

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 411

By: Senator Irvin
By: Representative M. Brown

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING ALCOHOLIC BEVERAGES; TO AMEND THE DEFINITION OF "BEER"; TO CHANGE THE ALLOWABLE ALCOHOLIC CONTENT IN BEER; TO INCLUDE MALT BEVERAGES WITHIN THE DEFINITION OF "BEER"; TO AMEND REFERENCES IN THE ARKANSAS CODE TO BEER WITH AN ALCOHOL CONTENT OF NOT MORE THAN FIVE PERCENT; TO SET THE MINIMUM CONTAINER SIZE OF BEER TO BE SOLD FOR OFF-PREMISES CONSUMPTION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE DEFINITION OF "BEER" TO CHANGE THE ALLOWABLE ALCOHOLIC CONTENT AND TO INCLUDE MALT BEVERAGES; AND TO SET THE MINIMUM CONTAINER SIZE OF BEER TO BE SOLD FOR OFF-PREMISES CONSUMPTION.

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

SECTION 1. Arkansas Code § 3-1-102(a)(5), concerning the definition of "malt", is amended to read as follows:

(5)(A) "Malt" means liquor brewed from the fermented juices of grain and containing more than ~~five~~ twelve percent ~~(5%)~~ (12%) of alcohol by weight.

(B) Beer containing not more than ~~five~~ twelve percent ~~(5%)~~ (12%) of alcohol by weight and all other malt beverages containing not more



than ~~five~~ twelve percent ~~(5%)~~ (12%) of alcohol by weight are not defined as "malt liquors" and are excepted from each and every provision of this act;

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

3-2-415. Minimum container size of beer.

The minimum container size of beer to be sold for off-premises consumption is sixteen ounces (16 oz.).

SECTION 3. Arkansas Code § 3-5-101 is amended to read as follows:

3-5-101. Wholesaler of beer and light wine may sell malt liquor and certain ready-to-drink products.

A person, firm, or corporation having a permit to sell beer and light wine at wholesale shall be permitted to sell to liquor retailers:

(1) Malt liquor containing greater than ~~five~~ twelve percent ~~(5%)~~ (12%) of alcohol by weight; and

(2) Ready-to-drink products containing spirituous liquor with a final finished product of no greater than fifteen percent (15%) alcohol by weight.

SECTION 4. Arkansas Code § 3-5-201(a), concerning the purpose of the beer and light wine subchapter, is amended to read as follows:

(a) The purpose of this subchapter is to legalize the manufacture and sale within this state of beer with an alcoholic content of no more than twelve percent (12%) by weight and light wine of an alcoholic content not in excess of five percent (5%) by weight and to so regulate the business of manufacturing and selling such liquors as to prevent the illicit manufacture and consumption of liquors having an alcoholic content in excess of ~~five percent (5%)~~ by the legal weight, the manufacture and sale of which it is not the purpose of this subchapter to legalize.

SECTION 5. Arkansas Code § 3-5-202(1), concerning the definition of "beer", is amended to read as follows:

(1)(A) "Beer" means any fermented liquor made from malt or any substitute therefor and having an alcoholic content not in excess of ~~five~~ twelve percent ~~(5%)~~ (12%) by weight.

(B) "Beer" includes malt beverages having an alcoholic content not in excess of twelve percent (12%) by weight;

SECTION 6. Arkansas Code § 3-5-214(a)(1), concerning the oath by an applicant for a permit for beer and light wine, is amended to read as follows:

(1)(A) ~~He~~ Except as provided in subdivision (a)(1)(B) of this section, he or she will not allow any intoxicating liquor as defined by this subchapter of any kind or character, including ~~beer,~~ wine, and distilled spirits, having an alcoholic content in excess of five percent (5%) by weight to be kept, stored, or secreted in or upon the premises described in the permit.

(B) He or she will not allow beer having an alcoholic content in excess of twelve percent (12%) by weight to be kept, stored, or secreted in or upon the premises described in the permit; and

SECTION 7. Arkansas Code § 3-5-221(b), concerning miscellaneous prohibited practices related to the sale of beer and light wine, is amended to read as follows:

(b) It shall be unlawful for any brewer or distributor of light wines or beer to manufacture or knowingly bring upon his or her premises and keep thereon:

(1) ~~any beer~~ Beer of an alcoholic content in excess of twelve percent (12%) by weight;

(2) ~~or wine~~ Wine of an alcoholic content in excess of five percent (5%) by weight; or

(3) ~~any distilled~~ Distilled spirits of any alcoholic content whatsoever.

