

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 2179

4
5 By: Representative T. Smith
6
7

For An Act To Be Entitled

8
9 "AN ACT TO AMEND THE UNFAIR CIGARETTE SALES ACT TO
10 CLARIFY THAT THE TOBACCO CONTROL BOARD IS RESPONSIBLE
11 FOR ITS ADMINISTRATION; AND FOR OTHER PURPOSES."

Subtitle

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14 "CLARIFIES THAT THE TOBACCO CONTROL BOARD
15 IS RESPONSIBLE FOR ADMINISTERING THE
16 UNFAIR CIGARETTE SALES ACT."
17
18

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

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21 SECTION 1. Arkansas Code 4-75-702(2) is amended to read as follows:

22 " (2) 'Director' means the Director of the ~~Department of Finance~~
23 ~~and Administration~~ Tobacco Control Board;"

24
25 SECTION 2. Arkansas Code 4-75-706 is amended to read as follows:

26 "4-75-706. Director of the ~~Department of Finance and Administration~~
27 Tobacco Control Board - Powers and duties.

28 (a)(1) The Director of the ~~Department of Finance and Administration~~
29 Tobacco Control Board shall prescribe, adopt, and enforce rules and
30 regulations relating to the administration and enforcement of this subchapter.

31 (2) The director is empowered to and may from time to time
32 undertake and make or cause to be made one (1) or more cost surveys for the
33 state or such trading area as he shall define, and when the cost survey shall
34 have been made by or approved by him, it shall be permissible to use such cost
35 survey as provided in § 4-75-711(b). The director is also empowered to
36 investigate price fixing.

1 (3) The director may revoke or suspend the license issued under
 2 the provisions of this subchapter of any person who refuses or neglects to
 3 comply with any provisions of this subchapter or any rule or regulation of the
 4 director prescribed under this subchapter.

5 (b) Whenever any person fails to comply with any provision of this
 6 subchapter or any rule or regulation of the director promulgated thereunder,
 7 the director upon hearing, after giving the person ten (10) days' notice in
 8 writing specifying the time and place of the hearing and requiring him to show
 9 cause why his license should not be revoked, may revoke or suspend the license
 10 held by the person.

11 (c) Any ruling, order, or decision of the Director of the ~~Department of~~
 12 ~~Finance and Administration~~ Tobacco Control Board shall be subject to review,
 13 as provided by law, in any court of competent jurisdiction in the county in
 14 which the person affected resides."

15
 16 SECTION 3. Arkansas Code 4-75-707(b) is amended to read as follows:

17 "(b) All such licenses shall be issued by the Director of the
 18 ~~Department of Finance and Administration~~ Tobacco Control Board or his
 19 designated agent, who shall make rules and regulations respecting applications
 20 therefor and issuance thereof."

21
 22 SECTION 4. Arkansas Code 4-75-713(a) is amended to read as follows:

23 "(a) The Director of the ~~Department of Finance and Administration~~
 24 Tobacco Control Board, or any person injured by any violation or who would
 25 suffer injury from any threatened violation of this subchapter, may maintain
 26 an action in any court of equitable jurisdiction to prevent, restrain, or
 27 enjoin the violation or threatened violation."

28
 29 SECTION 5. All provisions of this act of a general and permanent nature
 30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 31 Revision Commission shall incorporate the same in the Code.

32
 33 SECTION 6. If any provision of this act or the application thereof to
 34 any person or circumstance is held invalid, such invalidity shall not affect
 35 other provisions or applications of the act which can be given effect without
 36 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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3 SECTION 7. All laws and parts of laws in conflict with this act are
4 hereby repealed.

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6 SECTION 8. EMERGENCY CLAUSE. It is hereby found and determined by the
7 Eighty-second General Assembly that the Arkansas Unfair Cigarette Sales Act,
8 4-75-701, sets minimum selling prices for wholesale and retail sales of
9 cigarettes in Arkansas. Although the Unfair Cigarette Sales Act contains a
10 licensing requirement for wholesalers and retailers, its main purpose is to
11 establish fair and lawful competition in the wholesale and retail sale of
12 cigarettes in Arkansas. Prior to the creation of the Tobacco Control Board in
13 1997, the Revenue Division of the Department of Finance and Administration has
14 been responsible for administering the Unfair Cigarette Sales Act. Therefore,
15 an emergency is declared to exist and this act being immediately necessary for
16 the preservation of the public peace, health and safety shall become effective
17 on the date of its approval by the Governor. If the bill is neither approved
18 nor vetoed by the Governor, it shall become effective on the expiration of the
19 period of time during which the Governor may veto the bill. If the bill is
20 vetoed by the Governor and the veto is overridden, it shall become effective
21 on the date the last house overrides the veto.