

# Arkansas Democrat Gazette

## STATEMENT OF LEGAL ADVERTISING

ARKANSAS ABC DIVISION  
1515 W 7TH 503  
LITTLE ROCK AR 72201

REMIT TO:  
ARKANSAS DEMOCRAT-GAZETTE, INC.  
P.O. BOX 2221  
LITTLE ROCK, AR 72203

ATTN: Milton Lueken, Atty  
DATE : 06/30/13 INVOICE #: 2842817  
ACCT #: L1209162 P.O. #:

BILLING QUESTIONS CALL 378-3812

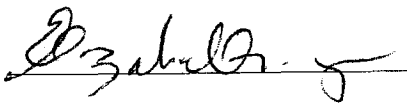
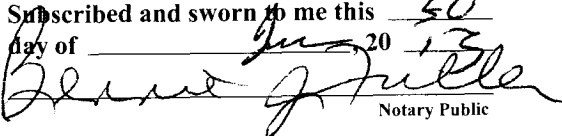
STATE OF ARKANSAS, }  
COUNTY OF PULASKI, } ss.

I, Elizabeth Myers do solemnly swear that I am the Legal Billing Clerk of the Arkansas Democrat - Gazette, a daily newspaper printed and published in said County, State of Arkansas; that I was so related to this publication at and during the publication of the annexed legal advertisement in the matter of:

notice  
pending in the Court, in said County, and at the dates of the several publications of said advertisement stated below, and that during said periods and at said dates, said newspaper was printed and had a bona fide circulation in said County; that said newspaper had been regularly printed and published in said County, and had a bona fide circulation therein for the period of one month before the date of the first publication of said advertisement; and that said advertisement was published in the regular daily issues of said newspaper as stated below.

DATE	DAY	LINAGE	RATE	DATE	DAY	LINAGE	RATE
06/28	Fri	78	1.25				
06/29	Sat	78	1.25				
06/30	Sun	78	1.45				

TOTAL COST ----- 308.10  
Billing Ad #: 72098707

  
Subscribed and sworn to me this 30  
day of June 2013  
  
Notary Public

OFFICIAL SEAL - # 12381354  
BENNIE J. FULLER  
NOTARY PUBLIC - ARKANSAS  
PULASKI COUNTY  
MY COMMISSION EXPIRES: 3-21-2021

### AD COPY

**PUBLIC NOTICE**  
In compliance with the Administrative Procedure Act of the State of Arkansas (Act 434 of 1967), notice is hereby given that the Alcoholic Beverage Control Board proposes to promulgate regulations concerning the alcoholic beverage industry in the state of Arkansas.  
The Board will consider regulations in the following areas: transfer of location applications and request for inactive status; brand registration; living quarters adjacent to permitted premises; sale of beer and small farm wine through drive up windows; employment of convicted felons; possession of hand guns in liquor stores; sales agents permits; disposing or furnishing alcoholic beverages to minors and other persons; age of alcoholic beverage servers in private clubs; donation of alcoholic beverages; definition of a restaurant; repeal of regulation requiring membership books in private clubs; repeal of regulation regarding advertising by private clubs in wet areas of the state; newspaper publication of alcoholic beverage applications; service of alcoholic beverages at private clubs to members and guests; direct shipment of wine to Arkansas consumers; definition of a wine restaurant or cafe; repeal of regulations requiring guest books in private clubs; qualifications of permit holders.  
The regulation hearing will be held on August 21, 2013, at the hour of 8:30 a.m. in the fifth floor conference room, 1515 West Seventh Street, Little Rock, Arkansas.  
All inquiries concerning the regulation hearing should be directed to Milton Lueken, Staff Attorney, ABC Division, 1515 West Seventh Street, Suite 503, Little Rock, Arkansas 72201.  
MICHAEL W. LANGLEY, II  
DIRECTOR  
ALCOHOLIC BEVERAGE  
CONTROL DIVISION  
DEPARTMENT OF FINANCE  
& ADMINISTRATION

RECEIVED  
JUL 1 2013  
72098707

### **PUBLIC NOTICE**

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All inquiries concerning the regulation hearing should be directed to Milton Lueken, Staff Attorney, ABC Division, 1515 West Seventh Street, Suite 503, Little Rock, Arkansas, 72201.



