

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 2632

5 By: Representative Stovall
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7

For An Act To Be Entitled

8 AN ACT TO REQUIRE THAT BEER KEGS SOLD FOR OFF-
9 PREMISES CONSUMPTION HAVE AN IDENTIFICATION
10 LABEL; AND FOR OTHER PURPOSES.
11

Subtitle

12 AN ACT TO REQUIRE THAT BEER KEGS SOLD
13 FOR OFF-PREMISES CONSUMPTION HAVE AN
14 IDENTIFICATION LABEL.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 3, Chapter 5, Subchapter 2 is amended
22 to add an additional section to read as follows:

23 3-5-227. Registration of beer kegs for off-premises consumption.

24 (a) As used in this section:

25 (1) "Beer" means any fermented liquor made from malt or any
26 substitute therefor and having an alcoholic content not in excess of five
27 percent (5%) by weight; and

28 (2) "Keg" means a vessel which has a liquid capacity of four (4)
29 or more gallons.

30 (3) "Off-premises" means a place other than the licensed
31 retailer's place of business.

32 (b) All retail dealers that sell a keg of beer for off-premises
33 consumption are required to attach an identification label or tag to the keg
34 prior to the sale.

35 (c)(1) The identification label or tag shall consist of paper within a
36 clear protective coating that is plastic, metal, or another durable material



1 that is not easily damaged or destroyed.

2 (2) The paper shall be of a kind to allow the required
 3 information to be automatically produced in triplicate.

4 (3) Identification labels used may contain a nonpermanent
 5 adhesive material in order to apply the label directly to an outside surface
 6 of a keg at the time of sale.

7 (4) Identification tags shall be attached to the keg at the time
 8 of sale with nylon ties or cording, wire ties or other metal attachment
 9 devices, or another durable means of tying or attaching the tag to the keg.

10 (5) The identification label or tag shall be designed so that
 11 when affixed to a keg, the label or tag will not mar or otherwise physically
 12 damage the keg.

13 (6) The identification label or tag shall include:

14 (A) The name and address of the retail dealer;

15 (B) The name of the purchaser; and

16 (C) An individual identification number assigned by the
 17 retail dealer that uniquely identifies the keg.

18 (d)(1) Prior to the retail sale of a keg of beer for off-premises
 19 consumption, the retail dealer shall require the purchaser to sign a
 20 statement promulgated by the Director of the Alcoholic Beverage Control
 21 Division attesting under the penalty of perjury:

22 (A) To the accuracy of the purchaser's name as shown on
 23 the identification label or tag; and

24 (B)(i) That the purchaser is aware that giving, procuring
 25 or otherwise furnishing any alcoholic beverage to any person under twenty-one
 26 (21) years of age is a misdemeanor as provided in §§ 3-3-201 and 3-3-202; and

27 (ii) That the purchaser will not allow any person
 28 under twenty-one (21) years of age to consume any of the beer in the keg.

29 (2) The retail dealer shall also record the following:

30 (A) The name and address of the purchaser;

31 (B) The identification card or driver's license number
 32 from the purchaser's acceptable documentation of age;

33 (C) The amount of the container deposit and registration
 34 deposit;

35 (D) The date and time of the purchase; and

36 (E) The keg identification number required under

1 subsection (c) of this section.

2 (e)(1) All records and statements required under this section shall be
 3 maintained by the retail dealer for a period of ninety (90) days from the
 4 date of the return of the keg.

5 (2) The records and statements shall remain open to inspection
 6 by authorized agents of the Alcoholic Beverage Control Division and law
 7 enforcement officers during the retail dealer's normal business hours.

8 (f)(1) When a keg of beer is purchased for off-premises consumption,
 9 the retail dealer shall collect a seventy-five dollar (\$75.00) registration
 10 deposit on each keg of beer purchased.

11 (2) The registration deposit shall be collected in addition to
 12 the purchase price of the keg of beer, taxes, and any other deposit collected
 13 by the retail dealer.

14 (3) When the keg is returned within ninety (90) days of the date
 15 of purchase to the retail dealer with the identification label or tag intact,
 16 the retail dealer shall:

17 (A) Return the registration deposit to the purchaser; and

18 (B) Remove the identification label or tag from the keg.

19 (4) The registration deposit on each keg returned without the
 20 identification label or tag or with an identification label or tag so damaged
 21 that the information contained on the label or tag could not be verified
 22 shall be forfeited to the retail dealer.

23 (5) The registration deposit on any keg not returned to the
 24 retail dealer within ninety (90) days of the date of purchase shall be
 25 forfeited to the retail dealer.

26 (g)(1) The retail dealer shall notify the Director of the Alcoholic
 27 Beverage Control Division within ten (10) days of the forfeiture of a
 28 registration deposit by a purchaser under subsection (f) of this section.

29 (2) The notification form shall consist of:

30 (A) The name and address of the retail dealer;

31 (B) The name and address of the purchaser;

32 (C) The retail dealer's beer permit or license number; and

33 (D) A statement indicating the reason for forfeiture of
 34 the registration deposit by the purchaser, including but not limited to the
 35 following reasons:

36 (i) The keg was not returned;

1 (ii) The keg was returned more than ninety (90) days
2 after purchase;

3 (iii) The identification label or tag was removed;
4 or

5 (iv) The identification label or tag was damaged.

6 (3) Any retail dealer that fails to notify the director within
7 ten (10) days of the forfeiture of a registration deposit by a purchaser is
8 guilty of a violation of this subchapter.

9 (h)(1) No person other than the retail dealer, a licensed wholesaler,
10 or an agent of the Alcoholic Beverage Control Division may knowingly remove
11 an identification label or tag placed on a keg.

12 (2) Any person other than the retail dealer, licensed
13 wholesaler, or an agent of the Alcoholic Beverage Control Division that is
14 knowingly in possession of a keg without an identification label or tag or
15 knowingly removes or damages an identification label or tag is guilty of a
16 violation of this subchapter.

17 (i)(1) The Director of the Alcoholic Beverage Control Division may
18 promulgate rules and prescribe forms for the proper enforcement of this
19 section.

20 (2) The director shall maintain and offer for sale to retail
21 dealers any keg identification labels or tags required by this section at a
22 price of the cost of manufacturing and maintaining the tags or labels.

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