SECTION 8. Arkansas Code § 3-5-221(d)(1)(D), concerning miscellaneous prohibited practices related to beer and light wine, is amended to read as follows:

(D) To sell, barter, furnish, or possess, or to permit such acts to be done, in the place designated by the license or in any booth, yard, or garden any ~~alcoholic;~~

(i) Alcoholic liquors or beverages containing in

excess of five percent (5%) of alcohol by weight ~~or to permit any such acts to be done; or~~

(ii) Beer containing in excess of twelve percent (12%) of alcohol by weight;

SECTION 9. Arkansas Code § 3-5-227(a)(1), concerning the definition of "beer", is amended to read as follows:

(1)(A) "Beer" means any fermented liquor made from malt or any substitute therefor and having an alcoholic content not in excess of ~~five~~ twelve percent ~~(5%)~~ (12%) by weight.

(B) "Beer" includes malt beverages having an alcoholic content not in excess of twelve percent (12%) by weight;

SECTION 10. Arkansas Code § 3-5-1202(2), concerning the definition of "beer", is amended to read as follows:

(2)(A) "Beer" means any fermented liquor made from malt or any substitute therefor and having an alcoholic content not in excess of ~~five~~ twelve percent ~~(5%)~~ (12%) by weight.

(B) "Beer" includes malt beverages having an alcoholic content not in excess of twelve percent (12%) by weight;

SECTION 11. Arkansas Code § 3-5-1403(2), concerning the definition of "beer", is amended to read as follows:

(2)(A) "Beer" means any fermented liquor made from malt or any substitute having an alcoholic content of not more than ~~five~~ twelve percent ~~(5%)~~ (12%) by weight.

(B) "Beer" includes malt beverages having an alcoholic content not in excess of twelve percent (12%) by weight;

SECTION 12. Arkansas Code § 3-5-1901(3), concerning the definition of "beer", is amended to read as follows:

(3)(A) "Beer" means a fermented liquor made from malt or a substitute and having an alcoholic content not in excess of ~~five~~ twelve percent ~~(5%)~~ (12%) by ~~volume~~ weight.

(B) "Beer" includes malt beverages having an alcoholic content not in excess of twelve percent (12%) by weight;

SECTION 13. Arkansas Code § 3-7-104(6)(A), concerning the rate of tax levied per barrel of beer, is amended to read as follows:

(6)(A) A tax at the rate of seven dollars and fifty cents (\$7.50) per barrel of thirty-two gallons (32 gals.), and proportionately for larger and smaller gallonages per barrel, on all beer having an alcoholic content of ~~five~~ twelve percent ~~(5%)~~ (12%) or less by weight and hard cider sold or offered for sale in the State of Arkansas.

SECTION 14. Arkansas Code § 3-7-116(a)(2), concerning the definition of "beer", is amended to read as follows:

(2)(A) "Beer" means any fermented liquor made from malt or any substitute and having an alcoholic content of not more than ~~five~~ twelve percent ~~(5%)~~ (12%) by weight.

(B) "Beer" includes malt beverages having an alcoholic content not in excess of twelve percent (12%) by weight;

SECTION 15. Arkansas Code § 3-8-401, concerning local option elections for beer and light wine, is amended to add an additional subsection to read as follows:

(g)(1) As used in this section, "beer" means any fermented liquor made from malt or any substitute and having an alcoholic content of not more than twelve percent (12%) by weight.

(2) "Beer" includes malt beverages having an alcoholic content not in excess of twelve percent (12%) by weight.

SECTION 16. Arkansas Code § 3-8-601(1), concerning the definition of "beer", is amended to read as follows:

(1)(A) "Beer" means a fermented liquor made from malt or a malt substitute and containing not more than ~~five~~ twelve percent ~~(5%)~~ (12%) alcohol by weight.

(B) "Beer" includes malt beverages having an alcoholic content not in excess of twelve percent (12%) by weight;