

Stricken language would be deleted from and underlined language would be added to present law.

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

As Engrossed: S3/22/17

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.
13
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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:
21

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, if the alcohol is in a nonliquid form as a result of
12 being mixed with other substances.
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14 *SECTION 2. Arkansas Code Title 3, Chapter 2, Subchapter 4, is amended*
15 *to add an additional section to read as follows:*

16 3-2-413. Labels for confectionaries containing nonliquid alcohol.

17 A confectionary containing between five-tenths of one percent (0.5%)
18 and five percent (5%) by volume of alcohol shall bear a label stating: "This
19 product contains up to 5% alcohol by volume".
20

21 *SECTION 3. Arkansas Code § 3-3-201(a), concerning unknowingly*
22 *furnishing or selling to a minor, is amended to read as follows:*

23 (a) Any person who ~~shall unknowingly sell, give away, or otherwise~~
24 ~~dispose~~ unknowingly sells, gives away, or otherwise disposes of intoxicating
25 liquor or a confectionary containing between five-tenths of one percent
26 (0.5%) and five percent (5%) by volume of alcohol to a minor ~~shall be is~~
27 guilty of a violation and shall be punished by a fine of not less than two
28 hundred dollars (\$200) nor more than five hundred dollars (\$500) for the
29 first offense.
30

31 *SECTION 4. Arkansas Code § 3-3-202(a)(1), concerning knowingly*
32 *furnishing or selling to a minor, is amended to read as follows:*

33 (a)(1)(A) It shall be unlawful for any person knowingly to give,
34 procure, or otherwise furnish any alcoholic beverage or a confectionary
35 containing between five-tenths of one percent (0.5%) and five percent (5%)
36 alcohol by volume to any person under twenty-one (21) years of age.

1 (B) However, this subsection ~~shall~~ does not apply to the
2 serving of an alcoholic beverage to the person's family or to the use of wine
3 or beer in any religious ceremony or rite in any established church or
4 religion.

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7 *SECTION 5. Arkansas Code § 3-3-203(b), concerning purchase or*
8 *possession of alcohol by a minor, is amended to read as follows:*

9 (b) It ~~shall also be~~ is unlawful for an adult to purchase on behalf of
10 a person under twenty-one (21) years of age any intoxicating liquor, wine, ~~or~~
11 beer, or a confectionary containing between five-tenths of one percent (0.5%)
12 and five percent (5%) alcohol by volume.

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14 *SECTION 6. Arkansas Code § 20-56-208(11)(B), concerning adulterated*
15 *food, is amended to read as follows:*

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

17 (i) any confectionery Confectionery containing less
18 than ~~one-half of one percent (½ of 1%)~~ five percent (5%) by volume of alcohol
19 ~~derived solely from the use of flavoring extracts, if the alcohol is in a~~
20 nonliquid form as a result of being mixed with other substances; or

21 (ii) to any chewing Chewing gum containing harmless
22 nonnutritive masticatory substances; or

23
24 /s/Della Rosa