

Hall of the House of Representatives

87th General Assembly - Regular Session, 2009

Amendment Form

Subtitle of Senate Bill No. 334

"AN ACT TO BE KNOWN AS THE ARKANSAS SMALL BREWERY ACT; TO CREATE A
NEW CATEGORY OF BEER LICENSES; TO PROVIDE FOR THE OPERATION OF THE
LICENSED FACILITIES."

Amendment No. 1 to Senate Bill No. 334.

Amend Senate Bill No. 334 as originally introduced:

Page 1, delete lines 24 through 36

AND

Page 2, delete lines 1 through 36

AND

Page 3, delete lines 1 through 32 and substitute the following:

"SECTION 1. Arkansas Code § 3-5-1403 is amended to read as follows:
3-5-1403. Definitions.

As used in this subchapter:

(1) "Barrel" means thirty-one (31) gallons;

(2) "Beer" means any fermented liquor made from malt or any
substitute having an alcoholic content of not more than five percent (5%) by
weight;

~~(3) "Board" means the Alcoholic Beverage Control Board;~~

~~(4)~~(3) "Brewery" means the facilities of a native brewer that
operate a small brewery, contract brewing company, microbrewery, or
restaurant;

~~(5)~~(4) "Contract brewing company" means any licensed brewery
that hires another company to produce a portion of its beer or malt beverage;

~~(6)~~(5) "Director" means the Director of the Alcoholic Beverage
Control Division of the Department of Finance and Administration;

~~(7)~~(6) "Malt beverage" means any liquor brewed from the
fermented juices of grain and having an alcoholic content of no less than
five percent (5%) nor more than twenty-one percent (21%) by weight;

~~(8)~~(7) "Microbrewery-restaurant" means any restaurant that
manufactures one (1) or more varieties of beer or malt beverage in an
aggregate quantity of not more than five thousand (5,000) barrels per year



and stores the beer or malt beverages on the premises or on any adjacent premises;

~~(9)~~(8) "Native brewer" means any person who is licensed by the division to manufacture and sell beer and malt beverages at a small brewery or microbrewery-restaurant;

~~(10)~~(9) "Native brewery" means a small brewery or microbrewery-restaurant;

~~(11)~~(10) "Person" means any natural person, partnership, association, or corporation;

~~(12)~~(11) "Producer brewery" means any licensed brewery, domestic or foreign, that manufactures or packages beer or malt beverages for a small brewery, contract brewing company, microbrewery, or restaurant;

~~(13)~~(12) "Restaurant" means any public or private facility that:

(A) Is kept, used, maintained, advertised, and held out to the public or to a private or restricted membership as a place where complete meals are regularly served, and the place is provided with adequate and sanitary kitchen and dining equipment and has a seating capacity of at least fifty (50) people and employs a sufficient number of employees to prepare, cook, and serve food suitable for its guests or members; and

(B) Serves at least one (1) meal per day, and the place is open a minimum of five (5) days per week, with the exception of holidays, vacations, and periods of redecorating; and

~~(14)~~(13) "Small brewery" means any licensed facility that manufactures fewer than ~~60,000~~ thirty thousand (30,000) barrels of beer and malt beverages per year for sale or consumption.

SECTION 2. Arkansas Code § 3-5-1405(a) is amended to read as"

AND

Page 4, line 4, delete "sixty"

AND

Page 4, delete line 5 and substitute the following:
"thirty thousand (30,000) barrels per year; or"

AND

Page 4, line 10 delete "facility or" and substitute "facility;"

AND

Page 4, delete line 11 and substitute the following:
~~"and"~~

AND

Page 4, delete line 30 and substitute the following:

"(a)(1)(F)(i) of this section, the small brewery shall obtain a small brewery wholesale"

AND

Page 4, line 32, delete "Sell" and substitute "Sells"

AND

Page 5, delete line 6 and substitute the following:
"name products of the licensed facility; ~~and~~"

AND

Page 5, delete lines 8 through 36

AND

Page 6, delete lines 1 through 22 and substitute the following:
"resale on the premises-; and
 (D) Sells wine on the premises.

SECTION 3. Arkansas Code § 3-5-1408 is amended to read as follows:
3-5-1408. Fees and taxes.
A native brewer shall:"

AND

Page 6, delete line 25 and substitute the following:
"Beverage Control Division of ~~two hundred fifty dollars (\$250)~~ three hundred dollars (\$300) per fiscal year"

AND

Page 7, delete line 5 and substitute the following:
"~~(60,000)~~ thirty thousand (30,000) barrels per year and sold or offered for sale in the"

AND

Page 7, delete lines 8 through 36

AND

Page 8, delete line 1 and 2

AND

Page 8, line 4, delete "SECTION 5." and substitute "SECTION 4."

AND

Page 8, delete line 5 and substitute the following:
"to add additional sections to read as follows:"

AND

Page 8, delete line 9 and substitute the following:
"of the week.

3-5-1416. Small brewery not a supplier.
A small brewery is not a supplier under § 3-5-1102."

The Amendment was read _____
By: Representative Webb
MGF/BCS - 03-25-2009 09:12 _____
MGF356 Chief Clerk