

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Department of Finance and Administration

Department Alcoholic Beverage Control

Contact Doralee Chandler E-mail doralee.chandler@dfa.arkansas.gov Phone 501-682-1105

Statutory Authority for Promulgating Rules Act 706 of 2021

Rule Title: Disposition of Distiller or Liquor Manufacturer Products Rule 2.85

Intended Effective Date

(Check One)

☐

Emergency (ACA 25-15-204)

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10 Days After Filing (ACA 25-15-204)

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Other _____

(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

10/17/2021

11/17/2021

01/26/2022

11/17/2021

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Doralee Chandler

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02/02/2022

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

501-682-1105

Phone Number

doralee.chandler@dfa.arkansas.gov

E-mail Address

Director of Alcoholic Beverage Control

Title

02/02/2022

Date

Final Rule

SUBTITLE K – DISTILLERS OR LIQUOR MANUFACTURER OPERATIONS

Section 2.85 Disposition of Distiller or Liquor Manufacturer Products. Subject to all other product disposition rules, unless specifically allowed under this rule section, a distiller or liquor manufacturer is permitted to sell, serve, or otherwise dispose of controlled beverage product it produces or otherwise procures as follows:

- (1) A distiller or manufacturer may sell, deliver, and transport any liquor product to a wholesaler or rectifier;
- (2) A distiller or manufacturer may sell, deliver, and transport to permitted retailers not more than fifteen thousand (15,000) nine-liter-equivalent cases or thirty-five thousand six hundred sixty-seven gallons (35,667 gals.) of spiritous liquor produced by the distiller or manufacturer per year.
- (3) A distiller or manufacturer may export any liquor product from this state;
- (4) A distiller or manufacturer may sell for off-premises consumption on any day of the week, including Sunday, its own spiritous or vinous liquor product produced either at its in-state premises or its out-of-state premises;
- (5) A distiller or manufacturer may sell for on-premises consumption its own liquor, wine, beer, or malt liquor product produced either at its in-state premises or its out-of-state premises;
- (6) A distiller or manufacturer may sell for on-premises consumption any liquor product it purchases from an in-state permitted wholesaler;
- (7) A distiller or manufacturer may serve for on-premises consumption complimentary samples of any liquor product it produces either in-state or out-of-state;
- (8) If a distiller's or manufacturer's permitted location is in a wet territory, that distiller or manufacturer may sell by the drink or by the retail package any spiritous or vinous liquor product produced on the premises, provided that only sealed containers may be removed from the premises;
- (9) A distiller or manufacturer may donate its liquor product to a charitable or non-profit corporation on the same basis as a manufacturer under the provisions of Section 2.28(6) of these Regulations;
- (10) A distiller or manufacturer may sell for resale its liquor product to charitable or non-profit organizations holding valid temporary permits as provided for by the Alcoholic Beverage Control Division. Sales of a distiller's or manufacturer's liquor products to a temporary permitted location shall be limited to the duration of the temporary permitted activity.