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MICHAEL W. LANGLEY, DIRECTOR  
ALCOHOLIC BEVERAGE CONTROL DIVISION  
DEPARTMENT OF FINANCE & ADMINISTRATION

## FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT

DIVISION

PERSON COMPLETING THIS  
STATEMENT

TELEPHONE NO. 682-1105 FAX NO. 682-2221 E-MAIL

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE**    **Repeal of Section 5.5**

---

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes                                      No    ☒ X

2. Does this proposed, amended, or repealed rule affect small businesses?  
Yes                                      No    ☒ X

If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

### CURRENT FISCAL YEAR

General Revenue  
Federal Funds

### NEXT FISCAL YEAR

General Revenue  
Federal Funds

Cash Funds  
Special Revenue  
Other (Identify)  
Total

Cash Funds  
Special Revenue  
Other (Identify)  
Total

5. What is the total estimated cost by fiscal year to any party subject to the proposed amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

**CURRENT FISCAL YEAR**

**NEXT FISCAL YEAR**

\$ None

\$ None

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

**CURRENT FISCAL YEAR**

**NEXT FISCAL YEAR**

\$ None

\$ None

**Section 5.5 "*Guest Book*"** means a well bound book showing the name of the host, the name of the guest and the date on which the guest is upon the premises. A guest book shall be kept by the private club for a period of six (6) months from the last date of use of the guest book. (Amended 8-20-97)

## **FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT**

**DIVISION**

**PERSON COMPLETING THIS  
STATEMENT**

**TELEPHONE NO. 682-1105 FAX NO. 682-2221 E-MAIL**

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE Amendment to Section 3.19(10)B.**

---

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes No ☒ X

2. Does this proposed, amended, or repealed rule affect small businesses?  
Yes No ☒ X

If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

### **CURRENT FISCAL YEAR**

General Revenue  
Federal Funds  
Cash Funds  
Special Revenue  
Other (Identify)  
Total

### **NEXT FISCAL YEAR**

General Revenue  
Federal Funds  
Cash Funds  
Special Revenue  
Other (Identify)  
Total

5. What is the total estimated cost by fiscal year to any party subject to the proposed amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

**CURRENT FISCAL YEAR**

**NEXT FISCAL YEAR**

\$ None

\$ None

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

**CURRENT FISCAL YEAR**

**NEXT FISCAL YEAR**

\$ None

\$ None



**Section 3.19(10) 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. **Provided** further, minors sixteen (16) and seventeen (17) years of age may be employed at those permitted outlets that qualify as retail grocery establishments, but may not handle alcoholic beverages. (Amended 8-16-2011)

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 private club 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.~~

## **FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT**

**DIVISION**

**PERSON COMPLETING THIS  
STATEMENT**

**TELEPHONE NO. 682-1105 FAX NO. 682-2221 E-MAIL**

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

### **SHORT TITLE OF THIS RULE Amendment to Section 3.19(4)**

---

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes                                      No    ☒ X

2. Does this proposed, amended, or repealed rule affect small businesses?  
Yes                                      No    ☒ X

If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

#### **CURRENT FISCAL YEAR**

General Revenue  
Federal Funds  
Cash Funds  
Special Revenue  
Other (Identify)  
Total

#### **NEXT FISCAL YEAR**

General Revenue  
Federal Funds  
Cash Funds  
Special Revenue  
Other (Identify)  
Total

5. What is the total estimated cost by fiscal year to any party subject to the proposed amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

**CURRENT FISCAL YEAR**

**NEXT FISCAL YEAR**

\$ None

\$ None

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

**CURRENT FISCAL YEAR**

**NEXT FISCAL YEAR**

\$ None

\$ None

***Amendment to Section 3.19(4) Sales to Certain Persons Prohibited.*** The permittee or any employee, agent or servant of the permittee sold to, offered for sale, dispensed, gave away, ~~or~~ allowed the possession or consumption of, or otherwise disposed of or furnished any controlled beverages by any person who is not a person permitted by these Regulations or by the laws of the State of Arkansas to purchase, receive, possess, or consume such beverages, including but not limited to any of the following persons:

## **FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT**

**DIVISION**

**PERSON COMPLETING THIS  
STATEMENT**

**TELEPHONE NO. 682-1105 FAX NO. 682-2221 E-MAIL**

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

### **SHORT TITLE OF THIS RULE Amendment to Section 3.4**

---

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes No ☒ X

2. Does this proposed, amended, or repealed rule affect small businesses?  
Yes No ☒ X

If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

#### **CURRENT FISCAL YEAR**

General Revenue  
Federal Funds  
Cash Funds  
Special Revenue  
Other (Identify)  
Total

