**NONRESIDENT BEER SELLER’S PERMIT**

**INSTRUCTIONS**

1. Full fees are listed below. **NO CASH.**  **PLEASE PRINT IN INK OR TYPE. NOTE: FORM MUST BE NOTARIZED.**

#  Less than 200 barrels . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $ 350.00

 From 200 to 1000 barrels . . . . . . . . . . . . . . . . . . . . . . . . . . . . $1,000.00

 More than 1000 barrels . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $2,000.00

Any company that has not previously shipped into the state will pay the initial application fee of $350 (three hundred fifty dollars). All permits issued by this agency expire on June 30th of each calendar year and are subject to renewal.

2. There is a companion process that must be accomplished at the same time when a **Primary American Source** (PAS) is coming into the state for the first time. That is the brand registration/label approval/wholesaler appointment process. In order to satisfy this requirement please follow the instructions on the attached checklist and complete the attached Registration Form.

3. The **PAS** is required to notify us of the names of the wholesaler or wholesalers that will be representing them in the state on an exclusive basis. Arkansas does not allow more than one distributor per brand per geographic territory. Make your wholesaler designations on the attached Registration Form.

4. Arkansas is a franchise state. If the brands you want to register have been previously awarded to a wholesaler, then the prior wholesaler(s)

still retains the rights to those brands.

5. The nonresident beer seller’s permittee is required to file shipping reports with another state agency. Please contact the following state agency on a direct basis to determine their requirements in this area.

 Arkansas State Department of Revenue

 Miscellaneous Tax Section

 P.O. Box 896

 Little Rock, AR 72203-0896

 Phone: 501-682-7187

6. Please allow three weeks for the paperwork to be turned around on any application for an NBS permit. As regards gallonage excise taxes, those taxes are paid by the Arkansas wholesaler when the malt beverage product “comes to rest” at their wholesale warehouse location.

Provisions of the Arkansas Nonresident Beer Seller’s Permit Act of 1995, as amended, are found codified in the Arkansas Code at ACA 3-5-1301, et.seq. You may also wish to review provisions of ACA 3-5-1101, et. seq. which governs the relationships between wholesalers and suppliers. Under Act 783 of 2009 your company is required to post “dock prices” with the Alcoholic Beverage Control (ABC). See also ABC Regulation § 2.28(16) in this regard. The Arkansas Code is available on the Internet at [www.arkansas.gov](http://www.arkansas.gov) . ABC regulations may be viewed at the agency website.

**BRANDING / REGISTRATION CHECKLISTS**

Manufacturers or importers of Beer, Malt Liquors, or Light Wines (wine beverages less than 5% ABW) must be registered by mailing in a hard copy of the following:

1. A completed Approval / Registration Form (form provided by ABC).
2. TTB Certificate of Label Approval (COLA) for each brand. Or, if the manufacturer obtains a Certificate of Exemption from TTB they shall certify that the labels will still comply with TTB labeling rules. (Rule 2.19). Or a Certification by the Manufacturer that it cannot obtain either of the above from TTB and the manufacturer shall certify that the labels will still comply with all federal and state labeling laws.
3. Designate any number of distributors with geographical territories assigned (exception: Ark. Small Breweries may self-distribute).
4. Copy/picture of brand label.
5. If ABW is over 5% (or ABV over 6.3%), then ABW or ABV must be on the container or label and it must be the same ABW or ABV that was on the TTB COLA.
6. Size of containers must be in compliance of Rule 2.19. (Beer or malt liquor must be in containers not less than 169 ml or 5.75 oz.)
7. Private labels are not allowed (Rule 2.19.1).
8. No statement, design, device or representation shall be obscene or indecent (2.19).

Note: We do not require registration of anything that is less than 0.5% ABW

(Revised 5/13/21)

# Arkansas Brand Registrations for Non-Resident Beer Permit Holders

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| --- | --- | --- | --- |
| ABC PERMIT NO. | COMPANY NAME | Date |  |
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| BRAND | CONTAINER SIZE | ALCOHOL BY VOLUME | ALCOHOL BY WEIGHT | ARKANSAS WHOLESALER |
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