

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

As Engrossed: H2/24/17

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.
12
13

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.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

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 offense as determined by the



1 jurisdiction where the felony offense occurred.

2 (ii) The Alcoholic Beverage Control Division
3 shall determine whether an offense is a felony offense based upon a review of
4 the relevant court records concerning the conviction for the offense; or

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

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

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

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

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

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

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

28 ~~(6)~~(7) "Person" means any and all corporations, partnerships,
29 associations, or individuals;

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

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

36 ~~(8)~~(10) "Vinous" means the fermented juices of fruits, except

1 native wine, containing more than five percent (5%) and not more than twenty-
2 one percent (21%) of alcohol by weight.

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

5 3-4-207. Ineligible persons.

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

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

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

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

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

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

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

22
23 /s/D. Ferguson
24
25
26
27
28
29
30
31
32
33
34
35
36