

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 631

5 By: Senator L. Eads
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For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW REGARDING HARD CIDER; TO
9 ESTABLISH A HARD CIDER DIRECT SHIPPER PERMIT; TO
10 AUTHORIZE A HARD CIDER MANUFACTURER TO SHIP AND TO
11 DELIVER HARD CIDER; AND FOR OTHER PURPOSES.
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Subtitle

14 TO AMEND THE LAW REGARDING HARD CIDER;
15 AND TO AUTHORIZE A HARD CIDER
16 MANUFACTURER TO SHIP AND TO DELIVER HARD
17 CIDER.
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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 § 3-4-611, concerning the hard cider
24 manufacturing permit, is amended to add an additional subsection to read as
25 follows:

26 (n)(1) A hard cider manufacturer may deliver or cause to be delivered
27 alcoholic beverages directly to the private residence of a consumer twenty-
28 one (21) years of age or older in a wet county or territorial subdivision
29 during legal operating hours.

30 (2) The hard cider manufacturer shall not deliver or cause to be
31 delivered alcoholic beverages to an area outside of the county in which the
32 permitted business is located.

33 (3) Alcoholic beverages shall be delivered by an employee of the
34 hard cider manufacturer permit holder and shall not be delivered through a
35 third-party delivery.
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1 SECTION 2. Arkansas Code Title 3, Chapter 4, Subchapter 6, is amended
 2 to add an additional section to read as follows:

3 3-4-613. Hard cider direct shipper permit.

4 (a)(1) A hard cider manufacturer may apply to the Director of the
 5 Alcoholic Beverage Control Division for a hard cider direct shipper permit
 6 that authorizes the hard cider direct shipper permit holder to ship hard
 7 cider manufactured under the hard cider manufacturing permit under § 3-4-611
 8 directly to the residence of a consumer of legal age in this state located in
 9 a wet county.

10 (2) A hard cider direct shipper permit holder may ship hard
 11 cider to the residence of a consumer in another state if the other state
 12 allows alcohol to be directly shipped to consumers.

13 (b) The hard cider direct shipper permit may be issued by the
 14 Alcoholic Beverage Control Division to a qualified hard cider manufacturer.

15 (c) A hard cider manufacturer applying for a hard cider direct shipper
 16 permit shall provide the division with a copy of the hard cider
 17 manufacturer’s current license to manufacture hard cider issued by:

18 (1) The state where the hard cider manufacturer is located; and

19 (2) The Alcohol and Tobacco Tax and Trade Bureau of the United
 20 States Department of the Treasury.

21 (d)(1) A hard cider direct shipper permit shall be issued initially
 22 for a fee of one hundred dollars (\$100).

23 (2) A hard cider direct shipper permit shall expire on June 30
 24 of each year and may be renewed annually for a fee of fifty dollars (\$50.00).

25 (e)(1) A hard cider direct shipper permit holder shall:

26 (A) Collect and pay all sales taxes and excise taxes due
 27 on a sale to a consumer of this state as if the sale took place on the
 28 premises of an Arkansas hard cider manufacturer, including without limitation
 29 taxes under §§ 3-5-1605, 3-7-104, 3-7-111, and 3-7-201; and

30 (B) Source the collection of sales and use taxes to the
 31 purchaser’s delivery address in accordance with § 26-52-521(b)(2).

32 (2) Taxes collected by the hard cider direct shipper permit
 33 holder shall be submitted to the Department of Finance and Administration as
 34 directed, including without limitation under §§ 3-5-1605, 3-7-104, 3-7-111,
 35 and 3-7-201.

36 (f) A hard cider direct shipper permit holder shall ensure that all

1 containers of hard cider shipped to and delivered within this state are
2 conspicuously labeled as follows:

3 “CONTAINS ALCOHOL; SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR
4 DELIVERY”.

5 (g) A hard cider direct shipper permit holder shall:

6 (1) Arrange delivery of the hard cider shipped to an Arkansas
7 consumer only during the hours of the day that alcoholic beverages may be
8 purchased in the state;

9 (2) Maintain records regarding each shipment of hard cider that
10 include the:

11 (A) Name and address of the person to whom the hard cider
12 direct shipper permit holder is:

13 (i) Sold; and

14 (ii) Billed; and

15 (B) Date of shipment;

16 (3) Ship only one (1) case of up to twenty-four (24) bottles or
17 cans of hard cider per consumer in a month.

18 (h) The division may adopt rules to implement this section.
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