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2	2 94th General Assembly A	Bill
3	Regular Session, 2023	SENATE BILL 411
4	4	
5	By: Senator Irvin	
6	By: Representative M. Brown	
7		
8	For An Ac	t 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 ALC	DHOLIC CONTENT IN BEER; TO
12	2 INCLUDE MALT BEVERAGES W	THIN THE DEFINITION OF
13	BEER"; TO AMEND REFEREN	CES IN THE ARKANSAS CODE TO
14	BEER WITH AN ALCOHOL CON	TENT OF NOT MORE THAN FIVE
15	PERCENT; TO SET THE MINI	NUM CONTAINER SIZE OF BEER TO
16	BE SOLD FOR OFF-PREMISES	CONSUMPTION; AND FOR OTHER
17	PURPOSES.	
18	3	
19	9	
20	S	ubtitle
21	TO AMEND THE DEFINI	TION OF "BEER" TO
22	CHANGE THE ALLOWABL	E ALCOHOLIC CONTENT
23	AND TO INCLUDE MALT	BEVERAGES; AND TO SET
24	THE MINIMUM CONTAIN	ER SIZE OF BEER TO BE
25	SOLD FOR OFF-PREMIS	ES CONSUMPTION.
26	5	
27	7	
28	BE IT ENACTED BY THE GENERAL ASSEMBL	OF THE STATE OF ARKANSAS:
29)	
30	SECTION 1. Arkansas Code § 3-	1-102(a)(5), concerning the definition of
31	l "malt", is amended to read as follow	3:
32	2 (5)(A) "Malt" means liq	nor brewed from the fermented juices of
33	grain and containing more than five	twelve percent (5%) <u>(12%)</u> of alcohol by
34	weight.	
35	(B) Beer containi	ng not more than five <u>twelve</u> percent (5%)
36	6 (12%) of alcohol by weight and all o	ther 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.). 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

twelve percent (5%) (12%) by weight.

substitute therefor and having an alcoholic content not in excess of five

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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	$\underline{\text{section, he}}$ 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 alcoholie :	
36	(i) Alcoholic liquors or beverages containing in	

1	excess of five percent (3%) of arconor by weight of 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 $\overline{\text{five}}$
10	twelve percent (5%) (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 (5%) (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 $\frac{\text{five}}{\text{twelve}}$ percent
26	(5%) <u>(12%)</u> 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) $\underline{(A)}$ "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%) <u>(12%)</u> by volume <u>weight.</u>
35	(B) "Beer" includes malt beverages having an alcoholic
36	content not in excess of twelve percent (12%) by weight.

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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 $\frac{\text{five}}{\text{twelve}}$ percent $\frac{\text{(5\%)}}{\text{(12\%)}}$ 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%) <u>(12%)</u> by weight <u>.</u>
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 $\frac{\text{tive}}{\text{twelve}}$ percent $\frac{\text{(5\%)}}{\text{(12\%)}}$
31	alcohol by weight.
32	(B) "Beer" includes malt beverages having an alcoholic
33	content not in excess of twelve percent (12%) by weight;
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