

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

A Bill

ACT 1061 OF 1997
SENATE BILL 701

5 By: Senators Jeffries, Harriman and Walters
6
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For An Act To Be Entitled

8
9 "AN ACT TO AMEND VARIOUS SECTIONS OF SUBCHAPTER 2 OF TITLE
10 3, CHAPTER 5 OF THE ARKANSAS CODE OF 1987, ANNOTATED,
11 REGARDING THE MANUFACTURE OF BEER, TO CLARIFY THAT
12 ARKANSAS BEER MANUFACTURING PERMITS AUTHORIZE THE SHIPMENT
13 OF BEER FOR OUT-OF-STATE SALE AND CONSUMPTION; AND FOR
14 OTHER PURPOSES."

Subtitle

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17 "TO CLARIFY THAT ARKANSAS BEER
18 MANUFACTURING PERMITS AUTHORIZE THE
19 SHIPMENT OF BEER FOR OUT-OF-STATE SALE."
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 3-5-207 is amended to read as follows:

24 "3-5-207. Scope of state permit.

25 (a) Except as provided in subsection (b) of this section, any permit
26 issued under the provisions of § 3-5-206 authorizing the sale of light wines
27 or beer for consumption under the provisions prescribed in the permit shall be
28 construed to authorize the sale of such liquor by the bottle, by the glass, or
29 draught and in or from the original package.

30 (b) No permit shall be required for the home manufacture of beer in
31 quantities not to exceed two hundred (200) gallons per calendar year under §§
32 3-4-101, 3-4-602, 3-5-206, or 3-5-211, as may otherwise be required of other
33 manufacturers.

34 (c) Any permit issued under the provisions of § 3-5-206 authorizing the
35 manufacture of beer shall allow an Arkansas beer manufacturer to sell and ship
36 to business entities licensed and qualified in the other states to receive

1 beer products brewed in Arkansas."

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3 SECTION 2. Arkansas Code § 3-5-217 is amended to read as follows:

4 "3-5-217. Transportation of products.

5 (a)(1) It shall be lawful to transport the products defined in § 3-5-
6 202, if the tax upon the products has been paid.

7 (2) It shall be lawful for any brewery in the State of Arkansas to
8 transport and ship beer out of state by common carrier or other appropriate
9 parcel delivery service and for common carriers and other appropriate parcel
10 delivery services to accept beer from Arkansas breweries for delivery outside
11 the State of Arkansas to business entities licensed and qualified in the other
12 states.

13 (b) It shall be unlawful to transport into, out of, or within this
14 state any light wines or beer upon which the state tax prescribed by this
15 subchapter has not been paid, except where such light wines or beer having
16 first been ordered or sold to a distributor within this state is being shipped
17 in due course of business from a brewer, manufacturer, dealer, or distributor
18 without this state to a bonded distributor within this state, or unless the
19 shipment is in interstate commerce and is passing from a point of origin
20 outside of this state through this state into another state.

21 (c) The transportation of such liquor into or within this state in all
22 cases shall be under such regulations as may be regularly prescribed."

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24 SECTION 3. All provisions of this act of general and permanent nature
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
26 Revision Commission shall incorporate the same in the Code.

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28 SECTION 4. If any provisions of this act or the application thereof to
29 any person or circumstance is held invalid, the invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provisions or application, and to this end the provisions of this
32 act are declared to be severable.

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34 SECTION 5. All laws and parts of laws in conflict with this act are
35 hereby repealed.

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APPROVED: BECAME LAW WITHOUT GOVERNOR'S SIGNATURE.

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