

# Hall of the House of Representatives

87th General Assembly - Regular Session, 2009

## Amendment Form

\*\*\*\*\*

### Subtitle of House Bill No. 2252

"AN ACT TO IMPROVE SALES OPPORTUNITIES FOR ARKANSAS SMALL FARM  
WINERIES."

\*\*\*\*\*

### Amendment No. 1 to House Bill No. 2252.

Amend House Bill No. 2252 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 3-5-1602(c)(1), concerning functions authorized under the licensure of small farm wineries, is amended to read as follows:

(c)(1) A small farm winery license authorizes the licensee to perform the following functions without the small farm winery having to obtain a separate license:

(A) Manufacture wines and bottle wines produced by that small farm winery;

(B) Bottle wines produced by another small farm winery;

(C) Serve on the premises, ~~or~~ at small farm winery off-premises retail sites, or small farm winery retail sites complimentary samples of wine produced by the small farm winery or another licensed small farm winery, if the small farm winery, ~~or~~ its off-premises retail site, or its retail site is located in a wet territory;

(D) Sell at retail by the drink or by the package wine produced on the premises of the small farm winery or produced by another small farm winery, if all sales occur in a wet territory and at:

(i) The small farm winery off-premises retail sites;  
or

(ii) Fairs and food and wine festivals, with the permission and the consent of the management of the events. A sales and use tax permit is also required;

(E)(i) Sell and transport wine produced on the premises of the small farm winery or of another small farm winery to wholesale and retail license holders and small farm winery license holders.

(ii) To exercise the privileges of this subdivision (c)(1)(E)(i) of this section, the small farm winery ~~must~~ shall obtain a wine wholesale permit or sell to a licensed small farm winery wholesaler; and

(F) Sell for consumption on the premises wine produced by the small farm winery or another small farm winery and purchased by the drink or by the package at the licensed premises, if the small farm winery is



located in a wet territory.

SECTION 2. Arkansas Code § 3-5-1605(a), as amended by Act 294 of 2009, concerning license fees for small farm wineries, is amended to read as follows:

(a) For the privilege of doing business respectively, as indicated in this section, there ~~shall be~~ is imposed, assessed, levied, and collected each fiscal year beginning July 1, the following license fees:

(1)(A) For the privilege of manufacturing small farm wine in quantities not to exceed ~~five thousand gallons (5,000 gals.)~~ twenty-five thousand gallons (25,000 gals.), a license fee of two hundred dollars (\$200) shall be paid by the manufacturer.

(B) However, a person in this state may manufacture wine from fruits or vegetables in quantities not to exceed two hundred gallons (200 gals.) for consumption in the person's home by the person and the person's guests but not for sale free from the license fee under subdivision (a)(1)(A) of this section;

(2) For the privilege of manufacturing small farm wine in excess of five thousand gallons (5,000 gals.), a license fee of four hundred dollars (\$400) shall be paid by the manufacturer;

(3)(A) For the privilege of selling small farm winery wine except by a manufacturer for consumption at the manufacturer's winery, there shall be paid for each retail dealer's license a fee of one hundred dollars (\$100).

(B) This subdivision (a)(3) applies to all retail licenses for grocery stores and convenience stores that sell malt beverages and wine.

(C) A licensed retail liquor dealer or a licensed package store may sell small farm wines without obtaining a retail dealer's license under subdivision (a)(3)(A) of this section;

(4)(A) For the privilege of selling small farm wine except by a manufacturer at the manufacturer's winery, there shall be paid for each wholesale dealer's license a fee of one hundred dollars (\$100).

(B) This subdivision (a)(4) applies to all alcoholic beverage wholesale distributors;

(5) For the privilege of selling small farm winery wine at the small farm winery or in this state, there is imposed, assessed, and levied a tax of seventy-five cents (75¢) per gallon upon all the small farm winery wine manufactured and sold in this state under this subchapter; and

(6) For the privilege of selling small farm winery light wine at the small farm winery or in this state, there is imposed, assessed, and levied a tax of twenty-five cents (25¢) per gallon upon all light wine manufactured and sold in this state under the provisions of this subchapter."

The Amendment was read \_\_\_\_\_  
By: Representative King  
MGF/KSW - 03-11-2009 09:04  
MGF309

\_\_\_\_\_  
Chief Clerk