

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4
5 By: Representative Jett
6 By: Senator B. Sample
7

A Bill

HOUSE BILL 1822

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING ALCOHOLIC
10 BEVERAGES; TO AMEND THE DEFINITION OF "BEER"; TO
11 CHANGE THE ALLOWABLE ALCOHOLIC CONTENT IN BEER; TO
12 INCLUDE MALT BEVERAGES WITHIN THE DEFINITION OF
13 "BEER"; TO AMEND REFERENCES IN THE ARKANSAS CODE TO
14 BEER WITH AN ALCOHOL CONTENT OF NOT MORE THAN FIVE
15 PERCENT (5%); TO SET THE MINIMUM CONTAINER SIZE OF
16 CERTAIN ALCOHOLIC BEVERAGES TO BE SOLD FOR OFF-
17 PREMISES CONSUMPTION; AND FOR OTHER PURPOSES.

Subtitle

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19
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21 TO AMEND THE DEFINITION OF "BEER" TO
22 CHANGE THE ALCOHOLIC CONTENT AND TO
23 INCLUDE MALT BEVERAGES; AND TO SET THE
24 MINIMUM CONTAINER SIZE OF CERTAIN
25 ALCOHOLIC BEVERAGES TO BE SOLD FOR OFF-
26 PREMISES CONSUMPTION.

27
28
29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

30
31 SECTION 1. Arkansas Code § 3-1-102(a)(5), concerning the definition of
32 "malt", is amended to read as follows:

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

36 (B) Beer containing not more than ~~five~~ twelve percent ~~(5%)~~



1 (12%) of alcohol by weight and all other malt beverages containing not more
2 than ~~five~~ twelve percent ~~(5%)~~ (12%) of alcohol by weight are not defined as
3 "malt liquors" and are excepted from each and every provision of this act;
4

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

7 3-2-414. Minimum container size of certain alcoholic beverages.

8 The minimum container size of the following alcoholic beverages to be
9 sold for off-premises consumption is:

10 (1) Fifty milliliters (50 ml) for spirituous liquors;

11 (2) Fifty milliliters (50 ml) for wine; and

12 (3) Sixteen ounces (16 oz.) or less for beer.

13
14 SECTION 3. Arkansas Code § 3-5-101 is amended to read as follows:

15 3-5-101. Wholesaler of beer and light wine may sell malt liquor.

16 A person, firm, or corporation having a permit to sell beer and light
17 wine at wholesale shall be permitted to sell to liquor retailers malt liquor
18 containing greater than ~~five~~ twelve percent ~~(5%)~~ (12%) of alcohol by weight.
19

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

22 (a) The purpose of this subchapter is to legalize the manufacture and
23 sale within this state of beer with an alcoholic content not in excess of
24 twelve percent (12%) by weight and light wine of an alcoholic content not in
25 excess of five percent (5%) by weight and to so regulate the business of
26 manufacturing and selling such liquors as to prevent the illicit manufacture
27 and consumption of liquors having an alcoholic content in excess of ~~five~~
28 ~~percent (5%)~~ by the legal weight, the manufacture and sale of which it is not
29 the purpose of this subchapter to legalize.
30

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

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

36 (B) "Beer" includes malt beverages having an alcoholic

1 content not in excess of twelve percent (12%) by weight;
 2

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

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

12 (B) He or she will not allow beer having an alcoholic
 13 content in excess of twelve percent (12%) by weight to be kept, stored, or
 14 secreted in or upon the premises described in the permit; and
 15

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

19 (b) It shall be unlawful for any brewer or distributor of light wines
 20 or beer to manufacture or knowingly bring upon his or her premises and keep
 21 thereon any beer of an alcoholic content in excess of twelve percent (12%) by
 22 weight or wine of an alcoholic content in excess of five percent (5%) by
 23 weight or any distilled spirits of any alcoholic content whatsoever.
 24

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

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

31 (i) Alcoholic liquors or beverages containing in
 32 excess of five percent (5%) of alcohol by weight ~~or to permit any such acts~~
 33 ~~to be done;~~ or

34 (ii) Beer containing in excess of twelve percent
 35 (12%) of alcohol by weight;
 36

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

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

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

8
9 SECTION 10. Arkansas Code § 3-5-1202(2), concerning the definition of
10 "beer", is amended to read as follows:

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

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

16
17 SECTION 11. Arkansas Code § 3-5-1403(2), concerning the definition of
18 "beer", is amended to read as follows:

19 (2)(A) "Beer" means any fermented liquor made from malt or any
20 substitute having an alcoholic content of not more than ~~five~~ twelve percent
21 ~~(5%)~~ (12%) by weight.

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

24
25 SECTION 12. Arkansas Code § 3-5-1901(3), concerning the definition of
26 "beer", is amended to read as follows:

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

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

32
33 SECTION 13. Arkansas Code § 3-7-104(6)(A), concerning the rate of tax
34 levied per barrel of beer, is amended to read as follows:

35 (6)(A) A tax at the rate of seven dollars and fifty cents
36 (\$7.50) per barrel of thirty-two gallons (32 gals.), and proportionately for

1 larger and smaller gallonages per barrel, on all beer having an alcoholic
2 content of ~~five~~ twelve percent ~~(5%)~~ (12%) or less by weight and hard cider
3 sold or offered for sale in the State of Arkansas.

4
5 SECTION 14. Arkansas Code § 3-7-116(a)(2), concerning the definition
6 of "beer", is amended to read as follows:

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

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

12
13 SECTION 15. Arkansas Code § 3-8-401, concerning local option elections
14 for beer and light wine, is amended to add an additional subsection to read
15 as follows:

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

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

21
22 SECTION 16. Arkansas Code § 3-8-601(1), concerning the definition of
23 "beer", is amended to read as follows:

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

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