

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

A Bill

HOUSE BILL 2261

4
5 By: Representative Lendall
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For An Act To Be Entitled

8
9 AN ACT TO CLARIFY THAT THE DELIVERY OF TOBACCO
10 PRODUCTS TO A MINOR IS PROHIBITED; AND FOR OTHER
11 PURPOSES.
12

Subtitle

13
14 TO CLARIFY THAT THE DELIVERY OF TOBACCO
15 PRODUCTS TO A MINOR IS PROHIBITED.
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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 § 5-27-227(a), regarding providing minors
21 with tobacco products and cigarette papers, is amended to read as follows:

22 (a) It shall be unlawful for any person to give, barter, ~~or~~ sell, or
23 deliver to a minor under eighteen (18) years of age:

- 24 (1) Tobacco in any form; or
25 (2) Cigarette papers.
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27 SECTION 2. Arkansas Code § 5-27-227(b), concerning providing minors
28 with tobacco products and cigarette papers, is amended to read as follows:

29 (b) It shall be unlawful for any person under eighteen (18) years of
30 age:

31 (1) To use or possess, unless acting as an agent of the minor's
32 employer within the scope of employment:

- 33 (A) Tobacco in any form; or
34 (B) Cigarette papers;

35 (2) To purchase or attempt to purchase:

- 36 (A) Tobacco in any form; or



- 1 (B) Cigarette papers; or
- 2 (3) For the purpose of obtaining or attempting to obtain tobacco
- 3 in any form or cigarette papers, to:
- 4 (A) Use any falsified identification; or
- 5 (B) Use any identification other than his or her own.
- 6 (4) To receive from any public or private package delivery
- 7 service tobacco in any form or cigarette papers.

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9 SECTION 3. Arkansas Code § 5-27-227(e), regarding providing minors

10 with tobacco products and cigarette papers, is amended to read as follows:

11 (e)(1) Any person who sells tobacco in any form or cigarette papers

12 shall have the right to deny the sale of any such tobacco in any form or

13 cigarette papers to any person.

14 (2) Any person who delivers tobacco in any form or cigarette

15 papers shall have the right to deny the delivery of a package containing

16 tobacco or cigarette papers to any person.

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18 SECTION 4. Arkansas Code § 5-27-227, regarding providing minors with

19 tobacco products and cigarette papers, is amended to add an additional

20 subsection to read as follows:

21 (o)(1) An employee or agent of a public or private package delivery

22 service who knowingly delivers tobacco in any form or cigarette papers to a

23 person under the age of eighteen (18) shall be guilty of a violation and

24 subject to the following penalties:

25 (A) If the alleged violator received a notice of an

26 alleged violation from the Arkansas Tobacco Control Board or other agency or

27 official with the authority to assess penalties under this section, a fine

28 not to exceed one hundred dollars (\$100) for a first violation within a

29 forty-eight (48) month period;

30 (B) A fine not to exceed two hundred dollars (\$200) for a

31 second violation within a forty-eight (48) month period;

32 (C) A fine not to exceed three hundred dollars (\$300) for

33 a third violation within a forty-eight (48) month period;

34 (D) A fine not to exceed four hundred dollars (\$400) for a

35 fourth violation within a forty-eight (48) month period; and

36 (E) A fine not to exceed five hundred dollars (\$500) for a

1 fifth violation and any additional violations within a forty-eight (48) month
2 period.

3 (2) Any tobacco product accepted for delivery by a public or
4 private delivery service in this state shall contain a clear and visible
5 label with the following notice in red lettering at least one-half inch
6 (1/2") high on white background: "THIS PACKAGE CONTAINS TOBACCO PRODUCTS OR
7 CIGARETTE PAPERS AND REQUIRES THE SIGNATURE OF A PERSON EIGHTEEN (18) YEARS
8 OLD OR OLDER TO LAWFULLY RECEIVE IT."

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