

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

A Bill

SENATE BILL 411

5 By: Senator Irvin
6 By: Representative M. Brown
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.
18

Subtitle

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.
26

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.).

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 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 (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 ~~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;