

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 83rd General Assembly  
3 Regular Session, 2001  
4

As Engrossed: H3/27/01

## A Bill

Act 1545 of 2001  
HOUSE BILL 1665

5 By: Representative Salmon  
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### For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS  
10 CODE RELATING TO THE SALE OF EXPORT CIGARETTES.  
11

### Subtitle

12 TO AMEND VARIOUS SECTIONS OF THE ARKANSAS  
13 CODE RELATING TO THE SALE OF EXPORT  
14 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 26-57-262(c)(1), relating to the sale of  
21 export cigarettes, is amended to read as follows:

22 (c)(1) No tax stamp may be affixed to or made upon any package of  
23 cigarettes if:

24 (A) The package differs in any respect with the requirements of  
25 the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. Sec. 1331 et  
26 seq. for the placement of labels, warnings, or any other information upon a  
27 package of cigarettes that is ~~to be sold~~ manufactured, packaged or imported  
28 for sale, distribution or use within the United States;

29 ~~(B) The package has been imported into the United States after~~  
30 ~~January 1, 2000, in violation of 26 U.S.C. Sec. 5754;~~

31 ~~(C)~~ (B) The package is labeled "For Export Only", "U.S. Tax  
32 Exempt", "For Use Outside U.S.", or similar wording indicating that the  
33 manufacturer did not intend that the product be sold in the United States;

34 (C) The cigarettes in such package do not comply with any other  
35 applicable requirements imposed pursuant to federal law and federal  
36 implementing regulations;

1 (D) The package in any way violates federal trademark or copyright  
2 laws; ~~or~~

3 (E) The package, or a package containing individually stamped  
4 packages, has been altered by adding or deleting the wording, labels, or  
5 warnings described in subdivisions (c)(1)(A) through ~~(c)(1)(E)~~ (c)(1)(G) of  
6 this section; or

7 (F) With respect to the cigarettes any person is not in  
8 compliance with 15 U.S.C. 1335a relating to submission of ingredient  
9 information to federal authorities, 19 U.S.C. 1681-1681b, Pub. Law No. 106-476  
10 § 4004 relating to imports of certain cigarettes, 26 U.S.C. 5754 relating to  
11 previously exported tobacco products, or any other federal law or implementing  
12 federal regulations.

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14 SECTION 2. Arkansas Code 26-57-262(c) is amended by adding additional  
15 subdivisions to read as follows:

16 (6) On or before the 15<sup>th</sup> business day of each month, each person  
17 licensed to affix the state tax stamp to cigarettes shall file with the  
18 Director of the Department of Finance and Administration, for all cigarettes  
19 imported into the United States to which such person has affixed the tax stamp  
20 in the preceding month, copies of the customs certificates with respect to  
21 such cigarettes required to be submitted by 19 U.S.C. 1681a(c), Pub. Law No.  
22 106-476 § 4004.

23 (7) Any person who sells, distributes, or manufactures cigarettes and  
24 sustains direct economic or commercial injury as a result of a violation of  
25 this section, may bring an action in good faith for appropriate injunctive  
26 relief.

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28 SECTION 3. Arkansas Code 26-57-235(c), relating to cigarette stamps  
29 generally, is amended by adding an additional subdivision to read as follows:

30 (4) All stamps prescribed by the Director of the Department of Finance  
31 and Administration for affixation to cigarette packages shall be designed and  
32 furnished in such a fashion as to permit identification of the person that  
33 affixed the stamp to the particular package of cigarettes, by means of a  
34 number or other mark on the stamp. The Department of Finance and  
35 Administration shall maintain for not less than three (3) years information  
36 identifying the person that affixed the tax stamp to each package of

1 cigarettes, which information shall not be confidential or exempt from  
2 disclosure to the public.

3 /s/ Salmon

6 APPROVED: 4/12/2001

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