

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

# A Bill

HOUSE BILL 1173

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

## For An Act To Be Entitled

8  
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; AND FOR OTHER PURPOSES.  
16  
17

## Subtitle

18  
19 TO AMEND THE DEFINITION OF "BEER" TO  
20 CHANGE THE ALLOWABLE ALCOHOLIC CONTENT  
21 AND TO INCLUDE MALT BEVERAGES.  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 3-1-102(a)(5), concerning the definition of  
26 "malt", is amended to read as follows:

27 (5)(A) "Malt" means liquor brewed from the fermented juices of  
28 grain and containing more than ~~five~~ fourteen percent ~~(5%)~~ (14%) of alcohol by  
29 weight.

30 (B) Beer containing not more than ~~five~~ fourteen percent  
31 ~~(5%)~~ (14%) of alcohol by weight and all other malt beverages containing not  
32 more than ~~five~~ fourteen percent ~~(5%)~~ (14%) of alcohol by weight are not  
33 defined as "malt liquors" and are excepted from each and every provision of  
34 this act;  
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36 SECTION 2. Arkansas Code § 3-5-201(a), concerning the purpose of the



1 beer and light wine subchapter, is amended to read as follows:

2 (a) The purpose of this subchapter is to legalize the manufacture and  
3 sale within this state of beer with an alcoholic content of no more than  
4 fourteen percent (14%) by weight and light wine of an alcoholic content not  
5 in excess of five percent (5%) by weight and to so regulate the business of  
6 manufacturing and selling such liquors as to prevent the illicit manufacture  
7 and consumption of liquors having an alcoholic content in excess of ~~five~~  
8 ~~percent (5%) by the legal~~ weight, the manufacture and sale of which it is not  
9 the purpose of this subchapter to legalize.

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

13 (1)(A) "Beer" means any fermented liquor made from malt or any  
14 substitute therefor and having an alcoholic content not in excess of ~~five~~  
15 fourteen percent (14%) by weight.

16 (B) "Beer" includes malt beverages having an alcoholic  
17 content not in excess of fourteen percent (14%) by weight;

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

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

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

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

35 (b) It shall be unlawful for any brewer or distributor of light wines  
36 or beer to manufacture or knowingly bring upon his or her premises and keep

1 thereon:

2 (1) ~~any beer~~ Beer of an alcoholic content in excess of fourteen  
 3 percent (14%) by weight;

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

6 (3) ~~any distilled~~ Distilled spirits of any alcoholic content  
 7 whatsoever.

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9 SECTION 6. Arkansas Code § 3-5-221(d)(1)(D), concerning miscellaneous  
 10 prohibited practices related to beer and light wine, is amended to read as  
 11 follows:

12 (D) To sell, barter, furnish, or possess, or to permit  
 13 such acts to be done, in the place designated by the license or in any booth,  
 14 yard, or garden any ~~alcoholic liquors or beverages containing in excess of~~  
 15 ~~five percent (5%) of alcohol by weight or to permit any such acts to be done~~  
 16 beer containing in excess of fourteen percent (14%) of alcohol by weight;

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18 SECTION 7. Arkansas Code § 3-5-227(a)(1), concerning the definition of  
 19 "beer" with regard to the regulation of beer kegs for off-premises  
 20 consumption, is amended to read as follows:

21 (1)(A) "Beer" means any fermented liquor made from malt or any  
 22 substitute therefor and having an alcoholic content not in excess of ~~five~~  
 23 fourteen percent ~~(5%)~~ (14%) by weight.

24 (B) "Beer" includes malt beverages having an alcoholic  
 25 content not in excess of fourteen percent (14%) by weight;

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27 SECTION 8. Arkansas Code § 3-5-1202(2), concerning the definition of  
 28 "beer" in the laws authorizing operation of microbrewery-restaurants, is  
 29 amended to read as follows:

30 (2)(A) "Beer" means any fermented liquor made from malt or any  
 31 substitute therefor and having an alcoholic content not in excess of ~~five~~  
 32 fourteen percent ~~(5%)~~ (14%) by weight.

33 (B) "Beer" includes malt beverages having an alcoholic  
 34 content not in excess of fourteen percent (14%) by weight;

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36 SECTION 9. Arkansas Code § 3-5-1403(2), concerning the definition of

1 "beer" in the Arkansas Small Brewery Act, is amended to read as follows:

2 (2)(A) "Beer" means any fermented liquor made from malt or any  
3 substitute having an alcoholic content of not more than ~~five~~ fourteen percent  
4 ~~(5%)~~ (14%) by weight.

5 (B) "Beer" includes malt beverages having an alcoholic  
6 content not in excess of fourteen percent (14%) by weight;

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8 SECTION 10. Arkansas Code § 3-5-1901(3), concerning the definition of  
9 "beer" in the law authorizing microbrewery-restaurant private club permits,  
10 is amended to read as follows:

11 (3)(A) "Beer" means a fermented liquor made from malt or a  
12 substitute and having an alcoholic content not in excess of ~~five~~ fourteen  
13 percent ~~(5%)~~ (14%) by ~~volume~~ weight.

14 (B) "Beer" includes malt beverages having an alcoholic  
15 content not in excess of fourteen percent (14%) by weight;

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17 SECTION 11. Arkansas Code § 3-7-104(6)(A), concerning the rate of tax  
18 levied per barrel of beer, is amended to read as follows:

19 (6)(A) A tax at the rate of seven dollars and fifty cents  
20 (\$7.50) per barrel of thirty-two gallons (32 gals.), and proportionately for  
21 larger and smaller gallonages per barrel, on all beer having an alcoholic  
22 content of ~~five~~ fourteen percent ~~(5%)~~ (14%) or less by weight and hard cider  
23 sold or offered for sale in the State of Arkansas.

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25 SECTION 12. Arkansas Code § 3-7-116(a)(2), concerning the definition  
26 of "beer" in the law providing for a tax rebate for qualified manufacturers  
27 of beer and malt beverage, is amended to read as follows:

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

31 (B) "Beer" includes malt beverages having an alcoholic  
32 content not in excess of fourteen percent (14%) by weight;

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34 SECTION 13. Arkansas Code § 3-8-401, concerning local option elections  
35 for beer and light wine, is amended to add an additional subsection to read  
36 as follows:

1           (g)(1) As used in this section, "beer" means any fermented liquor made  
 2 from malt or any substitute and having an alcoholic content of not more than  
 3 fourteen percent (14%) by weight.

4           (2) "Beer" includes malt beverages having an alcoholic content  
 5 not in excess of fourteen percent (14%) by weight.

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 7           SECTION 14. Arkansas Code § 3-8-601(1), concerning the definition of  
 8 "beer" with regard to a local option election in a defunct voting district,  
 9 is amended to read as follows:

10           (1)(A) "Beer" means a fermented liquor made from malt or a malt  
 11 substitute and containing not more than ~~five~~ fourteen percent ~~(5%)~~ (14%)  
 12 alcohol by weight.

13           (B) "Beer" includes malt beverages having an alcoholic  
 14 content not in excess of fourteen percent (14%) by weight;

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