

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

Act 373 of 2003
HOUSE BILL 1595

5 By: Representative Haak
6 By: Senator Horn
7

For An Act To Be Entitled

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9
10 AN ACT CONCERNING THE UNLAWFUL SALES OF
11 CIGARETTES; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 AN ACT CONCERNING THE UNLAWFUL SALES OF
15 CIGARETTES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 4-75-708 is amended to read as follows:

21 4-75-708. Sales at less than cost, rebates, concessions, etc. -
22 Penalty.

23 (a) It shall be unlawful for any wholesaler, ~~or~~ retailer, or
24 salesperson with intent to injure competitors or destroy or substantially
25 lessen competition, to advertise, offer to sell, or sell, at retail or
26 wholesale, cigarettes at less than cost to the wholesaler or retailer, as the
27 case may be.

28 (b) It shall be unlawful for any wholesaler, ~~or~~ retailer, or
29 salesperson with intent to injure competitors or destroy or substantially
30 lessen competition, to offer a rebate in price, to give a rebate in price, to
31 offer a concession of any kind, or to give a concession of any kind or nature
32 whatsoever in connection with the sale of cigarettes.

33 (c)(1) It shall be unlawful for any retail dealer to induce or attempt
34 to induce or to procure or attempt to procure the purchase of cigarettes at a
35 price less than cost to the wholesaler.

36 (2) It shall be unlawful for any retail dealer to induce or



1 attempt to induce or to procure or attempt to procure any rebate or
2 concession of any kind or nature whatsoever in connection with the purchase
3 of cigarettes.

4 (d) Any wholesaler, ~~or~~ retailer, or salesperson who violates the
5 provisions of this section shall be guilty of a misdemeanor and be punishable
6 by a fine of not more than five hundred dollars (\$500).

7 (e) Evidence of advertisement, offering to sell, or sale of cigarettes
8 by any wholesaler, ~~or~~ retailer, or salesperson at less than cost to him or
9 her, or evidence of any offer of a rebate in price or the giving of a rebate
10 in price or an offer of a concession or the giving of a concession of any
11 kind or nature whatsoever in connection with the sale of cigarettes, or the
12 inducing or attempt to induce or the procuring or the attempt to procure the
13 purchase of cigarettes at a price less than cost to the wholesaler or the
14 retailer shall be prima facie evidence of intent to injure competitors and
15 destroy or substantially lessen competition.

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18 APPROVED: 3/13/2003
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