

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

SENATE BILL 701

4  
5 By: Senators Jeffries, Harriman and Walters

## For An Act To Be Entitled

9 "AN ACT TO AMEND VARIOUS SECTIONS OF SUBCHAPTER 2 OF TITLE  
10 3, CHAPTER 5 OF THE ARKANSAS CODE OF 1987, ANNOTATED,  
11 REGARDING THE MANUFACTURE OF BEER, TO CLARIFY THAT  
12 ARKANSAS BEER MANUFACTURING PERMITS AUTHORIZE THE SHIPMENT  
13 OF BEER FOR OUT-OF-STATE SALE AND CONSUMPTION; AND FOR  
14 OTHER PURPOSES."

## Subtitle

16  
17 "TO CLARIFY THAT ARKANSAS BEER  
18 MANUFACTURING PERMITS AUTHORIZE THE  
19 SHIPMENT OF BEER FOR OUT-OF-STATE SALE."

20  
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22  
23 SECTION 1. Arkansas Code § 3-5-207 is amended to read as follows:

24 "3-5-207. Scope of state permit.

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

30 (b) No permit shall be required for the home manufacture of beer in  
31 quantities not to exceed two hundred (200) gallons per calendar year under §§  
32 3-4-101, 3-4-602, 3-5-206, or 3-5-211, as may otherwise be required of other  
33 manufacturers.

34 (c) Any permit issued under the provisions of § 3-5-206 authorizing the  
35 manufacture of beer shall allow an Arkansas beer manufacturer to sell and ship  
36 to business entities licensed and qualified in the other states to receive

1 beer products brewed in Arkansas."

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3 SECTION 2. Arkansas Code § 3-5-217 is amended to read as follows:

4 "3-5-217. Transportation of products.

5 (a)(1) It shall be lawful to transport the products defined in § 3-5-  
6 202, if the tax upon the products has been paid.

7 (2) It shall be lawful for any brewery in the State of Arkansas to  
8 transport and ship beer out of state by common carrier or other appropriate  
9 parcel delivery service and for common carriers and other appropriate parcel  
10 delivery services to accept beer from Arkansas breweries for delivery outside  
11 the State of Arkansas to business entities licensed and qualified in the other  
12 states.

13 (b) It shall be unlawful to transport into, out of, or within this  
14 state any light wines or beer upon which the state tax prescribed by this  
15 subchapter has not been paid, except where such light wines or beer having  
16 first been ordered or sold to a distributor within this state is being shipped  
17 in due course of business from a brewer, manufacturer, dealer, or distributor  
18 without this state to a bonded distributor within this state, or unless the  
19 shipment is in interstate commerce and is passing from a point of origin  
20 outside of this state through this state into another state.

21 (c) The transportation of such liquor into or within this state in all  
22 cases shall be under such regulations as may be regularly prescribed."

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24 SECTION 3. All provisions of this act of general and permanent nature  
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
26 Revision Commission shall incorporate the same in the Code.

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28 SECTION 4. If any provisions of this act or the application thereof to  
29 any person or circumstance is held invalid, the invalidity shall not affect  
30 other provisions or applications of the act which can be given effect without  
31 the invalid provisions or application, and to this end the provisions of this  
32 act are declared to be severable.

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34 SECTION 5. All laws and parts of laws in conflict with this act are  
35 hereby repealed.