

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: S1/29/25 S2/10/25

A Bill

SENATE BILL 98

By: Senator B. Davis

By: Representative Maddox

For An Act To Be Entitled

AN ACT TO AMEND THE LAW REGARDING ALCOHOLIC BEVERAGES; TO AUTHORIZE THE THIRD-PARTY DELIVERY OF ALCOHOLIC BEVERAGES FROM CERTAIN RETAILERS; TO CREATE A THIRD-PARTY DELIVERY PERMIT; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW REGARDING ALCOHOLIC BEVERAGES; TO AUTHORIZE THE THIRD-PARTY DELIVERY OF ALCOHOLIC BEVERAGES FROM CERTAIN RETAILERS; AND TO CREATE A THIRD-PARTY DELIVERY PERMIT.

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

SECTION 1. Arkansas Code § 3-4-107 is amended to read as follows:

3-4-107. Delivery of alcoholic beverages.

(a) The following permit holders may deliver or cause to be delivered alcoholic beverages directly to ~~the private residence of~~ a consumer twenty-one (21) years of age or older in a wet county or territorial subdivision during legal operating hours provided the retail permit holder is open to the public for a minimum of thirty (30) hours per week for retail:

- (1) Retail liquor;
- (2) Microbrewery-restaurant; ~~and~~
- (3) Small brewery;
- (4) Grocery store off-premises wine;
- (5) Small farm wine convenience store; and



(6) Off-premises retail beer.

(b) The permit holder authorized under subsection (a) of this section ~~shall not~~ may deliver or cause to be delivered alcoholic beverages to ~~an a~~ a ~~wet area outside~~ inside of the county in which the permitted business is located or in a wet area of an adjoining county.

(c) Alcoholic beverages shall be delivered by an employee of the permit holder ~~and shall not be delivered through a third party delivery system~~ or by an employee or independent contractor of the holder of a third-party delivery permit.

(d) An employee or independent contractor of a permit holder authorized in subsection (a) of this section is authorized to:

(1) Carry alcoholic beverages to a customer's vehicle within the permit holder's parking lot or designated pick-up area; and

(2) Complete the sale of the alcoholic beverages within the parking lot or designated pick-up area by verifying that the customer is twenty-one (21) years of age or older.

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

Subchapter 11 – Third-party Delivery Permits

3-4-1101. Third-party delivery permits generally.

(a) An individual, a limited liability company, a corporation, or a partnership registered to do business in this state, regardless of the residence of the ownership of the entity, may apply to the Alcoholic Beverage Control Division for a third-party delivery permit.

(b) A third-party delivery permit shall not be issued to the holder of a permit in the manufacturing or wholesale tier of the alcoholic beverage industry.

(c) A holder of a third-party delivery permit may contract with or employ a driver for the delivery of an alcoholic beverage from the premises of the holder of a retailer's permit described by § 3-4-107(a) to a consumer located in an area where the sale of the alcoholic beverage is legal.

(d) A holder of a third-party delivery permit may contract with or employ a person to make a delivery under this subchapter who:

(1) Is twenty-one (21) years of age or older;

(2) Holds a valid driver's license; and

(3) Has not been convicted of a felony.

(e) In order to receive a third-party delivery permit, an applicant shall submit to the division an outline of internal or external training for delivery drivers that addresses topics including identifying underage persons, intoxicated persons, and fake or altered identification.

(f) The division shall charge an annual fee of five hundred dollars (\$500) for a third-party delivery permit to be paid to and retained by the division.

(g) The division may promulgate rules to implement the third-party delivery permit.

3-4-1102. Determination of delivery area.

(a) In determining whether the sale of an alcoholic beverage is legal in an area for delivery under § 3-4-1101, a holder of a third-party delivery permit or a delivery driver employed by, contracted with, or acting on behalf of the holder of a third-party delivery permit may consult a map or other publicly available information produced by the Alcoholic Beverage Control Division for the purpose of establishing where the sale of alcoholic beverages is legal.

