

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

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H1/30/25

A Bill

HOUSE BILL 1173

By: Representative M. Brown

By: Senator Flippo

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; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE DEFINITION OF "BEER" TO CHANGE THE ALLOWABLE ALCOHOLIC CONTENT AND TO INCLUDE MALT BEVERAGES.

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 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;~~

SECTION 2. Arkansas Code § 3-1-102(a), concerning definitions under the alcoholic beverage laws, is amended to add an additional subdivision to read as follows:



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(11)(A) "Malt beverage" means liquor brewed from the fermented juices of grain and having an alcoholic content of at least five percent (5%) but not more than twenty-one percent (21%) by weight.

(B) "Malt beverage" includes:

(i) Beer containing not more than fourteen percent (14%) of alcohol by weight; and

(ii) All other malt beverages containing not more than fourteen percent (14%) of alcohol by weight.

SECTION 3. 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 fourteen percent (14%) 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 4. 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 a~~ malt substitute therefor and having an alcoholic content not in excess of ~~five~~ fourteen percent ~~(5%)~~ (14%) by weight.

(B) "Beer" includes malt beverages having an alcoholic content not in excess of fourteen percent (14%) by weight;

SECTION 5. 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 fourteen percent (14%) by weight to be kept, stored, or secreted in or upon the premises described in the permit; and

SECTION 6. 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 fourteen percent (14%) 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 7. 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 liquors or beverages containing in excess of five percent (5%) of alcohol by weight or to permit any such acts to be done beer containing in excess of fourteen percent (14%) of alcohol by weight;

SECTION 8. Arkansas Code § 3-5-227(a)(1), concerning the definition of "beer" with regard to the regulation of beer kegs for off-premises consumption, is amended to read as follows:

(1)(A) "Beer" means any fermented liquor made from malt or ~~any a~~ malt substitute therefor and having an alcoholic content not in excess of five ~~fourteen~~ percent (5%) (14%) by weight.

(B) "Beer" includes malt beverages having an alcoholic content not in excess of fourteen percent (14%) by weight;

SECTION 9. Arkansas Code § 3-5-1202(2), concerning the definition of "beer" in the laws authorizing operation of microbrewery-restaurants, is amended to read as follows:

(2)(A) "Beer" means any fermented liquor made from malt or ~~any a~~ malt substitute therefor and having an alcoholic content not in excess of ~~five~~ fourteen percent ~~(5%)~~ (14%) by weight.

(B) "Beer" includes malt beverages having an alcoholic content not in excess of fourteen percent (14%) by weight;

SECTION 10. Arkansas Code § 3-5-1403(2), concerning the definition of "beer" in the Arkansas Small Brewery Act, is amended to read as follows:

(2)(A) "Beer" means any fermented liquor made from malt or ~~any a~~ malt substitute having an alcoholic content of not more than ~~five~~ fourteen percent ~~(5%)~~ (14%) by weight.

(B) "Beer" includes malt beverages having an alcoholic content not in excess of fourteen percent (14%) by weight;

SECTION 11. Arkansas Code § 3-5-1901(3), concerning the definition of "beer" in the law authorizing microbrewery-restaurant private club permits, is amended to read as follows:

(3)(A) "Beer" means a fermented liquor made from malt or a malt substitute and having an alcoholic content not in excess of ~~five~~ fourteen percent ~~(5%)~~ (14%) by ~~volume~~ weight.

(B) "Beer" includes malt beverages having an alcoholic content not in excess of fourteen percent (14%) by weight;

SECTION 12. 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~~ fourteen percent ~~(5%)~~ (14%) or less by weight and hard cider sold or offered for sale in the State of Arkansas.

SECTION 13. Arkansas Code § 3-7-116(a)(2), concerning the definition of "beer" in the law providing for a tax rebate for qualified manufacturers

of beer and malt beverage, is amended to read as follows:

(2)(A) "Beer" means any fermented liquor made from malt or ~~any a~~ malt substitute and having an alcoholic content of not more than ~~five~~ fourteen percent ~~(5%)~~ (14%) by weight.

(B) "Beer" includes malt beverages having an alcoholic content not in excess of fourteen percent (14%) by weight;

SECTION 14. 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 a malt substitute and having an alcoholic content of not more than fourteen percent (14%) by weight.

(2) "Beer" includes malt beverages having an alcoholic content not in excess of fourteen percent (14%) by weight.

SECTION 15. Arkansas Code § 3-8-601(1), concerning the definition of "beer" with regard to a local option election in a defunct voting district, 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~~ fourteen percent ~~(5%)~~ (14%) alcohol by weight.

(B) "Beer" includes malt beverages having an alcoholic content not in excess of fourteen percent (14%) by weight;

/s/M. Brown