

## **MARKUP COPY**

**Section 2.12 *Manufacturer to Sell Only to Wholesalers; Exception for Small Farm Wine and Brandy.*** Any person manufacturing controlled beverages under any alcoholic beverage control law of the State of Arkansas shall sell such controlled beverages only to persons holding a permit to sell such controlled beverages at wholesale. **Provided**, that manufacturers of small farm wine and brandy may also sell to consumers in accordance with the laws and Rules applicable to such permits. **Provided** further, a distiller or manufacturer, as permitted under § 3-4-602, may sell, deliver, and transport to permitted retailers as described in the provisions of Section 2.85(2). (Amended 09/01/2021)

## **SUMMARY OF SUBSTANTIVE CHANGES**

Act 706 of 2021 modifies Ark. Code Ann. §3-4-602 to allow a distiller to self-distribute.

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1 State of Arkansas As Engrossed: H3/22/21 H3/29/21 H4/1/21

2 93rd General Assembly

# A Bill

3 Regular Session, 2021

HOUSE BILL 1763

4

5 By: Representatives Christiansen, Warren, Cozart, Haak, D. Garner, Rye, Tollett, Penzo

6 By: Senators L. Eads, C. Tucker, Hill, G. Leding

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## For An Act To Be Entitled

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AN ACT TO AMEND THE LAW REGARDING ARKANSAS

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*DISTILLERIES; TO AUTHORIZE SELF-DISTRIBUTION; TO*

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*DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*

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## Subtitle

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*TO AMEND THE LAW REGARDING ARKANSAS*

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*DISTILLERIES; TO AUTHORIZE SELF-*

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*DISTRIBUTION; AND TO DECLARE AN*

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*EMERGENCY.*

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

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SECTION 1. Arkansas Code § 3-4-602(g), concerning the alcoholic beverage permit for distillers or manufacturers, is amended to read as follows:

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(g) Under rules adopted by the director, a distiller or manufacturer may:

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(1) Sell, deliver, or transport to wholesalers;

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(2) Sell, deliver, or transport to rectifiers;

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(3) ~~Export out of the state;~~ Sell, deliver, or transport to

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licensed retailers not more than fifteen thousand (15,000) nine-liter-

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equivalent cases or thirty-five thousand six hundred sixty-seven gallons

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(35,667 gals.) of spirituous liquors per year;

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(4) Export out of the state;

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~~(4)-(5)~~ Sell for off-premises consumption spirituous or vinous

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liquors the distiller or manufacturer manufactures *on any day of the week;*



1           ~~(5)~~(6) Serve on the premises complimentary samples of liquors  
2 produced by the distiller or manufacturer;

3           ~~(6)~~(7) Sell at retail, by the drink or by the package,  
4 spirituous or vinous liquors produced on the premises of the distillery if  
5 all sales occur in a wet territory; and

6           ~~(7)~~(8) Sell for consumption on the premises of the manufacturer:

7                   (A) Liquors produced by the manufacturer or liquors that  
8 the manufacturer may purchase from wholesalers licensed by the state;

9                   (B) Wine;

10                  (C) Beer; and

11                  (D) Malt liquor.  
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13           SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
14 General Assembly of the State of Arkansas that this act is essential to the  
15 preservation of the public peace, health, and safety and to the operation of  
16 the alcohol laws in the State of Arkansas; that this act eliminates  
17 conflicting language and allows consistent application of alcohol laws; that  
18 this act is immediately necessary due to the substantial growth and continued  
19 expansion of the distilling industry in Arkansas; that clear and consistent  
20 application of the law to the distilling industry is in the public's  
21 immediate interest as is controlling the distribution of alcoholic beverages  
22 within the state. Therefore, an emergency is declared to exist, and this act  
23 being immediately necessary for the preservation of the public peace, health,  
24 and safety shall become effective on:

25                   (1) The date of its approval by the Governor;

26                   (2) If the bill is neither approved nor vetoed by the Governor,  
27 the expiration of the period of time during which the Governor may veto the  
28 bill; or

29                   (3) If the bill is vetoed by the Governor and the veto is  
30 overridden, the date the last house overrides the veto.  
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32   */s/Christiansen*  
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35   **APPROVED: 4/14/21**  
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