-15-07
Electronic Copy of Rule Provided on dis	sk or CD (per Act 1478	of 2003)	
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.blagg@dfa.state.ar	·.us
	Contact Person	Email Address	Dete
l Hereby Certify	That The Attache	ORIZED OFFICER d Fales Were Adopted 1987 As Amended.	P - 6 2007
682-1105	Miel	nael.langley@dfa.state.ar	rus sur
- Triding Multipar	Director	E-mail Address	1 <del>12.10</del> 3 Ç

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

Gencral 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?

<u>2007 – 2008 Fiscal Year</u>

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.



### **Transmittal Sheet**

For Office Use Only: Effective Date	Code Number		···	
Name of Agency Alcoholic Beverage	<del></del>			
Department Departmet of Finance an	d Administration			
Contact Milton Lueken	Milton.huken@dfa.state.ar.us _ E-mail	Phone .	682-1105	
Statutory Authority for Promulgating Rules	ACA § 3-2-205(b) & 3-3-20	)6		_
Rule Title: Section 3.19(10)B.				
Intended Effective Date			Date	
Emergency	Legal Notice Published		7-4,5,6,7,17, 2007	7
10 Days After Filing	Final Date for Public Comment		8-15-07	_
Other	Reviswed by Legislative Council	<u> </u>	9-6-07	_
	Adopted by State Agency		8-15-07	_
Electronic Copy of Rule Provided on disk	Of CD (per Act 1478 of 2003)			
	Karen Rigge	Ødfa.state.ar.us	8-31-0	77
	Contact Person Email	Address .	Culu	.
I Hereby Certify T	PN OF AUTHORIZED OFF hat The Attached Pules Were Adventile Act 434/of 1967/49 Amende  Michael.langley@df  E-mell Acides  Director  Title  8-31-07  Date	opted ed. fa.state.ar.us	-6 2007	CHARL T DANIELS SECRETAIN ON TAIL

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.

- Does this proposed, amended, or repealed rule or regulation have a 1. 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>

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

Other Other Total 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 2008 - 2009 Fiscal Year NONE NONE

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

<u> 2007 – 2008 Fiscal Year</u> 2008 – 2009 Fiscal Year NONE 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.



### **Transmittal Sheet**

For Office Use Only: Effective Date	Code Nu	mber	
Name of AgencyAlcoholic Beverage	····	·····	
Department Departmet of Finance as	nd Administrati	on	
Contact Milton Lucken	Milton.lu E-mail	ken@dfx.state.ar.us PhonePhone	82-1195
Statutory Authority for Promulgating Rule	ACA § 3-2-	205(b) & 3-3-206	
Rule Title: Section 3.19(13)		· · · · · · · · · · · · · · · · · · ·	····
Intended Effective Date  Emergency			Date 5,6,7,17, 2007
10 Days After Filing	Final Date for P	ublic Comment	8-15-07
Other	Reviewed by Le	gislative Council	9-6-07
	Adopted by Stat	e Agency	8-15-07
Electronic Copy of Rule Provided on dist	k or CD (per Act 1478	of 2003)	
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.blagg@dfa.state.ar.us	8-31-07
	Contact Person	Erreri Addinese	Deta
! Hereby Certify "	That The Attacher e with Act 464 of Signature	ORIZED OFFICER Roles Were Adopted 1967 As Amended.  acl.langley@dfa.state.ar.us	B 28 - 6 5P - 6 34 15 0
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<del></del>	8-31-07 Data	- Wilel	ا مداوره کا

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 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>

2008 - 2009 Fiscal Year

NONE NONE

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

<u> 2007 – 2008 Fis</u>cal Year

<u> 2008 – 2009 Fiscal Year</u>

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.
  - 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.
  - 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:
  - 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.



