

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1826

5 By: Representative Della Rosa
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE CHOCOLATE-COVERED CHERRY FREEDOM
9 ACT OF 2017; TO EXEMPT CERTAIN CONFECTIONERIES FROM
10 THE DEFINITION OF ADULTERATED FOODS; TO EXEMPT
11 CERTAIN CONFECTIONERIES FROM PROHIBITIONS ON
12 ALCOHOLIC SUBSTANCES; AND FOR OTHER PURPOSES.
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Subtitle

15 TO CREATE THE CHOCOLATE-COVERED CHERRY
16 FREEDOM ACT OF 2017.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 3-1-103(c), concerning exempted products
23 under the Arkansas Alcoholic Control Act, is amended to read as follows:

24 (c)(1) After having been manufactured and prepared for the market, the
25 articles enumerated in this subsection ~~shall not be subject to the provisions~~
26 of are not subject to this act:

27 (A) Denatured alcohol or denatured rum produced and used
28 as provided by laws and regulations now or hereinafter in force;

29 (B) Medicinal preparations manufactured in accordance with
30 formulae prescribed in the United States Pharmacopoeia – National Formulary,
31 or by the American Institute of Homeopathy that are unfit for the use for
32 beverage purposes;

33 (C) Patented, patent, and proprietary medicines that are
34 unfit for use for beverage purposes;

35 (D) Toilet, medicinal, and antiseptic preparations and
36 solutions that are unfit for use for beverage purposes;



1 (E) Flavoring extracts and syrups that are unfit for use
 2 as a beverage or for intoxicating beverage purposes;

3 (F) Vinegar and preserved sweet cider;

4 (G) Alcohol medicated according to such formulae as will
 5 render it unfit for beverage purposes and which is to be sold for legitimate
 6 external use;

7 (H) Alcohol for mechanical and scientific purposes if
 8 unfit for a beverage;

9 (I) Wines; and

10 (J) Confectionery containing less than five percent (5%)
 11 by volume of alcohol.

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 13 SECTION 2. Arkansas Code § 20-56-208(11)(B), concerning adulterated
 14 food, is amended to read as follows:

15 (B) However, this subdivision (11) shall not apply to:

16 (i) any confectionery Confectionery containing less
 17 than ~~one half of one percent (½ of 1%)~~ five percent (5%) by volume of alcohol
 18 ~~derived solely from the use of flavoring extracts;~~ or

19 (ii) to any chewing Chewing gum containing harmless
 20 nonnutritive masticatory substances; or