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ALCOHOLIC BEVERAGES - ARKANSAS

[Brennan v. White County](#)

Court of Appeals of Arkansas, Division I - March 6, 2019 - S.W.3d - 2019 Ark. App. 14620 - 19 WL 1053263

Citizen brought action in which he sought declaratory judgment that statutory local-option framework that allowed county citizens to vote to prohibit the manufacture and sale of alcohol was unconstitutional.

The Circuit Court granted county's motion to dismiss. Citizen appealed.

The Court of Appeals held that:

- Local-option framework was rationally related to the promotion of a person's health and, thus, did not violate due process;
- Argument that local-option framework was ineffective was not relevant factor in rational-basis analysis; and
- Statute that allowed private clubs to serve alcohol within an otherwise dry county did not render the local-option framework irrational or unconstitutional.

Local-option framework statutes, allowing local citizens to vote to prohibit manufacture and sale of alcohol, did not involve fundamental rights and fell within the General Assembly's police powers, and thus the rational-basis test was appropriate for evaluating the constitutionality of the local-option framework under Due Process Clause; holding a license to sell alcoholic beverages was a privilege, not a right, and states had the power to regulate alcohol under constitution.

Local-option framework under statutes that allowed local citizens to vote to prohibit the manufacture and sale of alcoholic beverages was rationally related to the legitimate objective of state government in promoting a person's health, and thus the local option framework did not violate Due Process Clause, although citizen contended that the framework served no purpose other than to impose majority morality on the citizens; alcohol misuse and detrimental effects on a person's health was one of many rational bases for the local-option framework.

Public policy argument that local-option framework statutes, under which local citizens were allowed to vote to prohibit the manufacture and sale of alcoholic beverages, were an ineffective means for promoting highway safety and the reduction of crime, was not a relevant factor in the analysis of whether the framework was rationally related to government interests of promoting public health, safety, and welfare, for purposes of determining validity of framework under Due Process Clause, although citizen challenging the constitutionality of the statutes cited research and studies to support his argument; effectiveness of legislation was not a factor in determining statute's constitutionality.

Statute that allowed private clubs to serve alcohol within an otherwise dry county did not render irrational or unconstitutional those statutes providing local option framework under which local citizens could vote to prohibit the manufacture and sale of alcoholic beverages, and thus local-option

framework did not violate due process under rational-basis review; the local-option statutes and the exemption for private clubs could be read in harmony, such that the private-club exemption in dry counties furthered the state interest in promoting economic development and tourism by allowing the sale of alcoholic beverages by the individual drink at private clubs, and the counties that opted to remain dry could decide to prohibit alcohol sales at liquor stores, convenience stores, grocery stores, and any other establishment where alcohol could legally be sold.