

1 State of Arkansas As Engrossed: S1/27/11 S2/17/11 S2/22/11

2 88th General Assembly

# A Bill

3 Regular Session, 2011

SENATE BILL 69

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5 By: Senator J. Jeffress

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## For An Act To Be Entitled

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AN ACT TO PROHIBIT THE SALE OF HERBAL SNUFF TO

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PERSONS UNDER EIGHTEEN (18) YEARS OF AGE; AND FOR

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OTHER PURPOSES.

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## Subtitle

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AN ACT TO PROHIBIT THE SALE OF HERBAL

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SNUFF TO PERSONS UNDER EIGHTEEN (18)

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YEARS OF AGE.

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code Title 20, Chapter 27 is amended to add an

22 additional subchapter to read as follows:

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20-27-2401. Findings.

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The General Assembly finds that:

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(1) Herbal snuff is a tobaccoless snuff, available as loose

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composition or in pouches, that is primarily marketed as an adult alternative

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for moist smokeless tobacco;

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(2) Herbal snuff is marketed in flavors that are similar to

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those of the leading moist smokeless tobacco brands;

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(3) Herbal snuff is not a tobacco product and therefore is not

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subject to tobacco taxes, advertising restrictions, or merchandising

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restrictions;

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(4) Even though herbal snuff is regulated by the United States

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Food and Drug Administration as a food product and manufacturers are required

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to follow Food and Drug Administration guidelines, herbal snuff is intended

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to be an adult-oriented product;



1 (5) Even though some companies have a strict and longstanding  
2 policy of not marketing to minors, children can legally purchase herbal  
3 snuff;

4 (6) Children should not be emulating adult smokeless tobacco  
5 consumers and should not enter into the habit of dipping snuff;

6 (7) Herbal snuff is used in Adult Tobacco Cessation Programs;  
7 and

8 (8) Herbal snuff should be marketed only to adults to avoid any  
9 possibility of herbal snuff being regarded as a gateway product for children.

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11 20-27-2402. Definitions.

12 As used in this section:

13 (1) "Herbal chewing snuff" means a tobacco-free and nicotine-  
14 free version of chewing snuff, a product used orally by chewing the contents  
15 until juice is released and absorbed into the body;

16 (2) "Herbal dipping snuff means a tobacco-free and nicotine-free  
17 version of moist snuff, a product used orally by placing either a loose or  
18 pouched form along the gum line behind the lip;

19 (3) "Herbal snus" means a tobacco-free and nicotine-free  
20 substitute of snus, a spitless product of either loose or pouched form that  
21 is usually placed along the gum line beneath the upper lip; and

22 (4)(A) "Herbal snuff" means a tobaccoless chewing and snuff  
23 composition that mimics smokeless tobacco.

24 (i) "Herbal snuff" includes:

25 (ii) Herbal chewing snuff;

26 (ii) Herbal dipping snuff; and

27 (iv) Herbal snus.

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29 20-27-2403. Prohibition on sales of herbal snuff -- Penalties.

30 (a) It is unlawful to sell or offer for sale herbal snuff in this  
31 state to persons under eighteen (18) years of age.

32 (b)(1) A person who pleads guilty or nolo contendere to or is found  
33 guilty of violating this section is guilty of a violation and is subject to a  
34 fine not to exceed one hundred dollars (\$100) per violation.

35 (2) Each violation and conviction shall be deemed a separate  
36 offense.

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20-27-2404. Rules -- Enforcement.

(a) The Arkansas Tobacco Control Board shall adopt rules to implement this chapter.

(b)(1) The board and its authorized agents may enforce compliance with this chapter and any rules adopted under this section by the board.

(2) The board and its authorized agents may enter upon and inspect the premises of any public place at any reasonable time and in a reasonable manner.

*/s/J. Jeffress*

**APPROVED: 03/08/2011**