

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1674

By: Representative Matthews

For An Act To Be Entitled

"AN ACT TO DECLARE PUBLIC POLICY CONCERNING DISTRIBUTION OF TOBACCO PRODUCTS; TO AUTHORIZE THE DIRECTOR TO ESTABLISH CONDITIONS FOR ISSUANCE OF PERMITS; TO SET THE NUMBER OF PERMITS TO BE ISSUED STATEWIDE; AND FOR OTHER PURPOSES."

WHEREAS, the number of deaths attributed to smoking related causes in the State of Arkansas was 3,845 last year; and

WHEREAS, Arkansas currently has 24,547 people being treated for emphysema and 123,584 for chronic bronchitis; and

WHEREAS, there are currently 11,225 women age twenty through forty-four who are pregnant and risking the health of their unborn child by continuing to smoke in this state; and

WHEREAS, total costs for health care for smoking related diseases in this state exceeds twenty million dollars (\$20,000,000) annually; and

WHEREAS, although the state has made great advancements in decreasing the percentage of citizens who use tobacco products during the past twenty-five years by decreasing the number from two-thirds of the adult population down to one adult in three; and

WHEREAS, despite the reduction in the use of tobacco in the state population and the increase in awareness of the association of tobacco products with cancer and lung diseases, the costs of health care continue to increase beyond geometric proportions; and

WHEREAS, it is reasonable for the state to determine that further requirements need to be implemented to assist in controlling health care costs due to smoking related causes; and

WHEREAS, the State of Arkansas prohibits use of tobacco products to minors and the proliferation of additional permits would make enforcement of the criminal laws more difficult; and

WHEREAS, one of the means of achieving these goals is to place some limit on the availability of tobacco products in this state;

NOW, THEREFORE,

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

SECTION 1. (a) It is declared to be the public policy of the state that the number of permits in this state to distribute wholesale cigarettes, wholesale tobacco products or general tobacco products vending permits shall be restricted.

(b) The Director of the Department of Finance and Administration is empowered to determine whether public convenience and advantage will be promoted by issuing the permits and by increasing or decreasing the number thereof; in order to further carry out the policy herein before declared, the number of permits so issued shall be restricted.

(c) The Director is further given the discretion to determine the number of permits to be granted in each county of this state or within the corporate limits of any municipality of this state to determine the location thereof and the persons to whom they shall be issued, under the following conditions:

(1) (A) The number of permits shall not exceed a ratio of one (1) permit for every thirty-eight thousand (38,000) population residing in this state.

(B) Population of the state shall be determined by the most recent population figures established in a census by the Bureau of the Census of the United States Department of Commerce or other appropriate governmental subdivision.

(2) New permits which may be issued in this state following a regular census shall be issued under the following restrictions:

(A) Additional permits may be issued on a ratio of one (1) for every additional thirty-eight thousand (38,000) population within the state;

(B) Any qualified applicant may apply for a permit.

Qualifications are to be set from time to time by the Director and his determination of the public convenience and advantage.

(3) (A) If it is determined that the state is entitled to additional permits when warranted by a census, the Director will announce prior to the last date for applications the number of new permits, if any, which may be issued.

(B) In the event that such regular census population figures decline in the state, no existing permits shall be cancelled or revoked for that reason, and the quota ratio shall not be applied thereto until the population in the state reaches a number equalling one (1) permit to every thirty-eight thousand (38,000) population, nor shall any new permit issue until the population warrants.

(C) No transfer of locations from one (1) location within the state to another location shall be allowed.

(D) In the event that any holder of a permit to distribute wholesale cigarettes, wholesale tobacco products or a general tobacco products vending permit surrenders a permit in this state, no new applications will be accepted until the ratio is reestablished at an approved census.

(4) Nothing in this section shall be construed as to divest any permit holder holding the permit on July 1, 1989, regardless of the quota ratio, of his permit.

(d) The provisions of this section shall apply only to applications for permits to distribute wholesale cigarettes, wholesale tobacco or general tobacco products vending permits filed after July 1, 1989.

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.

