

# Hall of the House of Representatives

89th General Assembly - Regular Session, 2013

## Amendment Form

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### Subtitle of House Bill No. 1618

TO REQUIRE WHOLESALERS TO REPORT CERTAIN INFORMATION TO THE ARKANSAS TOBACCO CONTROL BOARD; AND TO PROTECT INFORMATION IN THE REQUIRED REPORT FROM DISCLOSURE.

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### Amendment No. 1 to House Bill No. 1618

Amend House Bill No. 1618 as originally introduced:

Page 1, line 27, delete "sales" and substitute "deliveries"

AND

Page 1, line 28, delete "sales" and substitute "deliveries"

AND

Page 1, line 31, delete "sales" and substitute "deliveries"

AND

Page 1, line 35, delete "purchased" and substitute "obtained"

AND

Page 2, line 5, delete "sales" and substitute "deliveries"

AND

Page 2, line 8, delete "sold" and substitute "delivered"

AND

Page 2, line 11, delete "sold" and substitute "delivered"

AND

Page 2, delete line 19, and substitute "director that it is not reasonably feasible to comply with the primary electronic reporting method adopted."



AND

Page 2, line 23, delete "(e)(1)" and substitute "(e)(1)(A)"

AND

Page 2, delete lines 26 and 27, and substitute the following:

"section is confidential and not subject to release.

(B) Before information contained in a report required to be filed under this section is disclosed or transmitted in a manner in which the information may become available to the public or a competitor of the reporting wholesaler, including in an administrative violation or criminal charge, the director shall provide sufficient advance notice to the reporting wholesaler to allow the reporting wholesaler to seek an order protecting any confidentially sensitive information."

AND

Page 2, line 29, delete "be:" and substitute "be transmitted or otherwise provided to:"

AND

Page 2, line 30, delete "Transmitted to the" and substitute "The"

AND

Page 2, line 31, delete "and"

AND

Page 2, line 32, delete "Provided to a" and substitute "A"

AND

Page 2, delete line 33, and substitute the following:

"agency; and

(iii) The Attorney General."

AND

Page 2, line 34, delete "A taxing authority or law enforcement agency" and substitute "The person or entity"

AND

Page 2, delete line 36, and substitute the following:

"maintain the confidentiality of the information before the information may be transmitted to the person or entity."

AND

Page 3, delete lines 3 and 4, and substitute the following:  
"confidential and not subject to release."

AND

Page 3, delete line 5, and substitute the following:

"(f) The director may promulgate rules to implement this section.

(g) The report required to be filed under this section shall fulfill the reporting required to the state under the Prevent All Cigarette Trafficking Act of 2009, Pub. L. No. 111-154.

(h)(1) The director shall provide the information reported under this section to the Arkansas Attorney General.

(2) The director's action under subdivision (h)(1) of this section satisfies the wholesaler's reporting obligations under § 26-57-1406.

SECTION 2. Arkansas Code § 26-57-1406(c), concerning manufacturer and importer reports, is amended to read as follows:

~~(c) If a manufacturer or importer timely submits to the Attorney General the required reports with respect to cigarettes under 15 U.S.C. § 376, as it existed on January 1, 2011, and certifies to the state that the reports are complete and accurate, then the requirements of subsection (a) of this section are satisfied and no further report is required under this section with respect to cigarettes. if:~~

(1) In the case of a manufacturer or importer, the manufacturer or importer timely submits to the Arkansas Attorney General the required reports with respect to cigarettes under Prevent All Cigarette Trafficking Act of 2009, Pub. L. No. 111-154, and certifies to the state that the reports are complete and accurate; or

(2) In the case of a wholesaler, the wholesaler timely submits the report required by § 26-57-265 to the Director of Arkansas Tobacco Control and the report separately lists the deliveries to retailers and other wholesalers in this state by cigarettes, roll-your-own, and other tobacco products."

AND

Appropriately renumber the sections of the bill

The Amendment was read \_\_\_\_\_  
By: Representative Baine  
JLL/JLL - 03-11-2013 16:13:44  
JLL350

\_\_\_\_\_  
Chief Clerk