

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

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S3/29/21

A Bill

SENATE BILL 554

5 By: Senator M. Johnson
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW REGARDING ALCOHOLIC
9 BEVERAGES; TO AUTHORIZE BEER WHOLESALERS TO
10 DISTRIBUTE CERTAIN READY-TO-DRINK PRODUCTS; AND FOR
11 OTHER PURPOSES.
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Subtitle

14 TO AMEND THE LAW REGARDING ALCOHOLIC
15 BEVERAGES; AND TO AUTHORIZE BEER
16 WHOLESALERS TO DISTRIBUTE CERTAIN READY-
17 TO-DRINK PRODUCTS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 *SECTION 1. Arkansas Code § 3-2-403(b), concerning manufacturers,*
24 *importers, or producers of spirituous and vinous beverages, is amended to add*
25 *an additional subdivision to read as follows:*

26 *(3) Spirituous liquor beverages classified as a ready-to-drink*
27 *product containing spirituous liquor with a final finished product of no*
28 *greater than fifteen percent (15%) alcohol by weight may be registered under*
29 *§ 3-2-409 pursuant to rules adopted by the division.*
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31 *SECTION 2. Arkansas Code § 3-2-409 is amended to read as follows:*

32 *3-2-409. Beer, malt products, or light wine.*

33 *(a)(1) Every manufacturer or importer of beer or other malt products*
34 *or light wine doing business in the State of Arkansas shall submit to the*
35 *Alcoholic Beverage Control Division one (1) label for each brand of beer or*
36 *malt product or light wine to be shipped for the first time into or within*



1 the state and shall designate within the application for registration any
2 number of wholesalers in the state, each of whom shall be the exclusive
3 distributor of such brand within the geographical territory assigned by the
4 manufacturer or importer to such wholesaler.

5 (2) A wholesaler of beer and light wine may sell:

6 (A) Ready-to-drink products containing spirituous liquor
7 with a final finished product of no greater than fifteen percent (15%)
8 alcohol by weight; and

9 (B) Malt liquor.

10 (b) Transfers of brands of malt products or light wine or changes in
11 geographical distribution areas assigned shall not be subject to the
12 provisions set out above for spirituous or vinous products so long as any
13 such manufacturer or importer has complied with the filing provisions of
14 applicable law.

15 (c) This section does not create a dual distributorship.

16 (d) The division shall promulgate rules regarding the distribution of
17 ready-to-drink products containing spirituous liquor with a final finished
18 product of no greater than fifteen percent (15%) alcohol by weight and malt
19 liquor.

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21 SECTION 3. Arkansas Code § 3-5-101 is amended to read as follows:

22 3-5-101. Wholesaler of beer and light wine may sell malt liquor and
23 certain ready-to-drink products.

24 A person, firm, or corporation having a permit to sell beer and light
25 wine at wholesale shall be permitted to sell to liquor retailers:

26 (1) ~~malt~~ Malt liquor containing greater than five percent (5%)
27 of alcohol by weight; and

28 (2) Ready-to-drink products containing spirituous liquor with a
29 final finished product of no greater than fifteen percent (15%) alcohol by
30 weight.

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32 SECTION 4. DO NOT CODIFY. Rules.

33 (a) When adopting the initial rules required under this act, the
34 Alcoholic Beverage Control Division shall file the final rules with the
35 Secretary of State for adoption under § 25-15-204(f):

36 (1) On or before July 1, 2022; or

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(2) If approval under § 10-3-309 has not occurred by July 1, 2022, as soon as practicable after approval under § 10-3-309.

(b) The division shall file the proposed rules with the Legislative Council under § 10-3-309(c) sufficiently in advance of July 1, 2022, so that the Legislative Council may consider the rules for approval before July 1, 2022.

SECTION 5. DO NOT CODIFY. The rules promulgated under this act shall not be effective before July 1, 2022.

/s/M. Johnson