

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

*As Engrossed: H2/24/17*  
**A Bill**

HOUSE BILL 1555

5 By: Representative D. Ferguson  
6

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND THE ARKANSAS ALCOHOLIC CONTROL ACT;  
9 TO CLARIFY THE ELIGIBILITY OF CERTAIN PERSONS TO  
10 RECEIVE LICENSES REGARDING ALCOHOLIC BEVERAGES; AND  
11 FOR OTHER PURPOSES.  
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14 **Subtitle**

15 TO AMEND THE ARKANSAS ALCOHOLIC CONTROL  
16 ACT; AND TO CLARIFY THE ELIGIBILITY OF  
17 CERTAIN PERSONS TO RECEIVE LICENSES  
18 REGARDING ALCOHOLIC BEVERAGES.  
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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 § 3-1-102(a), concerning definitions for the  
24 Arkansas Alcoholic Control Act, is amended to read as follows:

25 (a) As used in this ~~act, unless the context otherwise requires~~ unless  
26 otherwise provided:

27 (1) "Block" means the area on both sides of that portion of a  
28 street lying between intersecting streets and extending back, on both sides,  
29 halfway to the next parallel street;

30 (2) "Dispensary" means any store which, under the provisions of  
31 this ~~act~~ title unless otherwise provided and having paid all taxes required  
32 by the state, sells at retail, in unbroken packages, for consumption off the  
33 premises, any intoxicating alcoholic liquor as defined by this ~~act~~ title  
34 unless otherwise provided;

35 (3) "Excluded felony offense" means:

36 (A)(i) A felony offense as determined by the



1 jurisdiction where the felony offense occurred.

2 (ii) The Alcoholic Beverage Control Division  
3 shall determine whether an offense is a felony offense based upon a review of  
4 the relevant court records concerning the conviction for the offense; or

5 (B) A violation of a state or federal controlled-substance law  
6 that was classified as a felony in the jurisdiction where the person was  
7 convicted, but not including:

8 (i) An offense for which the sentence, including any  
9 term of probation, incarceration, or supervised release, was completed ten  
10 (10) or more years earlier; or

11 (ii) An offense that has been sealed by a court or  
12 for which a pardon has been granted;

13 ~~(3)~~(4) “Hard cider” means liquor brewed from the fermented  
14 juices of fruit and containing more than three percent (3%) and not more than  
15 twenty-one percent (21%) of alcohol by weight;

16 ~~(4)~~(A)(5)(A) “Malt” means liquor brewed from the fermented  
17 juices of grain and containing more than five percent (5%) of alcohol by  
18 weight.

19 (B) Beer containing not more than five percent (5%) of  
20 alcohol by weight and all other malt beverages containing not more than five  
21 percent (5%) of alcohol by weight are not defined as malt liquors and are  
22 excepted from each and every provision of this act;

23 ~~(5)~~(6) “Manufacturer” means any person engaged in the business  
24 of distilling, brewing, making, blending, rectifying, or producing for sale  
25 in wholesale quantities alcoholic liquors of any kind, including whiskey,  
26 brandy, cordials, liquors, ales, beers, or other liquids containing alcohol,  
27 except wines;

28 ~~(6)~~(7) “Person” means any and all corporations, partnerships,  
29 associations, or individuals;

30 (8) "Sealed" means to expunge, remove, sequester, and treat as  
31 confidential the record or records of a felony offense;

32 ~~(7)~~(9) “Spirituous” means liquor distilled from the fermented  
33 juices of grain, fruits, or vegetables and containing more than twenty-one  
34 percent (21%) of alcohol by weight, or any other liquids containing more than  
35 twenty-one percent (21%) of alcohol by weight; and

36 ~~(8)~~(10) “Vinous” means the fermented juices of fruits, except

1 native wine, containing more than five percent (5%) and not more than twenty-  
2 one percent (21%) of alcohol by weight.

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4 SECTION 2. Arkansas Code § 3-4-207 is amended to read as follows:

5 3-4-207. Ineligible persons.

6 ~~No~~ The following persons described in this section shall not receive a  
7 permit under this title:

8 (1) A person who has been convicted of a an excluded felony;

9 (2) A person under the age of twenty-one (21) years;

10 (3) A person who is not a citizen or resident alien of the  
11 United States;

12 (4) A copartnership, unless all members of such copartnership  
13 are citizens or resident aliens of the United States;

14 (5) A person who ~~shall have~~ had his or her permit issued under  
15 this ~~act~~ title revoked for cause or who has been convicted of a violation of  
16 this act until the expiration of two (2) years from the date of such  
17 revocation or conviction; or

18 (6) A corporation or copartnership, if any of its officers or  
19 members have been convicted of a violation of this ~~act~~ title or have had a  
20 permit issued under this ~~act~~ title revoked for cause until two (2) years from  
21 the date of the conviction or revocation.

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23 */s/D. Ferguson*

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26 **APPROVED: 03/29/2017**