### **Transmittal Sheet**

For Office Use Only: Effective Date	Code Numb	Det	
Name of Agency Alcoholic Beverage Denartmet of Finance as	e Control Division		
Department		<u></u>	
Contact Milton Lucken	Milton.luke — E-mail	n@dfa.state.нг.us ————————————————————————————————————	682-1105
Statutory Authority for Promulgating Rule	s ACA § 3-2-20	5(b) & 3-3-206	<u> </u>
Rule Title: Section 4.3			, ,
Intended Effective Date			Date
Emergency	Legal Notice Publis	shed <u>7-</u>	4.5,6,7,17, 2007
10 Days After Filing	Final Date for Publ	ic Comment	8-15-07
Other	Reviewed by Legis	stative Council	9-6-07
	Adopted by State A	gency	8-15-07
Electronic Copy of Rule Provided on disi	K OF CD (per Act 1478 of a	2003)	
X Electronic Copy of Rule e-mailed from:	Karen Bingg	Karen.blagg@dfa.state.ar.us	8-31-07
	Contact Parson	Emel Address	Cale
I Hereby Certify 1	That The Attacked 5 e with Act 34 of 34 UC South	RIZED OFFICER ules Were Adopted 7 As Amended. cl.langley@dfa.state.ar.us	SEP - 6 2007 CHARLIE DANIELS SECRETARY OF STATE

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

- 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

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue General Revenue Federal Funds Cash Funds Special Revenue

Other Total 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

2008 - 2009 Fiscal Year

NONE

NONE

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

2007 - 2008 Fiscal Year

<u> 2008 – 2009 Fiscal Year</u>

NONE

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



### **Transmittal Sheet**

For Office Use Only: Effective Date	Code Nun	nber		
Name of Agency Alcoholic Rever				
Department Departmet of Finance		irt .		
Contact Milton Lueken	Milton Luk	en@dfa.state.ar.us Phon	e 682-1	105
Statutory Authority for Promulgating Re				
Rule Title: Repeal Section :	5.41			
Intended Effective Date			Date	3
Emergency	Legal Notice Pub	Legal Notice Published		
10 Days After Filing	Final Date for Pu	Final Date for Public Comment		
Other	Reviewed by Leg	Reviewed by Legislative Council		
	Adopted by State	Agency	8-15	<u>i-07</u>
Electronic Copy of Rule Provided on	disk or CD (per Act 1478 o	f 2008)		
X Electronic Copy of Rule e-mailed from	Keren Blagg n:	Karen.blagg@dfa.state.ar	из	8-31-07
	Contact Person	Email Address		Cate
l Hereby Cert	fy That The Attached ance with Act 134 of 1 Signer Michael	PRIZED OFFICER Folles Were Adopted  BY As Amended.  Action of the control of the	us T	SEP = 6 2007 CHARLIE DANIELS
	Director			
<u></u>	8-31-07		•	

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

- 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>

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue

General Revenue Federal Funds Cash Funds Special Revenue

Other Total 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

2008 - 2009 Fiscal Year

NONE

NONE

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

<u>2007 – 2</u>008 Fiscal Year

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.



