

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Parks, Heritage and Tourism

Department Parks Division

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Statutory Authority for Promulgating Rules Arkansas Code 3-9-103 (g) (1)

Rule Title: Alcohol Beverage Permit Rule

Intended Effective Date
(Check One)

☐ Emergency (ACA 25-15-204)

☐ 10 Days After Filing (ACA 25-15-204)

☒ Other Jan. 1, 2024
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

Aug. 12, 2023

Sept. 11, 2023

Nov. 17, 2023

Jan. 1, 2024

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Marty Ryall marty.ryall@arkansas.gov

December 8, 2023

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Marty Ryall
Signature

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Director of Legislative Affairs
Title

12/8/23
Date

ARKANSAS DEPARTMENT OF PARKS, HERITAGE & TOURISM
DIVISION OF STATE PARKS

DATE: 12/8/2023

POLICY STATEMENT 2600

Alcoholic Beverage Permit Rule

Pursuant to Act 655 of the 2023 Regular Session, the Division of State Parks, in coordination with the Secretary of the Department of Parks, Heritage, and Tourism, establishes this process for Secretary approval and administration of sales of alcoholic beverages in state parks. Act 655 of the 2023 Regular Session was codified in the Ark. Code Ann. § 3-9-103.

I. DEFINITIONS

- A. "Alcoholic beverages" means a beverage containing more than five-tenths of one percent (0.5%) of alcohol by weight
- B. "Division" means Division of Arkansas State Parks.
- C. "Director" means Director of Arkansas State Parks
- D. "On-premises consumption" means the serving of alcoholic beverages on the state park property, including without limitation at a restaurant or outdoor event.
- E. "Permit" means a permit to sell alcoholic beverages or provide complimentary servings of alcoholic beverages issued by the Secretary pursuant to Rule III.
- F. "Secretary" means Secretary of the Department of Parks, Heritage, and Tourism.
- G. "Third-party vendor" means any person or entity that provides alcoholic beverages for sale through a Secretary's permit.

II. PARK APPLICATIONS AND SECRETARY APPROVAL

- A. A state park may seek approval from the Secretary to sell alcoholic beverages or provide complimentary servings of alcoholic beverages for on-premises consumption to an individual who is twenty-one (21) years of age or older at the state park during legal operating hours without obtaining a permit from the Alcoholic Beverage Control Division.

- B. Approval shall be sought on an application approved by the Secretary. The park shall request the type of sales and service sought for approval. All requests must receive a recommendation from the Director or Deputy Director of Arkansas State Parks before submittal to the Secretary.
- C. Upon approval by the Secretary, the state park shall be issued a Secretary's permit as described in Rule III, and is authorized to sell or serve alcoholic beverages as allowed by Ark. Code Ann. § 3-9-103 and the Secretary's permit.
- D. A state park shall renew the state park's approval to sell or serve alcoholic beverages with the Secretary yearly.
- E. A state park may request modifications to its permit after issuance, including, but not limited to, expansion of permitted sales and services, permitted areas and special event authorization.

III. SECRETARY PERMITS

- A. Upon approval by the Secretary, permits shall be issued to the Park Superintendent or other party designated by the Director with a short description of the authorized sales and service at that park. If the named party is no longer employed by the Division, the Director may designate a new permit holder.
- B. Before doing any business under any Secretary permit, the permit shall be displayed in a conspicuous place where the business permitted by the permit is carried on so that all persons visiting the premises may readily see the permit. Permits for outdoor events or other special events shall be posted conspicuously at the event.
- C. Secretary permits may use permit classes established by Title I, Subtitle C, Article 1, Section 1.19 of the Alcoholic Beverage Control Division Rules as guidelines for permits, but shall not be strictly bound by that rule. The Secretary shall have the discretion to issue permits in any fashion allowed by Ark. Code Ann. § 3-9-103.
- D. All permits shall contain the following:
 - 1. The state park and the name of the person to whom the permit is issued;
 - 2. The kind of permit and the type of activity thereby permitted;
 - 3. Specific areas where permitted activities may occur;
 - 4. A description by street and number or otherwise of the permitted premises;
- E. On-premises consumption shall be strictly limited to the areas designated by the permit.

IV. HOURS OF OPERATION

A state park authorized to sell alcoholic beverages shall serve the alcoholic beverages only during operating hours of the premises, including without limitation, the hours of operation of a restaurant on the state park property, or the hours of an outdoor event.

V. APPLICABLE LAWS AND RULES

- A. A state park authorized to sell alcoholic beverages under a Secretary's permit is subject to all other applicable Arkansas laws involving the distribution and sale of alcoholic beverages that do not conflict with Ark. Code Ann. § 3-9-103.
- B. A permitted park shall follow the rules applicable to sell controlled beverages at retail (Title 3 of the Arkansas Alcoholic Beverage Control Division Rules) and rules applicable to on premises hotel or motel and restaurant (Title 4 of the Arkansas Alcoholic Beverage Control Division Rules) that do not conflict with Ark. Code Ann. § 3-9-103.

VI. MONITORING AND COMPLIANCE

- A. The Division shall perform annual inspections for all permitted facilities for compliance with Arkansas laws and rules involving the distribution and sale of alcoholic beverages.
- B. The Division may perform additional inspections at the Director's discretion.
- C. Any violation of these rules shall be reported to the Alcoholic Beverage Control Board within 15 days of discovery.

VII. THIRD-PARTY VENDORS

- A. A state park that has obtained a permit may allow a third-party vendor at the state park to serve alcoholic beverages as described under Ark. Code Ann. § 3-9-103.
- B. A third-party vendor shall seek approval to operate under a Secretary's permit on an application approved by the Secretary.
- C. A third-party vendor shall operate under the Secretary's permit and conditions, and does not obtain any permit right requiring revocation by the Secretary or Division.
- D. A third-party vendor allowed to sell alcoholic beverages under a Secretary's permit is subject to all other applicable Arkansas laws involving the distribution and sale of alcoholic beverages that do not conflict with Ark. Code Ann. § 3-9-103.

VIII. GENERAL

Nothing in these rules shall repeal any current permit issued by the Alcoholic Beverage Control Division until a Secretary's permit is issued.

Approved by the State Parks, Recreation, and Travel Commission on September 20, 2023.

Approved by the Rules Subcommittee with final adoption by the Arkansas Legislative Council on November 17, 2023.

Effective January 1, 2024.

Related PD's: 3010 – Alcoholic Beverages and Drugs

APPROVED BY: _____



SHEA LEWIS, SECRETARY
Department of Parks, Heritage, & Tourism

APPROVED BY: _____



SHEA LEWIS, DIRECTOR
Division of State Parks