

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

A Bill

SENATE BILL 98

5 By: Senator B. Davis
6 By: Representative Maddox
7

For An Act To Be Entitled

8
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

Subtitle

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17 TO AMEND THE LAW REGARDING ALCOHOLIC
18 BEVERAGES; TO AUTHORIZE THE THIRD-PARTY
19 DELIVERY OF ALCOHOLIC BEVERAGES FROM
20 CERTAIN RETAILERS; AND TO CREATE A
21 THIRD-PARTY DELIVERY PERMIT.
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 (a) The following permit holders may deliver or cause to be delivered
28 alcoholic beverages directly to ~~the private residence of~~ a consumer twenty-
29 one (21) years of age or older in a wet county or territorial subdivision
30 during legal operating hours:

- 31 (1) Retail liquor;
- 32 (2) Microbrewery-restaurant; ~~and~~
- 33 (3) Small brewery;
- 34 (4) Grocery store off-premises wine;
- 35 (5) Small farm wine convenience store; and
- 36 (6) Off-premises retail beer.



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

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

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

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

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

16
 17 SECTION 2. Arkansas Code Title 3, Chapter 4, is amended to add an
 18 additional subchapter to read as follows:

19 Subchapter 11 – Third-party Delivery Permits

20
 21 3-4-1101. Third-party delivery permits generally.

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

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

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

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

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

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

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

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

6 (f) The division shall establish by rule the annual fee for a third-
7 party delivery permit to be paid and retained by the division.

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

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11 3-4-1102. Determination of delivery area.

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

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

22 (1) Response to a bona fide order placed by a consumer; and

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

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

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

28
29 3-4-1103. Delivery of alcoholic beverages to a consumer.

30 (a) A holder of a third-party delivery permit or a delivery driver
31 employed by, contracted with, or acting on behalf of the holder of a third-
32 party delivery permit shall only deliver an alcoholic beverage to a person
33 who is twenty-one (21) years of age or older after the person accepting the
34 delivery presents valid proof of identity and age.

35 (b) A holder of a third-party delivery permit or a delivery driver
36 employed by, contracted with, or acting on behalf of the holder of a third-

1 party delivery permit shall not deliver an alcoholic beverage to a person
2 other than:

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

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

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

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

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

18

19 3-4-1104. Responsibilities of retailers.

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

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

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

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

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

32 (2) The delivery of alcoholic beverages in a dry or otherwise
33 illegal area, unless the retailer has contractually agreed to retain
34 responsibility for ensuring that deliveries are not directed to a dry or
35 otherwise illegal area; or

36 (3) Any other provision of the law.

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

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

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9 3-4-1105. Responsibilities of holders of third-party delivery permits.

10 (a) The Alcoholic Beverage Control Division may enforce the
11 requirements of:

12 (1) Any alcoholic beverage control rules or law of the state
13 against an employee or independent contractor of a holder of a third-party
14 delivery permit, irrespective of the status of the delivery driver as an
15 independent contractor or employee; and

16 (2) This subchapter by the same administrative proceedings that
17 apply to all other alcoholic beverage permittees for a violation of the
18 alcoholic beverage control rules or laws of the state, including without
19 limitation the authority to fine the holder of, suspend, or revoke the third-
20 party delivery permit for violations by the holder of a third-party delivery
21 permit or a delivery driver employed by, contracted with, or acting on behalf
22 of the holder of a third-party delivery permit.

23 (b) The actions of a delivery driver employed by, contracted with, or
24 acting on behalf of the holder of a third-party delivery permit are not
25 attributable to the holder of a third-party delivery permit if the:

26 (1) Holder of a third-party delivery permit has not directly or
27 indirectly encouraged the delivery driver to violate the law; and

28 (2) Delivery driver has completed training from a training
29 program adopted or approved under § 3-4-1106.

30 (c)(1) Notwithstanding subsection (b) of this section, if it is found,
31 after notice and hearing, that the holder of a third-party delivery permit or
32 a delivery driver employed by, contracted with, or acting on behalf of the
33 holder of a third-party delivery permit delivered with criminal negligence an
34 alcoholic beverage to a minor or an intoxicated person, the division may:

35 (A) Enforce the requirements of this section to suspend or
36 revoke a third-party delivery permit by the same administrative proceedings

1 that apply to alcoholic beverage licenses; and

2 (B) Accept payment of a fine in lieu of suspension or
3 revocation.

4 (2) A payment of a fine described under subdivision (c)(1)(B) of
5 this section shall be determined by rule of the division.

6 (d) It is a rebuttable presumption that a sale or delivery of an
7 alcoholic beverage to a minor or an intoxicated person was not made with
8 criminal negligence if the delivery driver at the time of the delivery had
9 received training from a training program adopted or approved under § 3-4-
10 1106.

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12 3-4-1106. Delivery training program.

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

16 (b) All delivery employees and independent contractors of the holder
17 of a third-party delivery permit shall complete an approved training program
18 before making his or her first delivery.

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