#### **NEXT FISCAL YEAR**

General Revenue  
Federal Funds  
Cash Funds  
Special Revenue  
Other (Identify)  
Total

5. What is the total estimated cost by fiscal year to any party subject to the proposed amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

**CURRENT FISCAL YEAR**

**NEXT FISCAL YEAR**

\$ None

\$ None

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

**CURRENT FISCAL YEAR**

**NEXT FISCAL YEAR**

\$ None

\$ None

**Amendment Section 3.4** "On Premises Wine Restaurant or Café" means a place of business ~~serving food to the public prepared for consumption on the premises at an established eating place. The principal business at such restaurant or café shall be the serving of food for consumption on the premises.~~ that is regularly used to serve a meal to a guest for compensation and has a suitable kitchen facility to serve an entire menu approved by the Alcoholic Beverage Control Division. The menu shall contain a selection of food and shall not be limited to sandwiches or salads. The kitchen shall have adequate refrigeration to preserve the food on the menu, shall be kept in a sanitary condition, and shall comply with the regulations of the Department of Health. For purposes of this regulation "meal" means food commonly ordered at various hours of the day and "guest" means a person who orders and is served a meal inside a café or restaurant during regular hours. ~~The principal business at a restaurant or café shall be the serving of food for consumption on the premises.~~ A drive-in food service establishment shall not be considered a café or a restaurant for purposes of this Section.

## **FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT**

**DIVISION**

**PERSON COMPLETING THIS  
STATEMENT**

**TELEPHONE NO. 682-1105 FAX NO. 682-2221 E-MAIL**

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

### **SHORT TITLE OF THIS RULE New Regulation Section 2.75**

---

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes No ☒ X

2. Does this proposed, amended, or repealed rule affect small businesses?  
Yes No ☒ X

If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

#### **CURRENT FISCAL YEAR**

General Revenue  
Federal Funds  
Cash Funds  
Special Revenue  
Other (Identify)  
Total

#### **NEXT FISCAL YEAR**

General Revenue  
Federal Funds  
Cash Funds  
Special Revenue  
Other (Identify)  
Total



5. What is the total estimated cost by fiscal year to any party subject to the proposed amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

**CURRENT FISCAL YEAR**

**NEXT FISCAL YEAR**

\$ None

\$ None

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

**CURRENT FISCAL YEAR**

**NEXT FISCAL YEAR**

\$ None

\$ None

**Section 2.75 Direct Shipment of Vinous Liquor to Arkansas Residents.** Any winery licensed by this state or the state where its principal place of business is located and which is registered with the Alcoholic Beverage Control Division pursuant to ACA § 3-5-1703 may ship vinous liquor to an Arkansas consumer. Prior to the winery's first shipment into or within the state the winery shall (1) register with the Alcoholic Beverage Control Division; (2) provide the division with a copy of the winery's current licenses to manufacture wine issued by: (A) the state of domicile; and (B) the Alcohol and Tobacco Tax and Trade Bureau of the United States Treasury; and (3) pay a registration fee of twenty-five dollars (\$25.00).

A consumer must be physically present at the winery to purchase the vinous liquor to be shipped into or within the state and must provide identification to the shipping winery that the consumer is at least twenty-one (21) years old.

A winery shall ship only a vinous liquor to a private residence and may only ship one case of vinous liquor per consumer in any calendar quarter.

A shipment of a vinous liquor shall have a shipping label provided by the Alcoholic Beverage Control Division affixed to the shipping package. The fee for each label shall not exceed ten dollars (\$10.00).

A winery shall have the vinous liquor delivered to an Arkansas consumer during the hours of the day that alcoholic beverages may be purchased in the state.

A winery shall collect and remit to the Department of Finance and Administration all sales taxes and excises taxes due on a sale to an individual of this state as if the sale took place on the premises of an Arkansas Small Farm Winery, including without limitation taxes under ACA § 3-5-1605, 3-7-104, 3-7-111, and 3-7-201.

