

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

# A Bill

SENATE BILL 1076

4  
5 By: Senator J. Taylor  
6  
7

## For An Act To Be Entitled

8  
9 AN ACT TO PROVIDE THAT THE TOBACCO CONTROL BOARD  
10 SHALL CONSIST OF SEVEN (7) MEMBERS; AND FOR OTHER  
11 PURPOSES.  
12

## Subtitle

13  
14 TO PROVIDE THAT THE TOBACCO CONTROL  
15 BOARD SHALL CONSIST OF SEVEN (7)  
16 MEMBERS.  
17

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 26-57-255 is amended to read as follows:  
22 26-57-255. Arkansas Tobacco Control Board.

23 (a) There is ~~hereby~~ created the Arkansas Tobacco Control Board to  
24 consist of ~~eight (8)~~ seven (7) members appointed by the Governor. The board  
25 shall be constituted as follows: Two (2) members of the board shall be  
26 tobacco products wholesalers; two (2) members of the board shall be tobacco  
27 products retailers; and ~~four (4)~~ three (3) members of the board shall be  
28 members of the public at large who are not public employees or officials, at  
29 least one (1) of which shall be an African American, ~~and two (2) of whom~~  
30 ~~shall be selected from a list of at least eight (8) candidates supplied to~~  
31 ~~the Governor by the Arkansas Medical Society.~~

32 (b) The Governor shall designate which member of the Tobacco Control  
33 Board shall act as chairman, and that person shall serve as chairman for two  
34 (2) years unless his membership on the board ceases prior to the end of the  
35 two-year period.

36 (c) All members of the Tobacco Control Board must be residents of the



1 State of Arkansas and confirmed by the Senate. The term of office shall be  
2 five (5) years, except that the initial board shall be appointed to staggered  
3 terms in that the term of one (1) member expires each year.

4 (d) The Tobacco Control Board shall have responsibility for the  
5 issuance, suspension, and revocation of the licenses and permits enumerated  
6 in § 26-57-219. All action by the Tobacco Control Board shall be by a  
7 majority vote ~~of the full membership of a quorum present at a meeting~~ of the  
8 board, and the board may take no official action in connection with any  
9 matter except at a regular or special meeting. ~~In the event of a tie vote of~~  
10 ~~the members of the board, the Director of the Tobacco Control Board may cast~~  
11 ~~the deciding vote.~~ The Tobacco Control Board shall have no jurisdiction over  
12 manufacturers of tobacco products.

13 (e) No person who is not a citizen of the United States and who has  
14 not resided in the State of Arkansas for at least two (2) consecutive years  
15 immediately preceding the date of appointment may be appointed to the Tobacco  
16 Control Board nor employed by the board.

17 (f) Each member of the Tobacco Control Board and the Director of the  
18 Tobacco Control Board shall take and subscribe to an oath that he will  
19 support and enforce the provisions of this subchapter, the tobacco control  
20 laws of this state, the Constitution of the State of Arkansas, and the  
21 Constitution of the United States of America.

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23 SECTION 2. (a) The board position terminated under Section 1 of this  
24 act shall be one (1) of the two (2) positions appointed by the Governor from  
25 the list supplied by the Arkansas Medical Society. Each member serving in  
26 these positions on the effective date of this act may serve until the end of  
27 his or her term.

28 (b)(1) If one (1) of the two (2) positions under subsection (a) of this  
29 act becomes vacant, that position shall be terminated and the vacancy shall  
30 not be filled.

31 (2) If both of the board members described in subsection (a) of  
32 this section have terms that expire on the same date, only one (1) of the  
33 positions shall be filled by the Governor upon the expiration of the terms.

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