

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 2082

5 By: Representative Eubanks
6

For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS WINE LICENSING LAWS TO
9 CREATE A DIRECT WINE SHIPPER'S PERMIT; TO RESTRICT
10 SALES OF ALCOHOLIC BEVERAGES TO UNDERAGE INDIVIDUALS;
11 TO COLLECT ALL STATE EXCISE AND SALES TAX DUE ON WINE
12 SHIPPED INTO THE STATE; TO ENSURE A CLEAR AND
13 ENFORCEABLE DISTRIBUTION OF ALCOHOLIC BEVERAGES; AND
14 FOR OTHER PURPOSES.

Subtitle

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18 TO CREATE THE DIRECT WINE SHIPPER'S
19 PERMIT.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 3-4-601 is amended to read as follows:

25 ~~There shall be six (6) kinds of permits, each of which shall be~~
26 ~~distinctive in color and design so as to be readily distinguishable from each~~
27 ~~other, to wit~~ Permits under this title include without limitation:

- 28 (1) Distiller's permit;
29 (2) Brewer's permit;
30 (3) Rectifier's permit;
31 (4) Wholesaler's permit;
32 (5) Dispenser's permit; ~~and~~
33 (6) Hotel, restaurant, or club permit; and
34 (7) Direct wine shipper's permit.
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36 SECTION 2. Arkansas Code Title 3, Chapter 5, is amended to add an



1 additional subchapter to read as follows:

2 3-5-1701. Definitions.

3 As used in this section:

4 (1) "Person" means one (1) or more natural persons, a company,
5 corporation, partnership, syndicate, or association; and

6 (2) "Wine" means any fermented alcoholic liquor made from
7 grapes, berries, fruits, honey, or vegetables and includes any other mixture
8 containing the fermented juices of grapes, berries, fruits, honey, or
9 vegetables having an alcoholic content of more than five percent (5%) alcohol
10 by weight.

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12 3-5-1702. Limitation on direct shipment of wine.

13 (a) A person shall not ship wine directly to an individual in this
14 state unless the person possesses a current direct wine shipper's permit or a
15 small farm winery permit issued by the Alcoholic Beverage Control Division.

16 (b) A person with a direct wine shipper's permit shall not ship:

17 (1) More than twenty-four (24) nine-liter cases of wine annually
18 directly to an individual in this state;

19 (2) Wine to an individual in this state who is less than twenty-
20 one (21) years of age; and

21 (3) Wine for resale.

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23 3-5-1703. Direct wine shipper's permit.

24 (a) A person that currently holds both a federal basic permit issued
25 by the Alcohol and Tobacco Tax and Trade Bureau and a license to manufacture
26 wine in its state of domicile may apply for a direct wine shipper's permit.

27 (b) Before sending any shipment of wine to a person in the state of
28 Arkansas, an applicant for a direct wine shipper's permit shall:

29 (1) File an application with the Alcoholic Beverage Control
30 Division;

31 (2) Submit an application fee of fifty dollars (\$50.00); and

32 (3) Provide to the division a copy of the applicant's current:

33 (A) Basic permit issued by the Alcohol and Tobacco Tax and
34 Trade Bureau; and

35 (B) License to manufacture wine issued in his or her state
36 of domicile.

1 (c) A direct wine shipper permittee or a small farm wine permittee
2 shall:

3 (1) Ensure that all containers of wine shipped directly to an
4 individual in this state are conspicuously labeled with the following words
5 in at least a 12-point font "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR
6 DELIVERY";

7 (2) Annually report to the division the total amount of wine
8 shipped into this state during the preceding calendar year;

9 (3) Annually pay to the Department of Finance and Administration
10 all sales taxes and excise taxes due on sales to individuals of this state
11 for sales during the preceding calendar year, with the amount of the sales
12 and excise taxes to be calculated as if the sale took place in this state;

13 (4) Permit the division or the department to perform upon
14 request of the division or the department an audit of the records of the
15 holder of the direct wine shipper's permits; and

16 (5) Consent to the jurisdiction of the division or any other
17 state agency and the courts of this state concerning enforcement of this
18 section and any related laws, rules, or orders.

19 (d) A holder of a direct wine shipper's permit shall every year renew
20 its permit with the division by providing the division with:

21 (1) A copy of the applicant's current license to manufacture
22 wine issued in its state of domicile; and

23 (2) A renewal fee of fifty dollars (\$50.00).

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