

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H2/24/17
A Bill

HOUSE BILL 1555

By: Representative D. Ferguson

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS ALCOHOLIC CONTROL ACT;
TO CLARIFY THE ELIGIBILITY OF CERTAIN PERSONS TO
RECEIVE LICENSES REGARDING ALCOHOLIC BEVERAGES; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ARKANSAS ALCOHOLIC CONTROL
ACT; AND TO CLARIFY THE ELIGIBILITY OF
CERTAIN PERSONS TO RECEIVE LICENSES
REGARDING ALCOHOLIC BEVERAGES.

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

SECTION 1. Arkansas Code § 3-1-102(a), concerning definitions for the Arkansas Alcoholic Control Act, is amended to read as follows:

(a) As used in this ~~act, unless the context otherwise requires~~ unless otherwise provided:

(1) "Block" means the area on both sides of that portion of a street lying between intersecting streets and extending back, on both sides, halfway to the next parallel street;

(2) "Dispensary" means any store which, under the provisions of this ~~act~~ title unless otherwise provided and having paid all taxes required by the state, sells at retail, in unbroken packages, for consumption off the premises, any intoxicating alcoholic liquor as defined by this ~~act~~ title unless otherwise provided;

(3) "Excluded felony offense" means:

(A)(i) A felony offense as determined by the



jurisdiction where the felony offense occurred.

(ii) The Alcoholic Beverage Control Division shall determine whether an offense is a felony offense based upon a review of the relevant court records concerning the conviction for the offense; or

(B) A violation of a state or federal controlled-substance law that was classified as a felony in the jurisdiction where the person was convicted, but not including:

(i) An offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed ten (10) or more years earlier; or

(ii) An offense that has been sealed by a court or for which a pardon has been granted;

~~(3)~~(4) “Hard cider” means liquor brewed from the fermented juices of fruit and containing more than three percent (3%) and not more than twenty-one percent (21%) of alcohol by weight;

~~(4)~~(A)(5)(A) “Malt” means liquor brewed from the fermented juices of grain and containing more than five percent (5%) of alcohol by weight.

(B) Beer containing not more than five percent (5%) of alcohol by weight and all other malt beverages containing not more than five percent (5%) of alcohol by weight are not defined as malt liquors and are excepted from each and every provision of this act;

~~(5)~~(6) “Manufacturer” means any person engaged in the business of distilling, brewing, making, blending, rectifying, or producing for sale in wholesale quantities alcoholic liquors of any kind, including whiskey, brandy, cordials, liquors, ales, beers, or other liquids containing alcohol, except wines;

~~(6)~~(7) “Person” means any and all corporations, partnerships, associations, or individuals;

(8) "Sealed" means to expunge, remove, sequester, and treat as confidential the record or records of a felony offense;

~~(7)~~(9) “Spirituous” means liquor distilled from the fermented juices of grain, fruits, or vegetables and containing more than twenty-one percent (21%) of alcohol by weight, or any other liquids containing more than twenty-one percent (21%) of alcohol by weight; and

~~(8)~~(10) “Vinous” means the fermented juices of fruits, except

native wine, containing more than five percent (5%) and not more than twenty-one percent (21%) of alcohol by weight.

SECTION 2. Arkansas Code § 3-4-207 is amended to read as follows:

3-4-207. Ineligible persons.

~~No~~ The following persons described in this section shall not receive a permit under this title:

- (1) A person who has been convicted of a an excluded felony;
- (2) A person under the age of twenty-one (21) years;
- (3) A person who is not a citizen or resident alien of the United States;
- (4) A copartnership, unless all members of such copartnership are citizens or resident aliens of the United States;
- (5) A person who ~~shall have~~ had his or her permit issued under this ~~act~~ title revoked for cause or who has been convicted of a violation of this act until the expiration of two (2) years from the date of such revocation or conviction; or
- (6) A corporation or copartnership, if any of its officers or members have been convicted of a violation of this ~~act~~ title or have had a permit issued under this ~~act~~ title revoked for cause until two (2) years from the date of the conviction or revocation.

/s/D. Ferguson