

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1631

5 By: Representative M. Brown  
6 By: Senator Irvin  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING ALCOHOLIC  
10 BEVERAGES; TO AMEND THE DEFINITION OF "BEER"; TO  
11 CHANGE THE ALLOWABLE ALCOHOLIC CONTENT IN BEER; TO  
12 INCLUDE MALT BEVERAGES WITHIN THE DEFINITION OF  
13 "BEER"; TO AMEND REFERENCES IN THE ARKANSAS CODE TO  
14 BEER WITH AN ALCOHOL CONTENT OF NOT MORE THAN FIVE  
15 PERCENT; TO SET THE MINIMUM CONTAINER SIZE OF BEER TO  
16 BE SOLD FOR OFF-PREMISES CONSUMPTION; AND FOR OTHER  
17 PURPOSES.

## Subtitle

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20  
21 TO AMEND THE DEFINITION OF "BEER" TO  
22 CHANGE THE ALLOWABLE ALCOHOLIC CONTENT  
23 AND TO INCLUDE MALT BEVERAGES; AND TO SET  
24 THE MINIMUM CONTAINER SIZE OF BEER TO BE  
25 SOLD FOR OFF-PREMISES CONSUMPTION.  
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27

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
29

30 SECTION 1. Arkansas Code § 3-1-102(a)(5), concerning the definition of  
31 "malt", is amended to read as follows:

32 (5)(A) "Malt" means liquor brewed from the fermented juices of  
33 grain and containing more than ~~five~~ twelve percent ~~(5%)~~ (12%) of alcohol by  
34 weight.

35 (B) Beer containing not more than ~~five~~ twelve percent ~~(5%)~~  
36 (12%) of alcohol by weight and all other malt beverages containing not more



1 than ~~five~~ twelve percent ~~(5%)~~ (12%) of alcohol by weight are not defined as  
 2 "malt liquors" and are excepted from each and every provision of this act;

3  
 4 SECTION 2. Arkansas Code Title 3, Chapter 2, Subchapter 4, is amended  
 5 to add an additional section to read as follows:

6 3-2-415. Minimum container size of beer.

7 The minimum container size of beer to be sold for off-premises  
 8 consumption is sixteen ounces (16 oz.) or less.

9  
 10 SECTION 3. Arkansas Code § 3-5-101 is amended to read as follows:

11 3-5-101. Wholesaler of beer and light wine may sell malt liquor and  
 12 certain ready-to-drink products.

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

15 (1) Malt liquor containing greater than ~~five~~ twelve percent ~~(5%)~~  
 16 (12%) of alcohol by weight; and

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

20  
 21 SECTION 4. Arkansas Code § 3-5-201(a), concerning the purpose of the  
 22 beer and light wine subchapter, is amended to read as follows:

23 (a) The purpose of this subchapter is to legalize the manufacture and  
 24 sale within this state of beer with an alcoholic content of no more than  
 25 twelve percent (12%) by weight and light wine of an alcoholic content not in  
 26 excess of five percent (5%) by weight and to so regulate the business of  
 27 manufacturing and selling such liquors as to prevent the illicit manufacture  
 28 and consumption of liquors having an alcoholic content in excess of ~~five~~  
 29 ~~percent (5%)~~ by the legal weight, the manufacture and sale of which it is not  
 30 the purpose of this subchapter to legalize.

31  
 32 SECTION 5. Arkansas Code § 3-5-202(1), concerning the definition of  
 33 "beer", is amended to read as follows:

34 (1)(A) "Beer" means any fermented liquor made from malt or any  
 35 substitute therefor and having an alcoholic content not in excess of ~~five~~  
 36 twelve percent ~~(5%)~~ (12%) by weight.

1                    (B) "Beer" includes malt beverages having an alcoholic  
 2 content not in excess of twelve percent (12%) by weight;

3  
 4            SECTION 6. Arkansas Code § 3-5-214(a)(1), concerning the oath by an  
 5 applicant for a permit for beer and light wine, is amended to read as  
 6 follows:

7            (1)(A) ~~He~~ Except as provided in subdivision (a)(1)(B) of this  
 8 section, he or she will not allow any intoxicating liquor as defined by this  
 9 subchapter of any kind or character, including ~~beer,~~ wine, and distilled  
 10 spirits, having an alcoholic content in excess of five percent (5%) by weight  
 11 to be kept, stored, or secreted in or upon the premises described in the  
 12 permit.

13            (B) He or she will not allow beer having an alcoholic  
 14 content in excess of twelve percent (12%) by weight to be kept, stored, or  
 15 secreted in or upon the premises described in the permit; and

16  
 17            SECTION 7. Arkansas Code § 3-5-221(b), concerning miscellaneous  
 18 prohibited practices related to the sale of beer and light wine, is amended  
 19 to read as follows:

20            (b) It shall be unlawful for any brewer or distributor of light wines  
 21 or beer to manufacture or knowingly bring upon his or her premises and keep  
 22 thereon:

23            ~~(1) any beer~~ Beer of an alcoholic content in excess of twelve  
 24 percent (12%) by weight;

25            ~~(2) or wine~~ Wine of an alcoholic content in excess of five  
 26 percent (5%) by weight; or

27            ~~(3) any distilled~~ Distilled spirits of any alcoholic content  
 28 whatsoever.

