

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

*As Engrossed: S3/22/17*  
**A Bill**

HOUSE BILL 1826

5 By: Representative Della Rosa  
6

7 **For An Act To Be Entitled**

8 AN ACT TO CREATE THE CHOCOLATE-COVERED CHERRY FREEDOM  
9 ACT OF 2017; TO EXEMPT CERTAIN CONFECTIONERIES FROM  
10 THE DEFINITION OF ADULTERATED FOODS; TO EXEMPT  
11 CERTAIN CONFECTIONERIES FROM PROHIBITIONS ON  
12 ALCOHOLIC SUBSTANCES; AND FOR OTHER PURPOSES.  
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14

15 **Subtitle**

16 TO CREATE THE CHOCOLATE-COVERED CHERRY  
17 FREEDOM ACT OF 2017.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 3-1-103(c), concerning exempted products  
23 under the Arkansas Alcoholic Control Act, is amended to read as follows:

24 (c)(1) After having been manufactured and prepared for the market, the  
25 articles enumerated in this subsection ~~shall not be subject to the provisions~~  
26 of are not subject to this act:

27 (A) Denatured alcohol or denatured rum produced and used  
28 as provided by laws and regulations now or hereinafter in force;

29 (B) Medicinal preparations manufactured in accordance with  
30 formulae prescribed in the United States Pharmacopoeia – National Formulary,  
31 or by the American Institute of Homeopathy that are unfit for the use for  
32 beverage purposes;

33 (C) Patented, patent, and proprietary medicines that are  
34 unfit for use for beverage purposes;

35 (D) Toilet, medicinal, and antiseptic preparations and  
36 solutions that are unfit for use for beverage purposes;



1 (E) Flavoring extracts and syrups that are unfit for use  
2 as a beverage or for intoxicating beverage purposes;

3 (F) Vinegar and preserved sweet cider;

4 (G) Alcohol medicated according to such formulae as will  
5 render it unfit for beverage purposes and which is to be sold for legitimate  
6 external use;

7 (H) Alcohol for mechanical and scientific purposes if  
8 unfit for a beverage;

9 (I) Wines; and

10 (J) Confectionery containing less than five percent (5%)  
11 by volume of alcohol, if the alcohol is in a nonliquid form as a result of  
12 being mixed with other substances.  
13

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

16 3-2-413. Labels for confectionaries containing nonliquid alcohol.

17 A confectionary containing between five-tenths of one percent (0.5%)  
18 and five percent (5%) by volume of alcohol shall bear a label stating: "This  
19 product contains up to 5% alcohol by volume".  
20

21 *SECTION 3. Arkansas Code § 3-3-201(a), concerning unknowingly*  
22 *furnishing or selling to a minor, is amended to read as follows:*

23 (a) Any person who ~~shall unknowingly sell, give away, or otherwise~~  
24 ~~dispose~~ unknowingly sells, gives away, or otherwise disposes of intoxicating  
25 liquor or a confectionary containing between five-tenths of one percent  
26 (0.5%) and five percent (5%) by volume of alcohol to a minor ~~shall be is~~  
27 guilty of a violation and shall be punished by a fine of not less than two  
28 hundred dollars (\$200) nor more than five hundred dollars (\$500) for the  
29 first offense.  
30

31 *SECTION 4. Arkansas Code § 3-3-202(a)(1), concerning knowingly*  
32 *furnishing or selling to a minor, is amended to read as follows:*

33 (a)(1)(A) It shall be unlawful for any person knowingly to give,  
34 procure, or otherwise furnish any alcoholic beverage or a confectionary  
35 containing between five-tenths of one percent (0.5%) and five percent (5%)  
36 alcohol by volume to any person under twenty-one (21) years of age.

1                    (B) However, this subsection ~~shall~~ does not apply to the  
2 serving of an alcoholic beverage to the person's family or to the use of wine  
3 or beer in any religious ceremony or rite in any established church or  
4 religion.

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6  
7                    *SECTION 5. Arkansas Code § 3-3-203(b), concerning purchase or*  
8 *possession of alcohol by a minor, is amended to read as follows:*

9                    (b) It ~~shall also be~~ is unlawful for an adult to purchase on behalf of  
10 a person under twenty-one (21) years of age any intoxicating liquor, wine, ~~or~~  
11 beer, or a confectionary containing between five-tenths of one percent (0.5%)  
12 and five percent (5%) alcohol by volume.

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14                    *SECTION 6. Arkansas Code § 20-56-208(11)(B), concerning adulterated*  
15 *food, is amended to read as follows:*

16                    (B) However, this subdivision (11) shall not apply to:

17                    (i) any confectionery Confectionery containing less  
18 than ~~one-half of one percent (½ of 1%)~~ five percent (5%) by volume of alcohol  
19 ~~derived solely from the use of flavoring extracts, if the alcohol is in a~~  
20 nonliquid form as a result of being mixed with other substances; or

21                    (ii) to any chewing Chewing gum containing harmless  
22 nonnutritive masticatory substances; or

23  
24                    /s/Della Rosa

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27                    **APPROVED: 04/06/2017**