(b) The holder of a third-party delivery permit or a delivery driver employed by, contracted with, or acting on behalf of the holder of a third-party delivery permit may make deliveries of alcoholic beverages only in:

(1) Response to a bona fide order placed by a consumer who is twenty-one (21) years of age or older; and

(2) An area where the sale of alcoholic beverages is legal in:

(A) The county in which the premises of the retailer making the sale is located if the county is a wet area; or

(B) An adjoining county in which the premises of the retailer is located if the county is a wet area.

3-4-1103. Delivery of alcoholic beverages to a consumer.

(a) A holder of a third-party delivery permit or a delivery driver employed by, contracted with, or acting on behalf of the holder of a third-party delivery permit shall only deliver an alcoholic beverage to a person who is twenty-one (21) years of age or older after the person accepting the

delivery presents valid proof of identity and age.

(b) A holder of a third-party delivery permit or a delivery driver employed by, contracted with, or acting on behalf of the holder of a third-party delivery permit shall not deliver an alcoholic beverage to a person other than:

(1) The person who purchased the beverage if the person is twenty-one (21) years of age or older; or

(2) A person within the household or place of employment of the delivery if the recipient is twenty-one (21) years of age or older.

(c) A holder of a third-party delivery permit or a delivery driver employed by, contracted with, or acting on behalf of the holder of a third-party delivery permit may deliver an alcoholic beverage under this subchapter outside the hours of operation of the retailer from which the delivery is being made only if the holder of a third-party delivery permit or the delivery driver employed by, contracted with, or acting on behalf of the holder of a third-party delivery permit:

(1) Receives the alcoholic beverage from the retailer during the retailer's hours of legal sale; and

(2) Completes the delivery to the consumer within a reasonable amount of time after leaving the retailer's premises.

3-4-1104. Responsibilities of retailers.

(a) A retailer's responsibilities regarding delivery of an alcoholic beverage to a consumer are considered satisfied at the time the retailer transfers possession of an alcoholic beverage to a:

(1) Holder of a third-party delivery permit; or

(2) Delivery driver employed by, contracted with, or acting on behalf of the holder of a third-party delivery permit.

(b) An action by a holder of a third-party delivery permit or delivery driver employed by, contracted with, or acting on behalf of the holder of a third-party delivery permit is not attributable to the retailer with regard to:

(1) Providing, selling, or serving alcoholic beverages to a minor or to an intoxicated individual;

(2) The delivery of alcoholic beverages in a dry or otherwise illegal area, unless the retailer has contractually agreed to retain

responsibility for ensuring that deliveries are not directed to a dry or otherwise illegal area; or

(3) Any other provision of the law.

(c) A retailer is not required to verify that a holder of a third-party delivery permit or delivery driver employed by, contracted with, or acting on behalf of the holder of a third-party delivery permit has received delivery driver training under § 3-4-1106.

(d) A retailer shall not be held liable the actions of a holder of a third-party delivery permit or a delivery driver employed by, contracted with, or acting on behalf of the holder of a third-party delivery permit.

3-4-1105. Responsibilities of holders of third-party delivery permits.

The Alcoholic Beverage Control Division may enforce the requirements of this subchapter by the same administrative proceedings that apply to all other alcoholic beverage permittees for a violation of the alcoholic beverage control rules or laws of the state, including without limitation the authority to fine the holder of the third-party delivery permit or suspend or revoke the third-party delivery permit for violations by the holder of a third-party delivery permit or a delivery driver employed by, contracted with, or acting on behalf of the holder of a third-party delivery permit.

3-4-1106. Delivery training program.

(a) The Alcoholic Beverage Control Division shall approve an alcohol delivery training program of an applicant for a third-party delivery permit before the third-party delivery permit is issued.

(b) An approved alcohol delivery training program under subsection (a) of this section may be a training program provided by a third party.

(c) The approved training program under subsection (a) of this section shall cover:

(1) Detecting noticeable signs of intoxication;

(2) Identifying valid in-state and out-of-state government issued identification; and

(3) Training on wet territories and dry territories of this state.

(d) A delivery employee or independent contractor of the holder of a third-party delivery permit shall:

- (1) Complete an approved training program under subsection (a) of this section before making his or her first delivery; and
- (2) Repeat the approved training program at least once every twelve (12) months.

/s/B. Davis