

# Arkansas Minor Laws Related to Underage Drinking

Title 3- Regulations Applicable to Retail Permits

Subtitle E- Prohibited Conduct and Activities

Section 3.19 (4) Prohibited Conduct and Activities; Grounds for suspension, revocation of retail permit:

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 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 person: (Amended 8-18-99)

A. Persons under twenty-one (21) years of age.

Section 3.19 (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. Person Under Twenty-One (21) years of age: Exception: 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 of 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) of age or older, with the written consent of a parent or guardian, to be employed in the sale of beer at retail grocery establishments nor from being employed at permitted liquor and beer wholesalers and by permitted native 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 the 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 (\$50,000.00). 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 person 19 years of age or older, who have 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. (Amended 8-20-03)

## Title 1

### Article 2- Issuance and Posting of Permits

Section 1.32 (5) Persons Not Entitled to Issuance of Permit. No permit shall be issued to:

Persons Under Required Age: A person under the age of twenty-one (21) years of age

Section 5.49 Presence of Minors in Private Clubs. No minors may be allowed on the permitted premises of a private club when alcoholic beverages are being served unless there is food service available from health department approved kitchen facilities on such premises where the food is prepared and being served. (Amended 8-20-03)

Section 1.85 Warning Notice Regarding Sale to Minors to be Posted in the Permitted Outlet. A warning notice that includes the provisions of ACA § 3-2-202(a) and (b), knowingly furnishing or knowingly selling alcoholic beverages to a minor, shall be posted in a conspicuous place in every establishment that sells or dispenses alcoholic beverages. The size of the notice shall not be less than eight (8 ½" x 11"). The lettering on the notice shall be clearly legible. (Adopted 7-19-95)

State Criminal Codes:

### **3-3-201. Unknowingly furnishing or selling to minor.**

(a) Any person who shall unknowingly sell, give away, or otherwise dispose of intoxicating liquor to a minor shall be guilty of a violation and punished by a fine of not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) for the first offense.

(b) For the second and subsequent offenses, he or she shall be guilty of a Class A misdemeanor.

**History.** Acts 1943, No. 257, § 1; A.S.A. 1947, § 48-902.1; Acts 1993, No. 875, § 1; 2005, No. 1994, § 332.

### **3-3-202. Knowingly furnishing or selling to minor.**

(a)(1) It shall be unlawful for any person knowingly to give, procure, or otherwise furnish any alcoholic beverage to any person under twenty-one (21) years of age. However, this section shall not apply to the serving of such to one's family or to the use of wine in any religious ceremony or rite in any established church or religion.

- (2) (A) Upon a first conviction, any person violating this subsection shall be guilty of a Class C misdemeanor.
- (B) Upon a second conviction within three (3) years, a person violating this section shall be guilty of a Class D felony.
- (b) (1) It shall be unlawful for any person to knowingly to sell or otherwise furnish for money or other valuable consideration any alcoholic beverage to any person under twenty-one (21) years of age.
- (2) (A) Upon a first conviction, any person violating this subsection shall be guilty of a Class D felony and shall be punished as provided by law.
- (B) Upon a second conviction within five (5) years, a person violating this section shall be deemed guilty of a Class C felony and may be imprisoned or fined, or both as provided by law.
- (c) (1) A warning notice that includes the provisions of subsections (a) and (b) of this section shall be posted in public view in each place of business where alcoholic beverages are sold.
- (2) The warning notice shall be posted in a manner prescribed by the Alcoholic Beverage Control Board.

**History.** Acts 1967, No. 277, §§ 1, 2; A.S.A. 1947, § 48-903; Acts 1993, No. 875, § 2; 1995, No. 446, § 1; 2005, No. 1767, § 1; 2005, No. 1994, § 405.

### **3-3-203. Purchase or possession by minor.**

- (a) (1) It shall be unlawful for any person under twenty-one (21) years of age to purchase or have in possession any intoxicating liquor, wine, or beer.
- (2) For the purposes of this section, intoxicating liquor, wine, or beer in the body of a minor shall not be deemed to be in his or her possession.
- (b) It shall also be unlawful for any adult to purchase on behalf of a person under twenty-one (21) years of age any intoxicating liquor, wine, or beer.
- (c) Any person violating this section shall be guilty of a violation and upon conviction shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).
- (d) In addition to the penalty provided in this section, the trial judge or magistrate may impose the following penalty or penalties or any combination thereof:
  - (1) Require a person under twenty-one (21) years of age to write themes or essays on intoxicating liquors, wine, or beer; and
  - (2) Place a person under twenty-one (21) years of age under probationary conditions as determined by the court in its reasonable discretion designed as a reasonable and suitable preventive and educational safeguard to prevent future violations of this section by the person.

**History.** Acts 1967, No. 44, § 1; 1979, No. 61, § 1; A.S.A. 1947, § 48-903.1; Acts 1997, No. 1210, § 1; 2005, No. 1535, § 1; 2005, No. 1994, § 28.

### **3-3-204. Handling by minor.**

- (a) Except as provided in subsection (b) or (c) of this section, it shall be unlawful for any wholesaler, retailer, or transporter of alcoholic beverages to allow any employee or any other person under twenty-one (21) years of age to have anything whatsoever to

do with the selling, transporting, or handling of alcoholic beverages.

- (b) With the written consent of a parent or guardian, persons eighteen (18) years of age and older may:
  - (1) Sell or otherwise handle beer and cooking wines at retail grocery establishments;or
  - (2) Be employed by a licensed liquor wholesaler or licensed beer wholesaler or by a licensed native winery to handle alcoholic beverages at the place of business of the licensed wholesaler or winery.
- (c) With the written consent of a parent or guardian, persons nineteen (19) years of age and older may sell and handle alcoholic beverages at an establishment that is licensed for on-premises consumption of alcoholic beverages under § [3-9-202\(8\)](#) and (9), § [3-9-301](#), or § [3-9-501](#).
- (d)(1) Anyone violating the provisions of this section shall be guilty of a violation and upon conviction shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100).
- (2) The violation shall be grounds for suspension, cancellation, or revocation by the Director of the Alcoholic Beverage Control Division of any permit issued to the person by the director.

**History.** Acts 1969, No. 129, §§ 1, 2; 1983, No. 527, § 1; A.S.A. 1947, §§ 48-903.2, 48-903.3; Acts 1987, No. 515, § 1; 1999, No. 1169, § 1; 2001, No. 1553, § 3; 2003, No. 1807, § 1; 2005, No. 1994, § 28.