

Restaurants, guns and signs



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During the 2017 legislative session, Arkansas enacted two new acts concerning public and private places and concealed handguns. While the act concerning concealed handguns on college campuses received much attention, the same act authorized bar patrons to carry a concealed handgun under certain circumstances. Nevertheless, a bar may take affirmative steps under the new act if the business owner wishes to continue to prohibit concealed handguns within its premises.

The Arkansas concealed-handgun law provides a list of places into which concealed-carry licensees may never carry handguns. The list of prohibited places includes courthouses, police stations, prisons and various other public and private locations. When originally enacted, the list of prohibited places included establishments “licensed to dispense alcoholic beverages for consumption on the premises” or “in which beer or light wine is consumed on the premises.” This provision captured bars as well as restaurants that served alcohol, beer, and/or wine as places within which concealed handguns were prohibited.

In 2003, Arkansas amended the concealed-handgun law to remove restaurants that serve alcohol, beer, and/or wine from the list of places in which

concealed-carry handguns are absolutely barred. Instead, this 2003 amendment left it to the restaurant’s discretion whether to permit concealed handguns. If a restaurant wanted to continue to ban concealed handguns, it had to post certain signage that the “carrying of a handgun is prohibited” on the premises.

The 2017 amendment removed bars from the list of places within which concealed-carry handguns are absolutely barred. A concealed-carry licensee is now permitted to bring a handgun into a bar and certain other designated areas if the licensee first obtains a new enhanced license offered by the Arkansas State Police. However, the amendment also provides that a bar may continue to prevent handguns within its premises if the bar takes one of two notification steps.

First, similar to restaurants, a bar may post signage that handguns are prohibited on the premises. Specifically, the amendment provides that a bar may post “at each entrance to the place a written notice clearly readable at a distance of not less than 10 feet that ‘carrying a handgun is prohibited.’” If the bar “does not have a roadway entrance, there shall be a written notice placed anywhere upon the premises of the place.”

The second notification option allows a bar to ban concealed handguns without actually posting a sign. A bar may simply enact a policy prohibiting concealed handguns on its premises and then alert patrons of the policy by some means other than a sign. Specifically,

the amendment provides that a bar “may provide written or verbal notification to a licensee who is carrying a concealed handgun at the place owned or operated by a private entity that carrying of a concealed handgun is prohibited.” The licensee is deemed to have violated Arkansas law if the licensee then remains in or returns to the bar “while carrying a concealed handgun.”

One of our firm’s clients recently decided to adopt this second notification option. The client did not want concealed handguns on its premises, but also did not want to advertise with a sign that there were no concealed handguns on the premises. The second notification option is ideal for a bar with a similar outlook on the issue.

The 2017 amendment is not clear whether restaurants have this same option. I see valid arguments on both sides of the question of whether a restaurant can dispense of signage and elect to go with the other “written or verbal notification” option. Restaurant owners may wish to seek an amendment during the 2019 Arkansas legislative session to clarify Arkansas law on this question. In the interim, if a restaurant wishes to continue to ban concealed handguns from its premises, I recommend that the restaurant continue posting signage to that effect. ▮

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