

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

As Engrossed: H3/23/05

A Bill

HOUSE BILL 2632

5 By: Representatives Stovall, Key
6
7

For An Act To Be Entitled

9 AN ACT TO REQUIRE THAT BEER KEGS SOLD FOR OFF-
10 PREMISES CONSUMPTION HAVE AN IDENTIFICATION
11 LABEL; AND FOR OTHER PURPOSES.
12

Subtitle

14 AN ACT TO REQUIRE THAT BEER KEGS SOLD
15 FOR OFF-PREMISES CONSUMPTION HAVE AN
16 IDENTIFICATION LABEL.
17
18

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

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;

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

30 (3) "Malt beverage" means any liquor brewed from the fermented
31 juices of grain and having an alcoholic content of no less than five percent
32 (5%) nor more than twenty-one percent (21%) by weight; and

33 (4) "Off-premises" means a place other than the licensed
34 retailer's place of business.

35 (b) All retail dealers that sell a keg of beer or malt beverage for
36 off-premises consumption are required to attach an identification label or



1 tag to the keg prior to the sale.

2 (c)(1) The identification label or tag shall consist of paper within a
3 clear protective coating that is plastic, metal, or another durable material
4 that is not easily damaged or destroyed.

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

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

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

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

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

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

18 (B) The name of the purchaser; and

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

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

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

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

30 (ii) That the purchaser will not allow any person
31 under twenty-one (21) years of age to consume any of the beer or malt
32 beverage in the keg.

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

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

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

1 (C) The amount of the container deposit and registration
2 deposit;

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

4 (E) The keg identification number required under
5 subsection (c) of this section.

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

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

12 (f)(1) When a keg of beer or malt beverage is purchased for off-
13 premises consumption, the retail dealer shall collect a seventy-five dollar
14 (\$75.00) registration deposit on each keg of beer or malt beverage purchased.

15 (2) The registration deposit shall be collected in addition to
16 the purchase price of the keg of beer or malt beverage, taxes, and any other
17 deposit collected by the retail dealer.

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

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

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

23 (4) The registration deposit on each keg returned without the
24 identification label or tag or with an identification label or tag so damaged
25 that the information contained on the label or tag could not be verified
26 shall be forfeited as follows:

27 (A) Twenty-five dollars (\$25.00) shall be paid to the
28 Alcoholic Beverage Control Enforcement Division; and

29 (B) Fifty dollars (\$50.00) shall be retained by the retail
30 dealer.

31 (5) The registration deposit on any keg not returned to the
32 retail dealer within ninety (90) days of the date of purchase shall be
33 forfeited as follows:

34 (A) Twenty-five dollars (\$25.00) shall be paid to the
35 Alcoholic Beverage Control Enforcement Division; and

36 (B) Fifty dollars (\$50.00) shall be retained by the retail

1 dealer.

2 (6) The Alcoholic Beverage Control Enforcement Division shall
3 remit its portion of the forfeited registration to the Treasurer of State for
4 credit to the Miscellaneous Agencies Fund Account.

5 (g)(1) The retail dealer shall notify the Director of the Alcoholic
6 Beverage Control Division and remit the Alcoholic Beverage Control
7 Enforcement Division's portion of the registration deposit on forms
8 promulgated by the Alcoholic Beverage Control Division within ten (10) days
9 of the forfeiture of a registration deposit by a purchaser under subsection
10 (f) of this section.

11 (2) The notification form shall consist of:

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

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

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

15 (D) The amount of the deposit being remitted to the

16 Alcoholic Beverage Control Enforcement Division; and

17 (E) A statement indicating the reason for forfeiture of
18 the registration deposit by the purchaser, including but not limited to the
19 following reasons:

20 (i) The keg was not returned;

21 (ii) The keg was returned more than ninety (90) days
22 after purchase;

23 (iii) The identification label or tag was removed;

24 or

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

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

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

32 (2) Any person other than the retail dealer, licensed
33 wholesaler, or an agent of the Alcoholic Beverage Control Division that is
34 knowingly in possession of a keg without an identification label or tag or
35 knowingly removes or damages an identification label or tag is guilty of a
36 violation of this subchapter.

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

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

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/ Stovall, et al