

As Engrossed: 4/5/95

ACT 1051 1995  
A Bill

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Senator Malone  
5  
6

SENATE BILL 636

7 **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 3-5-202, 3-5-205, AND 3-5-  
9 207 TO AUTHORIZE AND REGULATE THE MANUFACTURE OF HOME  
10 BREWED BEER FOR CONSUMPTION BY THE BREWER AND HIS OR HER  
11 FAMILY AND GUESTS; AND FOR OTHER PURPOSES."

12  
13 **Subtitle**

14 "TO AUTHORIZE AND REGULATE THE  
15 MANUFACTURE OF HOME BREWED BEER FOR  
16 CONSUMPTION BY THE BREWER AND HIS OR HER  
17 FAMILY AND GUESTS."  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20  
21 SECTION 1. Arkansas Code 3-5-202 is amended by adding a new subdivision  
22 at the end thereof to read as follows:

23 "(13) 'Home brewed' means beer made from malted barley, wheat or cereal  
24 grains or any substitute therefor and having an alcoholic content not in  
25 excess of five percent (5%) by weight, brewed for consumption by the  
26 manufacturer and his or her family and guests but not for sale. Provided any  
27 manufacturer of home brewed beer must have attained twenty-one (21) years of  
28 age."  
29

30 SECTION 2. Arkansas Code 3-5-205 is amended by adding a new subdivision  
31 at the end thereof to read as follows:

32 "(f) (1) However, any person in this state may manufacture home brewed  
33 beer upon his/her own premises free from the license fees and taxes provided  
34 in this subchapter, for consumption by the manufacturer and his or her family  
35 and guests but not for sale, in quantities not to exceed two hundred (200)  
36 gallons per calendar year if there are two or more adults in such household or

Department of the Clerk

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Speaker of the House

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1 one hundred (100) gallons if there is only one adult in such household.

2 (2) While the manufacturer of beer is declared to be a privilege,  
3 the home manufacture of beer in quantities not to exceed two hundred (200)  
4 gallons per calendar year shall be exempted from 3-4-101, 3-4-602, 3-5-205(a)  
5 through (e), 3-5-206 and 3-5-211."

6

7 SECTION 3. Arkansas Code 3-5-207 is amended to read as follows:

8 "(a) Except as provided in subsection (b) of this section, any permit  
9 issued under the provisions of § 3-5-206 authorizing the sale of light wines  
10 or beer for consumption under the provisions prescribed in the permit shall be  
11 construed to authorize the sale of such liquor by the bottle, by the glass, or  
12 draught and in or from the original package.

13 (b) No permit shall be required for the home manufacture of beer in  
14 quantities not to exceed two hundred (200) gallons per calendar year under 3-  
15 4-101, 3-4-602, 3-5-206 or 3-5-211 as may otherwise be required of other  
16 manufacturers."

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18 SECTION 4. Arkansas Code 3-5-210 is amended to read as follows:

19 "(a) Except as provided in subsection (b), any person who shall brew,  
20 manufacture or sell any liquor as defined by this subchapter without first  
21 having secured a permit from the director of the Alcoholic Beverage Control  
22 Division authorizing the brewing, manufacturing or sale of such liquor shall  
23 be deemed guilty of a misdemeanor and shall be punished as provided in 3-5-  
24 203.

25 (b) Home manufacturers of beer in quantities not to exceed two hundred  
26 (200) gallons per year shall be exempt as provided in 3-5-205(f)(2) and 3-5-  
27 207(b) from the permit requirements for the manufacture of beer and shall not  
28 be prosecuted for brewing or manufacturing beer without a permit."

29

30 SECTION 5. All provisions of this act of a general and permanent nature  
31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
32 Revision Commission shall incorporate the same in the Code.

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34 SECTION 6. If any provision of this act or the application thereof to  
35 any person or circumstance is held invalid, such invalidity shall not affect  
36 other provisions or applications of the act which can be given effect without

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*Bobby Moore*  
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1 the invalid provision or application, and to this end the provisions of this  
2 act are declared to be severable.

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4 SECTION 7.. All laws and parts of laws in conflict with this act are  
5 hereby repealed.

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/s/Malone

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*Mic Wallace*  
President of the Senate

APPROVED *[Signature]*  
4/10/95 GOVERNOR

*[Signature]*  
Speaker of the House