

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1460

By: Representative Matthews

For An Act To Be Entitled

"AN ACT TO AMEND TITLE 4, CHAPTER 75, OF THE ARKANSAS CODE OF 1987, TO PRESCRIBE PUBLIC CONVENIENCE AND ADVANTAGE FACTORS TO BE CONSIDERED IN THE ISSUANCE OF WHOLESALE TOBACCO LICENSE; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 4-75-707 is hereby amended to read as follows:

"4-75-707. (a) No person shall engage in or conduct the business of purchasing for resale or selling cigarettes without having first obtained the appropriate license for that purpose.

(b) All such licenses shall be issued by the Director of the Department of Finance and Administration or his designated agent, who shall make rules and regulations respecting applications therefor and issuance thereof.

(c) A wholesaler or retailer who sells or intends to sell cigarettes at one (1) or more places of business shall be required to obtain a separate license for each place of business.

(d) Any person licensed only as a wholesaler shall not operate as a retailer unless the appropriate license therefor is first secured, and any person licensed only as a retailer shall not operate as a wholesaler unless the appropriate license therefor is first secured.

(e) In determining whether an application for a license would promote the public convenience and advantage or interest, the Director or his designated agent, may consider, among other relevant factors, the following:

- (1) The number of existing wholesale tobacco outlets in the proposed area.
- (2) The types of existing tobacco license in the proposed area.
- (3) Suitability of location of proposed outlet including such

factors as possible traffic hazards or traffic congestion, remoteness of area, degree of law enforcement available, character of surrounding neighborhood and related factors.

(4) Suitability of proposed building including such factors as type of building condition, and building security.

(5) Economic impact of proposed outlet on other wholesale tobacco outlets or other businesses in proposed area, insofar as such impact affects public convenience and advantage.

(6) Input from law enforcement officials or other public officials in proposed area.

(7) Opposition or support comment from adjacent property owners or nearby area residents to any application."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.

