

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: H3/28/01

A Bill

Act 1698 of 2001
HOUSE BILL 2522

5 By: Representative French
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7

For An Act To Be Entitled

9 AN ACT TO *AMEND THE DISTRIBUTION OF THE*
10 *ADDITIONAL TAX ON CIGARETTES AND TOBACCO PRODUCTS*
11 *TO ENSURE FUNDING OF THE BREAST CANCER RESEARCH*
12 *FUND AND ADDITIONAL PROGRAMS; AND FOR OTHER*
13 *PURPOSES.*

Subtitle

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17 TO *AMEND THE DISTRIBUTION OF THE*
18 *ADDITIONAL TAX ON CIGARETTES TO ENSURE*
19 *FUNDING OF THE BREAST CANCER RESEARCH*
20 *FUND AND ADDITIONAL PROGRAMS.*

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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 *SECTION 1. Arkansas Code 26-57-236(g), as amended by Act 434 of 1997,*
26 *pertaining to stamp deputies, is amended to read as follows:*

27 *(g) A commission shall be paid by the director to stamp deputies for the*
28 *sales and collection of cigarette tax stamps and for affixing the said tax*
29 *stamps to each package of cigarettes. The commission shall not be less than*
30 *~~four and four tenths percent (4.4%)~~ three and eight tenths percent (3.8%) of*
31 *the total aggregate cigarette tax collected.*

32
33 *SECTION 2. Arkansas Code 26-57-1103, pertaining to the distribution of*
34 *the proceeds of an additional tobacco tax, is amended to read as follows:*

35 *~~Ten percent (10%)~~ Twenty nine percent (29%) of all moneys collected from*
36 *the additional tax levied in §§26-57-1101 and 26-57-1102 shall be deposited*

1 in the State Treasury as ~~general revenues~~ special revenue, 50% of which shall
 2 be credited to the Aging and Adult Services Fund Account of the Department of
 3 Human Services Fund to be used to assist the Meals-on-Wheels program; and 50%
 4 of which shall be credited to the Department of Human Services Grants Fund
 5 Account to be used to implement a Prescription Drug for the Elderly Waiver
 6 Program. In the event, however, that the federal government implements a
 7 prescription drug assistance program that provides essentially the same
 8 benefits or greater to the same eligible clients as the Prescription Drug
 9 Waiver for the Elderly Program, the funds set aside herein for the
 10 Prescription Drug Waiver for the Elderly Program shall be credited, in lieu
 11 thereof, to the Breast Cancer Control Fund and to the Breast Cancer Research
 12 Fund in the same proportions as set out in Arkansas Code 26-57-1106(a).

13
 14 SECTION 3. Arkansas Code 26-57-1106 concerning the distribution of
 15 funds for breast cancer research and control, is amended to read as follows:

16
 17 26-57-1106. Distribution of funds for breast cancer research and control -
 18 Allocation of moneys.

19
 20 (a) ~~Ninety percent (90%) of all~~ All remaining moneys collected from
 21 the additional tax levied in §§ 26-57-1101 and 26-57-1102 shall be deposited
 22 in the State Treasury as special revenues to be distributed as follows:

23 (1) Twenty percent (20%) shall be credited to the Breast Cancer
 24 Research Fund, which is hereby created on the books of the State Treasurer,
 25 State Auditor and the Chief Fiscal Officer of the State to be used
 26 exclusively for the purposes set forth in ~~§ 20-15-303~~ §20-15-1303; and

27 (2) Eighty percent (80%) shall be credited to the Breast Cancer
 28 Control Fund which is hereby created on the books of the State Treasurer,
 29 State Auditor and the Chief Fiscal Officer of the State to be used
 30 exclusively for the purposes set forth in ~~§ 20-15-304~~ §20-15-1304 and, at the
 31 option of the Department of Health in an amount not to exceed the amount
 32 appropriated by the General Assembly for such purpose, for cervical cancer
 33 control. The Director of the Department of Health shall be the disbursing
 34 officer for the Breast Cancer Control Fund and the Chancellor of the
 35 University of Arkansas for Medical Sciences shall be the disbursing officer
 36 for the Breast Cancer Research Fund.

1 (b) The moneys in the Breast Cancer Research Fund are to be allocated
2 to the Breast Cancer Research Program for the awarding of grants, chairs and
3 contracts to researchers for research with respect to the cause, cure,
4 treatment, prevention, and earlier detection of breast cancer and for
5 developing leadership in research in Arkansas.

6 (c) The moneys in the Breast Cancer Control Fund for the control of
7 breast cancer are to be allocated according to the recommendations of the
8 Breast Cancer Control Advisory Board who shall establish the scope of
9 services of the program and programmatic priorities based on the analysis of
10 available information. The advisory board shall also be responsible for
11 developing eligibility criterion to be applied in evaluating requests for
12 breast cancer control financial assistance from screened women who are found
13 to be in need of diagnostic and treatment services. The advisory board shall
14 also review contractual agreements for breast cancer control with providers
15 who will be rendering services through the program.

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17 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
18 General Assembly that changes in distributions and funding sources must take
19 place at the beginning of the state fiscal year in order to maintain approved
20 accounting standards and to reduced confusion and that in the event of an
21 extended session, this act may not take effect until after July 1 thereby
22 placing the funding of the breast cancer program in jeopardy. Therefore, an
23 emergency is declared to exist and this act being immediately necessary for
24 the preservation of the public peace, health and safety shall become
25 effective on July 1, 2001.

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27 /s/ French
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30 APPROVED: 4/17/2001
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