

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 562

By: Senator D. Wallace
By: Representative A. Davis

For An Act To Be Entitled

AN ACT TO AMEND THE LAW REGARDING A DISTILLER OR MANUFACTURER PERMIT; TO AUTHORIZE OFF-PREMISES SALES OF VINOUS LIQUOR FOR CONSUMPTION; TO AUTHORIZE ON-PREMISES SALES OF VINOUS LIQUOR BY THE DRINK; TO AUTHORIZE A VINOUS LIQUOR TASTING EVENT; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW REGARDING A DISTILLER OR MANUFACTURER PERMIT; TO AUTHORIZE OFF-PREMISES SALES OF VINOUS LIQUOR; TO AUTHORIZE ON-PREMISES SALES OF VINOUS LIQUOR BY THE DRINK; AND TO AUTHORIZE A VINOUS LIQUOR TASTING EVENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 3-4-602 is amended to read as follows:

3-4-602. Distillers or manufacturers.

(a) Any person may apply to the Director of the Alcoholic Beverage Control Division for a permit to manufacture, distill, import, transport, store, and sell to a wholesaler, jobber, or distributor spirituous, vinous (except small farm wines), or malt liquors to be used and sold for beverage purposes.

(b) The application shall be in writing and verified and shall set forth in detail such information concerning the applicant for the permit and



the premises to be used therefor as the director shall require.

(c) The application shall be accompanied by a certified check, cash, or postal money order for the amount required by this act for the permit.

(d) If the director ~~shall grant~~ grants the application, he or she shall issue a permit in such form as shall be determined by rules and regulations established by the director.

(e) The permit shall contain a description of the premises to be used by the applicant and in form and in substance shall be a permit to the person therein specifically designated to manufacture, distill, transport, and sell to a wholesaler, jobber, or distributor spirituous, vinous (except small farm wines), or malt liquors in or from the premises therein specifically authorized.

(f) No distiller or manufacturer shall sell or contract to sell any spirituous, vinous (except small farm wines), or malt liquors referred to herein to any wholesaler, distributor, or jobber, or to any other person who is not duly authorized under this act to receive, possess, transport, distribute, or sell those liquors.

(g) Under rules adopted by the director, a distiller or manufacturer may:

- (1) Sell, deliver, or transport to wholesalers;
- (2) Sell, deliver, or transport to rectifiers;
- (3) Export out of the state;
- (4) Sell for off-premises consumption spirituous or vinous

liquors the distiller or manufacturer manufactures on any day of the week;

(5) Serve on the premises complimentary samples of liquors produced by the distiller or manufacturer;

(6) Sell at retail, by the drink or by the package, spirituous or vinous liquors produced on the premises of the distillery if all sales occur in a wet territory; and

(7) Sell for consumption on the premises of the manufacturer:

(A) Liquors produced by the manufacturer or liquors that the manufacturer may purchase from wholesalers licensed by the state;

- (B) Wine;
- (C) Beer; and
- (D) Malt liquor.

(h)(1) For the privilege of distilling spirituous liquors or

manufacturing malt liquors, each person engaged in distilling spirituous liquors or manufacturing malt liquors shall pay an annual permit fee of three hundred dollars (\$300) for each manufacturing or distilling plant.

(2) For the privilege of manufacturing vinous liquors (except small farm wines), there is assessed and there shall be paid an annual permit fee of and by every person engaged therein. The permit fee shall be in the sum of five hundred dollars (\$500) for each ~~and every~~ manufacturing plant.

(3) However, for the privilege of distilling brandy or spirituous liquors for use only in the fortifying of native wines, which are wines manufactured from the juices of grapes, berries, and other fruits or vegetables grown in this state, there shall be collected an annual permit fee of two hundred fifty dollars (\$250) for each manufacturing or distilling plant.

(i) Liquors may be sold for on-premises sale or off-premises sale, or both, for consumption during all legal operating hours in which business is normally and legally conducted on the premises, if:

- (1) The manufacturer provides tours through its facility; and
- (2) Only sealed containers are removed from the premises.

(j)(1) A manufacturer may provide liquor it manufactures to charitable or nonprofit organizations or sell for resale liquor it manufactures to charitable or nonprofit organizations holding valid special event permits issued by the Alcoholic Beverage Control Board.

(2) The sale of products under subdivision (j)(1) of this section is limited to the duration of the particular special event.

(k)(1) If approved by the Alcoholic Beverage Control Division and if the division receives written notice at least five (5) days before the event, the division may authorize a distiller or manufacturer to conduct a spirituous or vinous liquor tasting event for educational or promotional purposes at any location in a wet area of this state.

(2)(A) Before an authorization is issued under subdivision (k)(1) of this section, the division shall receive written notice of the spirituous or vinous liquor tasting event at least two (2) weeks before the event.

(B) A spirituous or vinous liquor tasting event may be held under this subsection (k) in any facility licensed by the division in a wet area of this state.

APPROVED: 4/5/19