

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: H1/30/25

A Bill

HOUSE BILL 1173

5 By: Representative M. Brown
6 By: Senator Flippo
7

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; AND FOR OTHER PURPOSES.

Subtitle

17
18 TO AMEND THE DEFINITION OF "BEER" TO
19 CHANGE THE ALLOWABLE ALCOHOLIC CONTENT
20 AND TO INCLUDE MALT BEVERAGES.
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

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

27 ~~(5)(A) "Malt" means liquor brewed from the fermented juices of~~
28 ~~grain and containing more than five percent (5%) of alcohol by weight.~~

29 ~~(B) Beer containing not more than five percent (5%) of~~
30 ~~alcohol by weight and all other malt beverages containing not more than five~~
31 ~~percent (5%) of alcohol by weight are not defined as "malt liquors" and are~~
32 ~~excepted from each and every provision of this act;~~

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



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

4 (B) "Malt beverage" includes:

5 (i) Beer containing not more than fourteen percent
 6 (14%) of alcohol by weight; and

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

9
 10 SECTION 3. Arkansas Code § 3-5-201(a), concerning the purpose of the
 11 beer and light wine subchapter, is amended to read as follows:

12 (a) The purpose of this subchapter is to legalize the manufacture and
 13 sale within this state of beer with an alcoholic content of no more than
 14 fourteen percent (14%) by weight and light wine of an alcoholic content not
 15 in excess of five percent (5%) by weight and to so regulate the business of
 16 manufacturing and selling such liquors as to prevent the illicit manufacture
 17 and consumption of liquors having an alcoholic content in excess of ~~five~~
 18 ~~percent (5%)~~ by the legal weight, the manufacture and sale of which it is not
 19 the purpose of this subchapter to legalize.

20
 21 SECTION 4. Arkansas Code § 3-5-202(1), concerning the definition of
 22 "beer", is amended to read as follows:

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

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

28
 29 SECTION 5. Arkansas Code § 3-5-214(a)(1), concerning the oath by an
 30 applicant for a permit for beer and light wine, is amended to read as
 31 follows:

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

1 permit.

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

5

6 SECTION 6. Arkansas Code § 3-5-221(b), concerning miscellaneous
7 prohibited practices related to the sale of beer and light wine, is amended
8 to read as follows:

9 (b) It shall be unlawful for any brewer or distributor of light wines
10 or beer to manufacture or knowingly bring upon his or her premises and keep
11 thereon:

12 (1) ~~any beer~~ Beer of an alcoholic content in excess of fourteen
13 percent (14%) by weight;

14 (2) ~~or wine~~ Wine of an alcoholic content in excess of five
15 percent (5%) by weight; or

16 (3) ~~any distilled~~ Distilled spirits of any alcoholic content
17 whatsoever.

18

19 SECTION 7. Arkansas Code § 3-5-221(d)(1)(D), concerning miscellaneous
20 prohibited practices related to beer and light wine, is amended to read as
21 follows:

22 (D) To sell, barter, furnish, or possess, or to permit
23 such acts to be done, in the place designated by the license or in any booth,
24 yard, or garden any ~~alcoholic liquors or beverages containing in excess of~~
25 ~~five percent (5%) of alcohol by weight or to permit any such acts to be done~~
26 beer containing in excess of fourteen percent (14%) of alcohol by weight;

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

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

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

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

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

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

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

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

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

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

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

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

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27 SECTION 12. Arkansas Code § 3-7-104(6)(A), concerning the rate of tax
28 levied per barrel of beer, is amended to read as follows:

29 (6)(A) A tax at the rate of seven dollars and fifty cents
30 (\$7.50) per barrel of thirty-two gallons (32 gals.), and proportionately for
31 larger and smaller gallonages per barrel, on all beer having an alcoholic
32 content of five fourteen percent ~~(5%)~~ (14%) or less by weight and hard cider
33 sold or offered for sale in the State of Arkansas.

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

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

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

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

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

11 (g)(1) As used in this section, "beer" means any fermented liquor made
12 from malt or a malt substitute and having an alcoholic content of not more
13 than fourteen percent (14%) by weight.

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

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17 SECTION 15. Arkansas Code § 3-8-601(1), concerning the definition of
18 "beer" with regard to a local option election in a defunct voting district,
19 is amended to read as follows:

20 (1)(A) "Beer" means a fermented liquor made from malt or a malt
21 substitute and containing not more than ~~five~~ fourteen percent ~~(5%)~~ (14%)
22 alcohol by weight.

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

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26 /s/M. Brown
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