## **FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT**

**DIVISION**

**PERSON COMPLETING THIS  
STATEMENT**

**TELEPHONE NO. 682-1105 FAX NO. 682-2221 E-MAIL**

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

### **SHORT TITLE OF THIS RULE Amendment to Section 2.72**

---

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes No ☒ X

2. Does this proposed, amended, or repealed rule affect small businesses?  
Yes No ☒ X

If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

#### **CURRENT FISCAL YEAR**

General Revenue  
Federal Funds  
Cash Funds  
Special Revenue  
Other (Identify)  
Total

#### **NEXT FISCAL YEAR**

General Revenue  
Federal Funds  
Cash Funds  
Special Revenue  
Other (Identify)  
Total

5. What is the total estimated cost by fiscal year to any party subject to the proposed amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

**CURRENT FISCAL YEAR**

**NEXT FISCAL YEAR**

\$ None

\$ None

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

**CURRENT FISCAL YEAR**

**NEXT FISCAL YEAR**

\$ None

\$ None

**Section 2.72 “Small Farm Wine Convenience Store”** means an establishment which sells ~~a combination of motor fuel products and human consumable food.~~ convenience goods, such as a limited range of grocery, snack items, and other human consumables or both convenience goods and motor fuel. The convenience store must prove, in order to apply for or renew 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.

## **FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT**

**DIVISION**

**PERSON COMPLETING THIS**

**STATEMENT**

**TELEPHONE NO. 682-1105 FAX NO. 682-2221 E-MAIL**

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE Amendment to Section 2.28(6)**

---

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes No ☒ X

2. Does this proposed, amended, or repealed rule affect small businesses?  
Yes No ☒ X

If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

### **CURRENT FISCAL YEAR**

General Revenue  
Federal Funds  
Cash Funds  
Special Revenue  
Other (Identify)

### **NEXT FISCAL YEAR**

General Revenue  
Federal Funds  
Cash Funds  
Special Revenue  
Other (Identify)

Total

Total

5. What is the total estimated cost by fiscal year to any party subject to the proposed amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

**CURRENT FISCAL YEAR**

**NEXT FISCAL YEAR**

\$ None

\$ None

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

**CURRENT FISCAL YEAR**

**NEXT FISCAL YEAR**

\$ None

\$ None

**Amendment to Section 2.28(6) Samples Prohibited.** That the manufacturer or wholesaler gave samples to any person, said samples being either in unbroken packages, partial packages or by the drink, except that a manufacturer or wholesaler may give a sample of distilled spirits, wine, or malt beverages to a retailer who has not previously purchased the brand from that manufacturer or wholesaler. No manufacturer or wholesaler may give to any retail outlet more than three (3) gallons of any brand of malt beverage, 750 ml of any brand of distilled spirits, or three (3) liters of any brand of wine.

Further, a wholesaler may provide retail package store owners or employees with a small sample of any brand of wine or liquor not previously purchased by such retail package store, with such sample not to exceed one (1) ounce per owner or employee. Such samples shall be poured from bottles owned by such wholesaler, brought into the retail package store by such wholesaler or its employees, and removed from the retail package store premises immediately after the conclusion of any such sampling activity. Any sampling conducted by a wholesaler in accordance with this Section shall not violate any other law or regulation prohibiting possession of an open container on the premises of a retail package store or violate any other law or regulation prohibiting an employee of a retail package store from drinking while on duty.

Sampling parties may not be given to retailers, consumers or prospective customers by manufacturers, distillers, importers, producers, distributors, retailers or wholesalers, except as permitted herein. ~~without prior written approval of the Director under such restrictions or conditions as the Director may impose.~~ Manufacturers, or distillers, importers, producers, distributors, or wholesalers and retailers may give controlled beverages donate intoxicating liquor to charitable or non-profit organizations for on premises consumption only at non-profit functions where such organization receiving the ~~beverages~~ intoxicating liquor does not hold a permit to dispense ~~alcoholic beverages, intoxicating liquors.~~ and further, where such function is held in a "wet" area of the State. The donation of ~~alcoholic beverages~~ intoxicating liquor by manufacturers, distillers, importers, producers, distributors, retailers or wholesalers may not occur on a permitted premises of an on premises permittee of this agency. **Provided**, that in ~~permitted areas of large attendance facilities which are owned or operated by public entities, such as municipalities or divisions of a municipality or county, or in public areas of hotel mixed drink permitted establishments which are not primarily used for the sale and service of alcoholic beverages (e.g., convention halls, ballrooms),~~ a donation may be made by a manufacturer or wholesaler if the permittee at the large attendance facility or hotel mixed drink permitted establishment indicates that they have no objections to the donation being made on their permitted property. Under such circumstances, ~~beer~~ Manufacturers, or wholesalers, distillers, importers, producers, distributors, and retailers will also be permitted may to provide keg-tapping equipment and hook-up service to ~~such a~~ a charitable or non-profit ~~organizations~~ organization at ~~any such a~~ a function;