

Hall of the House of Representatives
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of House Bill No. 1398

TO PROHIBIT THE TRANSFER OF E-CIGARETTES AND OTHER NICOTINE PRODUCTS TO MINORS;
AND TO PROHIBIT MINORS FROM POSSESSING OR BUYING E-CIGARETTES.

Amendment No. 1 to House Bill No. 1398

Amend House Bill No. 1398 as originally introduced:

Page 1, line 23, delete "5-27-227(a)-(d)" and substitute "5-27-227(a)-(g)"

AND

Page 2, Line 1, delete "propylene"

AND

Page 2, line 2, delete "glycol and"

AND

Page 2, delete line 27, and substitute the following:

"agent of ~~the Arkansas Tobacco Control Board~~ Arkansas Tobacco Control to enforce or ensure compliance"

AND

Page 3, delete line 17 and substitute the following:

"form, ~~or~~ a cigarette paper, or an e-cigarette product to any person.

(e) It is unlawful for any person who has been issued a permit or a license under the Arkansas Tobacco Products Tax Act of 1977, § 26-57-201 et seq., to fail to display in a conspicuous place or on each vending machine a sign indicating that the sale of tobacco products to or purchase or possession of tobacco products by a minor is prohibited by law.

(f) It is unlawful for any manufacturer whose tobacco or e-cigarette product is distributed in this state and any person who has been issued a permit or license under the Arkansas Tobacco Products Tax Act of 1977, § 26-57-201 et seq., to distribute a free sample of any tobacco or e-cigarette product or coupon that entitles the holder of the coupon to any free sample of any tobacco or e-cigarette product:

(1) In or on any public street or sidewalk within five hundred



feet (500') of any playground, public school, or other facility when the playground, public school, or other facility is being used primarily by minors for recreational, educational, or other purposes; or

(2) To any minor.

(g)(1)(A) It is unlawful for any person that has been issued a permit or license under the Arkansas Tobacco Products Act of 1977, § 26-57-201 et seq., to sell or distribute a cigarette or e-cigarette product through a self-service display.

(B) Subdivision (g)(1)(A) of this section does not apply to a:

(i) Vending machine that complies with subdivision (h)(1)(A) of this section; or

(ii) Retail tobacco store.

(2) As used in subdivision (g)(1) of this section:

(A) "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental; and

(B) "Self-service display" means a display:

(i) That contains a cigarette product;

(ii) That is located in an area where customers are permitted; and

(iii) In which the cigarette product is readily accessible to a customer without the assistance of a salesperson."

AND

Page 3, delete line 25 and substitute the following:

"against selling cigarettes, ~~or~~ tobacco products, or e-cigarette products to minors;"

The Amendment was read _____
By: Representative Leding
MGF/NJR - 03-13-2013 13:07:41
MGF453

Chief Clerk