## **Transmittal Sheet**

Date  Legal Notice Published			(001) 002-0027				
Denartmet of Finance and Administration  Lueken	For Office Use Only: Effective Date	Code Nu	ımber				
Lucken E-mail Phone 682-1105  / for Promulgating Rules ACA § 3-2-205(b) & 3-3-206  le: Repeal Section 5.42  scrive Date Date Published 7-4,5,6,7,17,2007  r Filing Final Date for Public Comment 8-15-07  Reviewed by Legislative Council 9-6-07  Adopted by State Agency 8-15-07  opy of Rule Provided on disk or CD (parAct 1478 of 2003)  Karen Blagg Karen blagg@dfa.state.ar.us 8-31-07  Consact Parson Engl Address Defice  I Hereby Certify That The Attacked Rules Were Adopted In Compliance with Act 1434 of 1997 As Amended.		•	•				
Femal   Phone   682-1105     For Promulgating Rules   ACA § 3-2-205(b) & 3-3-206     For Promulgating Rules   ACA § 3-2-206     For Prom	Department Departmet of Finance ar	nd Administra	tion				
le: Repeal Section 5.42  active Date  Legal Notice Published	Contact Milton Lucken	Milton.l — E-mail —	uken@df2.st2tc.2r.us	_Phone	682-1	105	
Legal Notice Published	Statutory Authority for Promulgating Rules	ACA § 3-2	-205(b) & 3-3-206		<u>.</u> .		_
Legal Notice Published	Rule Title: Repeal Section 5.42	}					
Legal Notice Published	Intended Effective Date				Date	ı	
Reviewed by Legislative Council 9-6-07  Adopted by State Agency 8-15-07  Dopy of Rule Provided on disk or CD (per Act 1478 of 2003)  Karen Blagg Karen.blagg@dfa.state.ar.us 8-31-07  Contact Parson Emet Address Date  CERTIFICATION OF AUTHORIZED OFFICER  I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 424 of 1507 As Amended.  Signature 8-15-07	Emergency	Legal Notice Po	ublished				7
Adopted by State Agency 8-15-07  Topy of Rule Provided on disk or CD (per Act 1478 of 2003)  Karen Blagg Karen.blagg@dfa.state.ar.us 8-31-07  Contact Person Emet Address Date  CERTIFICATION OF AUTHORIZED OFFICER  I Hereby Certify That The Attacted Rules Were Adopted In Compliance with Act 124 of 1967 As Amended.  Signature Signature E-mail Address E-mail Address Car.us 2007	10 Days After Filling	Final Date for I	Public Comment		8-15	-07	_
opy of Rule Provided on disk or CD (per Act 1478 of 2003)  Karen Blagg Karen.blagg@dfa.state.ar.us  S-31-07  Contact Parson  CERTIFICATION OF AUTHORIZED OFFICER  I Hereby Certify That The Attactfed Rules Were Adopted In Compliance with Act A34 of 1367 As Amended.  Signature  Signature  Michael.langley@dfa.state.ar.us  Phone Number  E-mail Address  E-mail Address  COMP	Other	Reviewed by L	egislative Council	<u> </u>	9-6-	07	_
CERTIFICATION OF AUTHORIZED OFFICER  I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act A24 of 1997 As Amended.  Signafus  Signafu		Adopted by Sta	ite Agency		8-15	-07	_
CERTIFICATION OF AUTHORIZED OFFICER  I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 424 of 1967 As Amended.  Signature  Signature  Wichael langley @dfa.state.ar.us  Phone Number  E-mail Address  E-mail Address  E-mail Address  E-mail Address  E-mail Address	Electronic Copy of Rule Provided on disk	or CD (per Act 147)	3 of 2003)				
CERTIFICATION OF AUTHORIZED OFFICER  I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 424 of 1967 As Amended.  Signature  Signature  Wichael langley @dfa.state.ar.us  Phone Number  E-mail Address  E-mail Address	X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.blagg@dfa.st	tate.ar.us		8-31-0	17
I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act A24 of 1967 As Amended.  Signature  682-1105 Michael.langley@dfa.state.ar.us Phone Number E-mail Address		Contact Parage	Empit Address	-			—
Director 5	l Hereby Certify T In Compliance	hat The Attach	d Rules Were Adopted 1997 As Amended. hael.langley@dfa.sta			9	CHARLIE DANIELS
	l Hereby Certify T In Compliance	hat The Attach	d Rules Were Adopted 1997 As Amended. hael.langley@dfa.sta			¢	Ď
		8-31-07					Ι,

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

- 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

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue

General Revenue Federal Funds Cash Funds Special Revenue

Other Total

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 Fi</u>scal Year

<u> 2008 – 2009 Fiscal Year</u>

NONE

NONE

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

<u>20</u>07 – 2008 Fiscal Year

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.



### **Transmittal Sheet**

For Office Use Only: Effective Date		nber				·
Name of Agency Alcoholic Reverage  Department of Finance as					···	
Department	III Aummstram			<u> </u>		_
Contact Milton Lucken	Milton.luk E-mail	en@dfa.state.ar.us	.Phone .	682-11	05	_
Statutory Authority for Promulgating Rules	ACA § 3-2-2	05(b) & 3-3-206				_
Rule Title: Repeal Section 5.43		· · · · · · · · · · · · · · · · · · ·				$\exists$
Intended Effective Date				Date		
Emergency	Legal Notice Published			7-4,5,6,7,1	7, 2007	
10 Days After Filing	Final Date for Public Comment			8-15-07		
Other	Reviewed by Leg	islative Council	~···· <del>-</del>	9-6-0	7	
	Adopted by State	Agency		8-15-0	07	
Electronic Copy of Rule Provided on disk	or CD (per Act 1478 o	f 2003)				
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.hiagg@dia.st	ate.ar.us		8-31-01	_
	Contact Person	Ernell Address			Date	Ì
I Hereby Certify 7	hat The Attached with Act 434/of	PRIZED OFFICE Rules Were Adopted 967 As Amended.			2 - 6 2007	TARY OF STATE
*******	Signature		_	15 (18) T. 10	잂	SECRETAL
682-1105 Phone Number	Micha	el.langley@dfa.sta	te.ar.us			存品
	Director		_	5		
<del></del>	8-31-07		····			

