

Hall of the House of Representatives
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of House Bill No. 1665

"TO AMEND ARKANSAS CODE 26-57-262(c)(1) RELATING TO THE SALE OF EXPORT
CIGARETTES."

Amendment No. 1 to House Bill No. 1665.

Amend House Bill No. 1665 as originally introduced:

Page 1, delete line 9, and substitute the following:
"AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE RELATING"

AND

Page 1, delete line 13, and substitute the following:
"TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE"

AND

Page 1, line 27, delete "to be sold within" and substitute
"to be sold manufactured, packaged or imported for sale, distribution or use
within"

AND

Page 1, delete lines 28 and 29, and substitute the following:
"(B) The package has been imported into the United States after
January 1, 2000, in violation of 26 U. S. C. Sec. 5754;"

AND

Page 1, line 30, delete "(C)" and substitute "~~(C)~~(B)"

AND

Page 1, delete lines 33 and 34

AND

Page 1, line 35, delete "(E)" and substitute "(C)"

AND

Page 1, line 36, delete "by or"

AND

Page 2, line 2, delete "~~(D)~~(F)" and substitute "(D)"

AND

Page 2, line 3, delete "or" and substitute "or"

AND

Page 2, line 4, delete "~~(E)~~(G)" and substitute "(E)"

AND

Page 2, delete line 7, and substitute the following:

"this section; or

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

AND

Insert two additional sections immediately following SECTION 1 to read as follows:

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

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

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

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

(4) All stamps prescribed by the Director of the Department of Finance and Administration for affixation to cigarette packages shall be designed and furnished in such a fashion as to permit identification of the person that affixed the stamp to the particular package of cigarettes, by means of a number or other mark on the stamp. The Department of Finance and

Administration shall maintain for not less than three (3) years information identifying the person that affixed the tax stamp to each package of cigarettes, which information shall not be confidential or exempt from disclosure to the public."

The Amendment was read
By: Representative Salmon
LH/RRS - 032620011428
RRS793

Chief Clerk