29  
 30            SECTION 8. Arkansas Code § 3-5-221(d)(1)(D), concerning miscellaneous  
 31 prohibited practices related to beer and light wine, is amended to read as  
 32 follows:

33            (D) To sell, barter, furnish, or possess, or to permit  
 34 such acts to be done, in the place designated by the license or in any booth,  
 35 yard, or garden any ~~alcoholic;~~

36            (i) Alcoholic liquors or beverages containing in

1 excess of five percent (5%) of alcohol by weight ~~or to permit any such acts~~  
 2 ~~to be done; or~~

3 (ii) Beer containing in excess of twelve percent  
 4 (12%) of alcohol by weight;

5  
 6 SECTION 9. Arkansas Code § 3-5-227(a)(1), concerning the definition of  
 7 "beer", is amended to read as follows:

8 (1)(A) "Beer" means any fermented liquor made from malt or any  
 9 substitute therefor and having an alcoholic content not in excess of ~~five~~  
 10 twelve percent (12%) by weight.

11 (B) "Beer" includes malt beverages having an alcoholic  
 12 content not in excess of twelve percent (12%) by weight;

13  
 14 SECTION 10. Arkansas Code § 3-5-1202(2), concerning the definition of  
 15 "beer", is amended to read as follows:

16 (2)(A) "Beer" means any fermented liquor made from malt or any  
 17 substitute therefor and having an alcoholic content not in excess of ~~five~~  
 18 twelve percent (12%) by weight.

19 (B) "Beer" includes malt beverages having an alcoholic  
 20 content not in excess of twelve percent (12%) by weight;

21  
 22 SECTION 11. Arkansas Code § 3-5-1403(2), concerning the definition of  
 23 "beer", is amended to read as follows:

24 (2)(A) "Beer" means any fermented liquor made from malt or any  
 25 substitute having an alcoholic content of not more than ~~five~~ twelve percent  
 26 ~~(5%)~~ (12%) by weight.

27 (B) "Beer" includes malt beverages having an alcoholic  
 28 content not in excess of twelve percent (12%) by weight;

29  
 30 SECTION 12. Arkansas Code § 3-5-1901(3), concerning the definition of  
 31 "beer", is amended to read as follows:

32 (3)(A) "Beer" means a fermented liquor made from malt or a  
 33 substitute and having an alcoholic content not in excess of ~~five~~ twelve  
 34 percent ~~(5%)~~ (12%) by ~~volume~~ weight.

35 (B) "Beer" includes malt beverages having an alcoholic  
 36 content not in excess of twelve percent (12%) by weight;

1  
2 SECTION 13. Arkansas Code § 3-7-104(6)(A), concerning the rate of tax  
3 levied per barrel of beer, is amended to read as follows:

4 (6)(A) A tax at the rate of seven dollars and fifty cents  
5 (\$7.50) per barrel of thirty-two gallons (32 gals.), and proportionately for  
6 larger and smaller gallonages per barrel, on all beer having an alcoholic  
7 content of ~~five~~ twelve percent ~~(5%)~~ (12%) or less by weight and hard cider  
8 sold or offered for sale in the State of Arkansas.

9  
10 SECTION 14. Arkansas Code § 3-7-116(a)(2), concerning the definition  
11 of "beer", is amended to read as follows:

12 (2)(A) "Beer" means any fermented liquor made from malt or any  
13 substitute and having an alcoholic content of not more than ~~five~~ twelve  
14 percent ~~(5%)~~ (12%) by weight.

15 (B) "Beer" includes malt beverages having an alcoholic  
16 content not in excess of twelve percent (12%) by weight;

17  
18 SECTION 15. Arkansas Code § 3-8-401, concerning local option elections  
19 for beer and light wine, is amended to add an additional subsection to read  
20 as follows:

21 (g)(1) As used in this section, "beer" means any fermented liquor made  
22 from malt or any substitute and having an alcoholic content of not more than  
23 twelve percent (12%) by weight.

24 (2) "Beer" includes malt beverages having an alcoholic content  
25 not in excess of twelve percent (12%) by weight.

26  
27 SECTION 16. Arkansas Code § 3-8-601(1), concerning the definition of  
28 "beer", is amended to read as follows:

29 (1)(A) "Beer" means a fermented liquor made from malt or a malt  
30 substitute and containing not more than ~~five~~ twelve percent ~~(5%)~~ (12%)  
31 alcohol by weight.

32 (B) "Beer" includes malt beverages having an alcoholic  
33 content not in excess of twelve percent (12%) by weight;