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

2008 - 2009 Fiscal Year

General Revenue Federal Funds Cash Funds Special Revenue General Revenue Federal Funds Cash Funds Special Revenue

Other Total 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

2008 - 2009 Fiscal Year

NONE

NONE

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

2007 - 2008 Fiscal Year

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.

S ....



### **Transmittal Sheet**

For Office Use Only: Effective Date	Code Nun	nber		•
Name of Agency Alcoholic Beverage	e Control Divisio	n		
Department Departmet of Finance a	nd Administratio	on		
Contact Milton Lueken	Milton.luk — E-mail	en@dfa.state.ar.us Phone	e 682-1105	
Statutory Authority for Promulgating Rule	s ACA § 3-2-2	205(b) & 3-3-206		
Rule Title: Repeal Section 5.4	4		<del>.</del>	
Intended Effective Date			Date	
Emergency	Legal Notice Pub	lished	7-4,5,6,7,17, 20	07
10 Days After Filing	Final Date for Pu	blic Comment	8-15-07	_
Other	Reviewed by Leg	jislative Council	9-6-07	_
	Adopted by State	Agency	8-15-07	
Electronic Copy of Rule Provided on dist	k or CD (per Act 1478 c	of 2003)		
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.blagg@dfn.state.ar.u	ıs 8-3 <u>1</u>	-07
	Contect Person	Emel Address	0	##e
i Hereby Certify	That The Attached e with Act 13 of 1	ORIZED OFFICER Follow Were Adopted For As Amended.  ael.langley@dfa.state.ar.t	SEP -6 2007	CHARLIE DANIELS SECRETARY OF STATE

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

<u> 2008 – 2009 Fiscal Year</u>

General Revenue Federal Funds Cash Funds Special Revenue General Revenue Federal Funds Cash Funds Special Revenue

Other Total 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

2008 - 2009 Fiscal Year

NONE

NONE

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

2007 - 2008 Fiscal Year

<u> 2008 – 2009 Fiscal Year</u>

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.



### **Transmittal Sheet**

For Office Use Only: Effective Date	Code Num	ber	·	
Name of Agency Alcoholic Beverage	e Control Divisio	n	·····	
Department Department of Finance as	nd Administratio	n		
Contact Milton Lucken	Milton.luke E-mail	en@dfa.state.ar.us Phone	e 682-110	)5
Statutory Authority for Promulgating Rules	s ACA § 3-2-20	05(b) & 3-3-206		
Rule Title: Section 6.6				
Intended Effective Date			Date	
Emergency	Legal Notice Publi	shed	7-4,5,6,7,17	, 2007
10 Days After Filing	Final Date for Pub	olic Comment	8-15-0	7
Other	Reviewed by Legi	slative Council	9-6-07	<u> </u>
	Adopted by State	Agency	8-15-02	7
Electronic Copy of Rule Provided on disl	k or CD (per Act 1478 of	2003)		
X Electronic Copy of Rule e-mailed from:	Karen Blagg	Karen.blagg@dfa.atate.ar.u	ıs (	8-31-07
	Contact Parson	Emell Address		Date
I Hereby Certify 1	That The Attached e with Act 434 of 19 iC	RIZED OFFICER  Rodes Were Adopted  Amended.  Cl. langley@dfa.state.ar.1	SEP -6 2M7	πi₹

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

- 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

2008 – 2009 Fiscal Year General Revenue

General Revenue Federal Funds Cash Funds Special Revenue

Federal Funds Cash Funds Special Revenue

Other Total

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

2008 - 2009 Fiscal Year

NONE

NONE

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

2007 - 2008 Fiscal Year

<u> 2008 – 2009 Fiscal Year</u>

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.