

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

# A Bill

HOUSE BILL 1555

5 By: Representative D. Ferguson  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS ALCOHOLIC CONTROL ACT;  
9 TO CLARIFY THE ELIGIBILITY OF CERTAIN PERSONS TO  
10 RECEIVE LICENSES REGARDING ALCOHOLIC BEVERAGES; AND  
11 FOR OTHER PURPOSES.  
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## Subtitle

14 TO AMEND THE ARKANSAS ALCOHOLIC CONTROL  
15 ACT; AND TO CLARIFY THE ELIGIBILITY OF  
16 CERTAIN PERSONS TO RECEIVE LICENSES  
17 REGARDING ALCOHOLIC BEVERAGES.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 3-1-102(a), concerning definitions for the  
24 Arkansas Alcoholic Control Act, is amended to read as follows:

25 (a) As used in this ~~act, unless the context otherwise requires~~ unless  
26 otherwise provided:

27 (1) "Block" means the area on both sides of that portion of a  
28 street lying between intersecting streets and extending back, on both sides,  
29 halfway to the next parallel street;

30 (2) "Dispensary" means any store which, under the provisions of  
31 this ~~act~~ title unless otherwise provided and having paid all taxes required  
32 by the state, sells at retail, in unbroken packages, for consumption off the  
33 premises, any intoxicating alcoholic liquor as defined by this ~~act~~ title  
34 unless otherwise provided;

35 (3) "Excluded felony offense" means:

36 (A)(i) A felony involving violence.



1                    (ii) An offense that has been sealed by a court or  
 2 for which a pardon has been granted is not considered an excluded felony  
 3 offense; or

4                    (B) A violation of a state or federal controlled-substance  
 5 law that was classified as a felony in the jurisdiction where the person was  
 6 convicted, but not including:

7                    (i) An offense for which the sentence, including any  
 8 term of probation, incarceration, or supervised release, was completed ten  
 9 (10) or more years earlier; or

10                   (ii) An offense that has been sealed by a court or  
 11 for which a pardon has been granted;

12                   ~~(3)~~(4) “Hard cider” means liquor brewed from the fermented  
 13 juices of fruit and containing more than three percent (3%) and not more than  
 14 twenty-one percent (21%) of alcohol by weight;

15                   ~~(4)(A)~~(5)(A) “Malt” means liquor brewed from the fermented  
 16 juices of grain and containing more than five percent (5%) of alcohol by  
 17 weight.

18                   (B) Beer containing not more than five percent (5%) of  
 19 alcohol by weight and all other malt beverages containing not more than five  
 20 percent (5%) of alcohol by weight are not defined as malt liquors and are  
 21 excepted from each and every provision of this act;

22                   ~~(5)~~(6) “Manufacturer” means any person engaged in the business  
 23 of distilling, brewing, making, blending, rectifying, or producing for sale  
 24 in wholesale quantities alcoholic liquors of any kind, including whiskey,  
 25 brandy, cordials, liquors, ales, beers, or other liquids containing alcohol,  
 26 except wines;

27                   ~~(6)~~(7) “Person” means any and all corporations, partnerships,  
 28 associations, or individuals;

29                   (8) "Sealed" means to expunge, remove, sequester, and treat as  
 30 confidential the record or records of a felony offense;

31                   ~~(7)~~(9) “Spirituous” means liquor distilled from the fermented  
 32 juices of grain, fruits, or vegetables and containing more than twenty-one  
 33 percent (21%) of alcohol by weight, or any other liquids containing more than  
 34 twenty-one percent (21%) of alcohol by weight; and

35                   ~~(8)~~(10) “Vinous” means the fermented juices of fruits, except  
 36 native wine, containing more than five percent (5%) and not more than twenty-

1 one percent (21%) of alcohol by weight.

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 3 SECTION 2. Arkansas Code § 3-4-207 is amended to read as follows:  
 4 3-4-207. Ineligible persons.

5 ~~No~~ The following persons described in this section shall not receive a  
 6 permit under this title:

7 (1) A person who has been convicted of a ~~a~~ an excluded felony;

8 (2) A person under the age of twenty-one (21) years;

9 (3) A person who is not a citizen or resident alien of the  
 10 United States;

11 (4) A copartnership, unless all members of such copartnership  
 12 are citizens or resident aliens of the United States;

13 (5) A person who ~~shall have~~ had his or her permit issued under  
 14 this ~~act~~ title revoked for cause or who has been convicted of a violation of  
 15 this act until the expiration of two (2) years from the date of such  
 16 revocation or conviction; or

17 (6) A corporation or copartnership, if any of its officers or  
 18 members have been convicted of a violation of this ~~act~~ title or have had a  
 19 permit issued under this ~~act~~ title revoked for cause until two (2) years from  
 20 the date of the conviction or revocation.