

# POLICY BRIEF

## Arkansas Entertainment Districts & Public Drinking Ordinances

**Synopsis:** In 2019, the Arkansas Legislature passed Act 812 that lets city councils in wet counties establish areas where public drinking is allowed near places that sell alcohol. The new law refers to these as “entertainment districts.” Well known “entertainment districts” include Bourbon Street in New Orleans, Beale Street in Memphis, and the Strip in Las Vegas. Recently, Little Rock, El Dorado, and Mountain Home city councils have established public drinking districts. Similar districts are under consideration in other Arkansas cities.

### Problems With Public Drinking Districts

#### 1. Public Drunkenness

- More alcohol is consumed where public drinking is legal. This leads to public drunkenness.
- When alcohol is served in a bar or restaurant, servers can monitor patrons and stop serving them. When alcohol is consumed on the street, patrons are more likely to bar hop and drink while going from one bar to the next.

#### 2. Drunk Driving

- When people order alcohol “to-go,” they may not be intoxicated when they leave the establishment, but they can be over the limit by the time they reach their car and drive away.

#### 3. Underage Drinking

- When alcohol is served in a bar or restaurant, the server can ask for an ID. With drinking on the street, it is easy for alcohol to be shared with persons who are underage.

#### 4. Disorderly Conduct

- Many people go to entertainment districts to drink, party, and engage in revelry. This can lead to noise, fights, and other bad behavior.
- With large crowds drinking outside, there is more litter, noise, and offensive conduct as well as indecent behavior such as public urination.
- Under Arkansas law, people can carry firearms on the street in an entertainment district the same as on any other street or sidewalk.

#### 5. Cost to Taxpayers

- Extra police and cleaning up the trash cost tax dollars.
- Public drinking districts can lower property values in the entire area.

#### 6. Changes in Community Atmosphere

- Streets and sidewalks should be places anyone can use any time of the day or night. By turning these into public drinking districts, many people—especially families—will be compelled to avoid these parts of town.
- Even though Arkansas law prohibits the sale of alcohol near a church or school, there is nothing in the law to prevent public drinking districts from including the sidewalks or streets in front of a church or school. They can also run past a city park, public library, homeless shelter, or alcohol rehab facility.
- Revelers and partygoers who frequent entertainment districts come and go through other parts of town. These people, who may be from out of town, are likely to engage in other bad or illegal behavior that changes the atmosphere of a city.
- Entertainment districts attract unwholesome commerce such as adult-oriented businesses, liquor stores, tobacco shops, marijuana stores, tattoo parlors, and gambling if allowed.



## Entertainment District Myths

### **Myth #1: Public drinking in entertainment districts will boost tax revenue.**

**Response:** In cities like Kansas City, taxpayers have been forced to spend millions of dollars subsidizing businesses in the entertainment district and revamping neighborhoods in and around the entertainment district. Elsewhere, taxpayers have been forced to foot the bill for cleanup and law enforcement in entertainment districts. Entertainment districts simply do not provide the booming tax revenue that many proponents promise.

### **Myth #2: Public drinking in entertainment districts will reopen and boost local businesses.**

**Response:** Public drinking in entertainment districts won't bring mom and pop stores back to Main Street. It won't reopen shuttered businesses on the town square. Instead, it will just let people stand in front of those shuttered stores, drinking alcohol.

### **Myth #3: Public drinking in entertainment districts will draw tourists.**

**Response:** There's no evidence that allowing public drinking will draw tourists. It's true that entertainment districts like Beale Street and Bourbon Street draw tourists from all over the country. However, those entertainment districts already drew tourists before public drinking was legalized in those areas. Communities that try to create an entertainment district by legalizing public drinking upfront tend to face all the problems associated with an entertainment district—crime, violence, cost to taxpayers, and so on—without reaping the benefits of increased tourism.

## Questions and Answers

### **1) Won't laws against public intoxication, drunk driving, and underage drinking still be enforced in entertainment districts?**

- a) We trust the police to do their job, but these laws become much more difficult to enforce with people scattered out drinking over several city blocks at night or if they are drinking in a large crowd on the street.

### **2) Why don't people who oppose public drinking in entertainment districts just stay away and let others enjoy their freedom?**

- a) In counties where alcohol is sold, people already have the freedom to drink in bars, restaurants, and night clubs. Streets and sidewalks are public places where every citizen should be comfortable walking or driving.
- b) Public streets and sidewalks should be safe places for women, children, and families to walk, ride a bicycle, or drive a car. Deliberately creating a neighborhood or district that is not safe enough or wholesome enough for children and families infringes on their rights and is detrimental to public safety and decency.

### **3) Isn't this just an economic issue?**

- a) No. Economics should be balanced with quality of life. Just as irresponsible factory owners can make money while polluting the air and water, irresponsible businesses can pollute the social and moral atmosphere of a community. Both are harmful in their own ways.

### **4) Isn't this an issue of local communities controlling their own issues?**

- a) No. This is an issue of four or five members of a city council who decide an issue that has a profound impact on the community. We don't allow city councils to decide if a county is wet or dry, and we don't allow them to raise taxes. The only fair way to deal with this question is to allow people to vote on it the way we do with other important issues. The city council could easily refer the ordinance to a vote.

### **5) Isn't this a freedom issue?**

- a) With freedom comes responsibility. Those who drink alcohol are always encouraged to drink responsibly. Drinking responsibility is not just about how much a person drinks, but where and when they drink as well. Activities like smoking and drinking are sometimes regulated out of respect for the freedom of those who don't smoke or drink.

### **6) Isn't this a free market issue? If lots of people want an entertainment district and spend their money there, why not have one?**

- a) Just because lots of people spend money on something doesn't make it good. Lining the town square with smoke shops, liquor stores, bars, and nightclubs might give certain people what they want, but it might not be what the community needs.