

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

As Engrossed: S1/29/25

**A Bill**

SENATE BILL 98

5 By: Senator B. Davis  
6 By: Representative Maddox  
7

**For An Act To Be Entitled**

9 AN ACT TO AMEND THE LAW REGARDING ALCOHOLIC  
10 BEVERAGES; TO AUTHORIZE THE THIRD-PARTY DELIVERY OF  
11 ALCOHOLIC BEVERAGES FROM CERTAIN RETAILERS; TO CREATE  
12 A THIRD-PARTY DELIVERY PERMIT; AND FOR OTHER  
13 PURPOSES.  
14  
15

**Subtitle**

16 TO AMEND THE LAW REGARDING ALCOHOLIC  
17 BEVERAGES; TO AUTHORIZE THE THIRD-PARTY  
18 DELIVERY OF ALCOHOLIC BEVERAGES FROM  
19 CERTAIN RETAILERS; AND TO CREATE A  
20 THIRD-PARTY DELIVERY PERMIT.  
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22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. Arkansas Code § 3-4-107 is amended to read as follows:  
26 3-4-107. Delivery of alcoholic beverages.

27 (a) The following permit holders may deliver or cause to be delivered  
28 alcoholic beverages directly to ~~the private residence of~~ a consumer twenty-  
29 one (21) years of age or older in a wet county or territorial subdivision  
30 during legal operating hours:

- 31 (1) Retail liquor;
- 32 (2) Microbrewery-restaurant; ~~and~~
- 33 (3) Small brewery;
- 34 (4) Grocery store off-premises wine;
- 35 (5) Small farm wine convenience store; and
- 36 (6) Off-premises retail beer.



1 (b) The permit holder authorized under subsection (a) of this section  
2 ~~shall not~~ may deliver or cause to be delivered alcoholic beverages to ~~an~~ a  
3 wet area outside inside of the county in which the permitted business is  
4 located or in a wet area of an adjoining county.

5 (c) Alcoholic beverages shall be delivered by an employee of the  
6 permit holder ~~and shall not be delivered through a third party delivery~~  
7 ~~system~~ or by an employee or independent contractor of the holder of a third-  
8 party delivery permit.

9 (d) An employee or independent contractor of a permit holder  
10 authorized in subsection (a) of this section is authorized to:

11 (1) Carry alcoholic beverages to a customer's vehicle within the  
12 permit holder's parking lot or designated pick-up area; and

13 (2) Complete the sale of the alcoholic beverages within the  
14 parking lot or designated pick-up area by verifying that the customer is  
15 twenty-one (21) years of age or older.

16  
17 SECTION 2. Arkansas Code Title 3, Chapter 4, is amended to add an  
18 additional subchapter to read as follows:

19 Subchapter 11 – Third-party Delivery Permits

20  
21 3-4-1101. Third-party delivery permits generally.

22 (a) An individual, a limited liability company, a corporation, or a  
23 partnership registered to do business in this state, regardless of the  
24 residence of the ownership of the entity, may apply to the Alcoholic Beverage  
25 Control Division for a third-party delivery permit.

26 (b) A third-party delivery permit shall not be issued to the holder of  
27 a permit in the manufacturing or wholesale tier of the alcoholic beverage  
28 industry.

29 (c) A holder of a third-party delivery permit may contract with or  
30 employ a driver for the delivery of an alcoholic beverage from the premises  
31 of the holder of a retailer's permit described by § 3-4-107(a) to a consumer  
32 located in an area where the sale of the alcoholic beverage is legal.

33 (d) A holder of a third-party delivery permit may contract with or  
34 employ a person to make a delivery under this subchapter who:

35 (1) Is twenty-one (21) years of age or older;

36 (2) Holds a valid driver's license; and

1           (3) Has not been convicted of a felony.

2           (e) In order to receive a third-party delivery permit, an applicant  
3 shall submit to the division an outline of internal or external training for  
4 delivery drivers that addresses topics including identifying underage  
5 persons, intoxicated persons, and fake or altered identification.

6           (f) The division shall establish by rule the annual fee for a third-  
7 party delivery permit to be paid and retained by the division.

8           (g) The division may promulgate rules to implement the third-party  
9 delivery permit.

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11           3-4-1102. Determination of delivery area.

12           (a) In determining whether the sale of an alcoholic beverage is legal  
13 in an area for delivery under § 3-4-1101, a holder of a third-party delivery  
14 permit or a delivery driver employed by, contracted with, or acting on behalf  
15 of the holder of a third-party delivery permit may consult a map or other  
16 publicly available information produced by the Alcoholic Beverage Control  
17 Division for the purpose of establishing where the sale of alcoholic  
18 beverages is legal.

19           (b) The holder of a third-party delivery permit or a delivery driver  
20 employed by, contracted with, or acting on behalf of the holder of a third-  
21 party delivery permit may make deliveries of alcoholic beverages only in:

22           (1) Response to a bona fide order placed by a consumer who is  
23 twenty-one (21) years of age or older; and

24           (2) An area where the sale of alcoholic beverages is legal in:

25           (A) The county in which the premises of the retailer  
26 making the sale is located if the county is a wet area; or

27           (B) An adjoining county in which the premises of the  
28 retailer is located if the county is a wet area.

29  
30           3-4-1103. Delivery of alcoholic beverages to a consumer.

31           (a) A holder of a third-party delivery permit or a delivery driver  
32 employed by, contracted with, or acting on behalf of the holder of a third-  
33 party delivery permit shall only deliver an alcoholic beverage to a person  
34 who is twenty-one (21) years of age or older after the person accepting the  
35 delivery presents valid proof of identity and age.

36           (b) A holder of a third-party delivery permit or a delivery driver

1 employed by, contracted with, or acting on behalf of the holder of a third-  
2 party delivery permit shall not deliver an alcoholic beverage to a person  
3 other than:

4 (1) The person who purchased the beverage if the person is  
5 twenty-one (21) years of age or older; or

6 (2) A person within the household or place of employment of the  
7 delivery if the recipient is twenty-one (21) years of age or older.

8 (c) A holder of a third-party delivery permit or a delivery driver  
9 employed by, contracted with, or acting on behalf of the holder of a third-  
10 party delivery permit may deliver an alcoholic beverage under this subchapter  
11 outside the hours of operation of the retailer from which the delivery is  
12 being made only if the holder of a third-party delivery permit or the  
13 delivery driver employed by, contracted with, or acting on behalf of the  
14 holder of a third-party delivery permit:

15 (1) Receives the alcoholic beverage from the retailer during the  
16 retailer's hours of legal sale; and

17 (2) Completes the delivery to the consumer within a reasonable  
18 amount of time after leaving the retailer's premises.

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20 3-4-1104. Responsibilities of retailers.

21 (a) A retailer's responsibilities regarding delivery of an alcoholic  
22 beverage to a consumer are considered satisfied at the time the retailer  
23 transfers possession of an alcoholic beverage to a:

24 (1) Holder of a third-party delivery permit; or

25 (2) Delivery driver employed by, contracted with, or acting on  
26 behalf of the holder of a third-party delivery permit.

27 (b) An action by a holder of a third-party delivery permit or delivery  
28 driver employed by, contracted with, or acting on behalf of the holder of a  
29 third-party delivery permit is not attributable to the retailer with regard  
30 to:

31 (1) Providing, selling, or serving alcoholic beverages to a  
32 minor or to an intoxicated individual;

33 (2) The delivery of alcoholic beverages in a dry or otherwise  
34 illegal area, unless the retailer has contractually agreed to retain  
35 responsibility for ensuring that deliveries are not directed to a dry or  
36 otherwise illegal area; or

