

1 State of Arkansas As Engrossed: S1/29/25 S2/10/25

2 95th General Assembly

A Bill

3 Regular Session, 2025

SENATE BILL 98

4

5 By: Senator B. Davis

6 By: Representative Maddox

7

8

For An Act To Be Entitled

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

14

15

16

Subtitle

17

18

19

20

21

22

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

24

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

26

3-4-107. Delivery of alcoholic beverages.

27

28

29

30

(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:

31

32

(1) Retail liquor;

33

(2) Microbrewery-restaurant; ~~and~~

34

(3) Small brewery;

35

(4) Grocery store off-premises wine;

36

(5) Small farm wine convenience store; and



1 (6) Off-premises retail beer.

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

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

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

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

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

17
18 SECTION 2. Arkansas Code Title 3, Chapter 4, is amended to add an
19 additional subchapter to read as follows:

20 Subchapter 11 – Third-party Delivery Permits

21
22 3-4-1101. Third-party delivery permits generally.

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

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

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

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

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

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

2 (3) Has not been convicted of a felony.

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

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

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

12
13 3-4-1102. Determination of delivery area.

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

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

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

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

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

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

31
32 3-4-1103. Delivery of alcoholic beverages to a consumer.

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

1 delivery presents valid proof of identity and age.

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

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

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

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

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

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

21
22 3-4-1104. Responsibilities of retailers.

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

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

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

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

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

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

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

3 (3) Any other provision of the law.

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

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

11
12 3-4-1105. Responsibilities of holders of third-party delivery permits.

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

21
22 3-4-1106. Delivery training program.

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

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

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

30 (1) Detecting noticeable signs of intoxication;

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

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

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

