

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: S3/22/17
A Bill

HOUSE BILL 1826

By: Representative Della Rosa

For An Act To Be Entitled

AN ACT TO CREATE THE CHOCOLATE-COVERED CHERRY FREEDOM ACT OF 2017; TO EXEMPT CERTAIN CONFECTIONERIES FROM THE DEFINITION OF ADULTERATED FOODS; TO EXEMPT CERTAIN CONFECTIONERIES FROM PROHIBITIONS ON ALCOHOLIC SUBSTANCES; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE CHOCOLATE-COVERED CHERRY FREEDOM ACT OF 2017.

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

SECTION 1. Arkansas Code § 3-1-103(c), concerning exempted products under the Arkansas Alcoholic Control Act, is amended to read as follows:

(c)(1) After having been manufactured and prepared for the market, the articles enumerated in this subsection ~~shall not be subject to the provisions of~~ are not subject to this act:

(A) Denatured alcohol or denatured rum produced and used as provided by laws and regulations now or hereinafter in force;

(B) Medicinal preparations manufactured in accordance with formulae prescribed in the United States Pharmacopoeia – National Formulary, or by the American Institute of Homeopathy that are unfit for the use for beverage purposes;

(C) Patented, patent, and proprietary medicines that are unfit for use for beverage purposes;

(D) Toilet, medicinal, and antiseptic preparations and solutions that are unfit for use for beverage purposes;



- (E) Flavoring extracts and syrups that are unfit for use as a beverage or for intoxicating beverage purposes;
- (F) Vinegar and preserved sweet cider;
- (G) Alcohol medicated according to such formulae as will render it unfit for beverage purposes and which is to be sold for legitimate external use;
- (H) Alcohol for mechanical and scientific purposes if unfit for a beverage;
- (I) Wines; and
- (J) Confectionery containing less than five percent (5%) by volume of alcohol, if the alcohol is in a nonliquid form as a result of being mixed with other substances.

SECTION 2. Arkansas Code Title 3, Chapter 2, Subchapter 4, is amended to add an additional section to read as follows:

3-2-413. Labels for confectionaries containing nonliquid alcohol.

A confectionary containing between five-tenths of one percent (0.5%) and five percent (5%) by volume of alcohol shall bear a label stating: "This product contains up to 5% alcohol by volume".

SECTION 3. Arkansas Code § 3-3-201(a), concerning unknowingly furnishing or selling to a minor, is amended to read as follows:

(a) Any person who ~~shall unknowingly sell, give away, or otherwise dispose~~ unknowingly sells, gives away, or otherwise disposes of intoxicating liquor or a confectionary containing between five-tenths of one percent (0.5%) and five percent (5%) by volume of alcohol to a minor ~~shall be is~~ guilty of a violation and shall be punished by a fine of not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) for the first offense.

SECTION 4. Arkansas Code § 3-3-202(a)(1), concerning knowingly furnishing or selling to a minor, is amended to read as follows:

(a)(1)(A) It shall be unlawful for any person knowingly to give, procure, or otherwise furnish any alcoholic beverage or a confectionary containing between five-tenths of one percent (0.5%) and five percent (5%) alcohol by volume to any person under twenty-one (21) years of age.

(B) However, this subsection ~~shall~~ does not apply to the serving of an alcoholic beverage to the person's family or to the use of wine or beer in any religious ceremony or rite in any established church or religion.

SECTION 5. Arkansas Code § 3-3-203(b), concerning purchase or possession of alcohol by a minor, is amended to read as follows:

(b) It ~~shall also be~~ is unlawful for an adult to purchase on behalf of a person under twenty-one (21) years of age any intoxicating liquor, wine, ~~or beer,~~ or a confectionary containing between five-tenths of one percent (0.5%) and five percent (5%) alcohol by volume.

SECTION 6. Arkansas Code § 20-56-208(11)(B), concerning adulterated food, is amended to read as follows:

(B) However, this subdivision (11) shall not apply to:

(i) any ~~confectionery~~ Confectionery containing less than ~~one-half of one percent (½ of 1%)~~ five percent (5%) by volume of alcohol ~~derived solely from the use of flavoring extracts, if the alcohol is in a nonliquid form as a result of being mixed with other substances;~~ or

(ii) ~~to any chewing~~ Chewing gum containing harmless nonnutritive masticatory substances; or

/s/Della Rosa