

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Malone

A Bill

SENATE BILL 636

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 3-5-202, 3-5-205, AND 3-5-
9 207 TO AUTHORIZE AND REGULATE THE MANUFACTURE OF HOME
10 BREWED BEER FOR CONSUMPTION BY THE BREWER AND HIS OR HER
11 FAMILY AND GUESTS; AND FOR OTHER PURPOSES."

Subtitle

14 "TO AUTHORIZE AND REGULATE THE
15 MANUFACTURE OF HOME BREWED BEER FOR
16 CONSUMPTION BY THE BREWER AND HIS OR HER
17 FAMILY AND GUESTS."

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

21 SECTION 1. Arkansas Code 3-5-202 is amended by adding a new
22 subdivision at the end thereof to read as follows:

23 "(13) Home brewed means beer made from malted barley, wheat or
24 cereal grains or any substitute therefor and having an alcoholic content not
25 in excess of five percent (5%) by weight, brewed for consumption by the
26 manufacturer and his or her family and guests but not for sale. Provided any
27 manufacturer of home brewed beer must have attained twenty-one (21) years of
28 age."

30 SECTION 2. Arkansas Code 3-5-205 is amended by adding a new
31 subdivision at the end thereof to read as follows:

32 "(f) (1) However, any person in this state may manufacture home brewed
33 beer upon his/her own premises free from the license fees and taxes provided
34 in this subchapter, for consumption by the manufacturer and his or her family
35 and guests but not for sale, in quantities not to exceed two hundred (200)

1 gallons per calendar year if there are two or more adults in such household
2 or one hundred (100) gallons if there is only one adult in such household.

3 (2) *While the manufacturer of beer is declared to be a*
4 *privilege, the home manufacture of beer in quantities not to exceed two*
5 *hundred (200) gallons per calendar year shall be exempted from 3-4-101, 3-4-*
6 *602, 3-5-205(a) through (e), 3-5-206 and 3-5-211."*

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8 SECTION 3. Arkansas Code 3-5-207 is amended to read as follows:

9 "(a) Except as provided in subsection (b) of this section, any permit
10 issued under the provisions of § 3-5-206 authorizing the sale of light wines
11 or beer for consumption under the provisions prescribed in the permit shall
12 be construed to authorize the sale of such liquor by the bottle, by the
13 glass, or draught and in or from the original package.

14 (b) *No permit shall be required for the home manufacture of beer in*
15 *quantities not to exceed two hundred (200) gallons per calendar year under 3-*
16 *4-101, 3-4-602, 3-5-206 or 3-5-211 as may otherwise be required of other*
17 *manufacturers."*

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19 SECTION 4. Arkansas Code 3-5-210 is amended to read as follows:

20 "(a) *Except as provided in subsection (b), any person who shall brew,*
21 *manufacture or sell any liquor as defined by this subchapter without first*
22 *having secured a permit from the director of the Alcoholic Beverage Control*
23 *Division authorizing the brewing, manufacturing or sale of such liquor shall*
24 *be deemed guilty of a misdemeanor and shall be punished as provided in 3-5-*
25 *203.*

26 (b) *Home manufacturers of beer in quantities not to exceed two hundred*
27 *(200) gallons per year shall be exempt as provided in 3-5-205(f)(2) and 3-5-*
28 *207(b) from the permit requirements for the manufacture of beer and shall not*
29 *be prosecuted for brewing or manufacturing beer without a permit."*

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31 SECTION 5. All provisions of this act of a general and permanent nature
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
33 Revision Commission shall incorporate the same in the Code.

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35 SECTION 6. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

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6 SECTION 7. All laws and parts of laws in conflict with this act are
7 hereby repealed.

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/s/Malone

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