

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

SENATE BILL 69

4
5 By: Senator J. Jeffress

For An Act To Be Entitled

8 AN ACT TO PROHIBIT THE SALE OF HERBAL SNUFF TO
9 PERSONS UNDER EIGHTEEN (18) YEARS OF AGE; AND FOR
10 OTHER PURPOSES.

Subtitle

14 AN ACT TO PROHIBIT THE SALE OF HERBAL
15 SNUFF TO PERSONS UNDER EIGHTEEN (18)
16 YEARS OF AGE.

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

21 SECTION 1. Arkansas Code Title 20, Chapter 27 is amended to add an
22 additional subchapter to read as follows:

23 20-27-2401. Findings.

24 The General Assembly finds that:

25 (1) Herbal snuff is a tobaccoless chewing and snuff composition
26 that mimics smokeless tobacco, and is available in a wide variety of flavors
27 attractive to children, flavors such as mint, wintergreen, cinnamon, cherry,
28 licorice, orange, ginger, peach, and red-hot;

29 (2) Children in the early grades of elementary school, children
30 as young as eight (8) years of age, are purchasing and using herbal snuff in
31 imitation of adults who use smokeless tobacco;

32 (3) Unregulated tobacco substitutes concern federal health
33 officials who warn that smoking or prolonged chewing of any substance should
34 be avoided because of potential health risks; and

35 (4) The use of herbal snuff may lead children to the use of
36 smokeless tobacco.



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2 20-27-2402. Definitions.

3 As used in this section:

4 (1) "Herbal chewing snuff" means a tobacco-free and nicotine-
5 free version of chewing snuff, a product used orally by chewing the contents
6 until juice is released and absorbed into the body;

7 (2) "Herbal dipping snuff means a tobacco-free and nicotine-free
8 version of moist snuff, a product used orally by placing either a loose or
9 pouched form along the gum line behind the lip;

10 (3) "Herbal snus" means a tobacco-free and nicotine-free
11 substitute of snus, a spitless product of either loose or pouched form that
12 is usually placed along the gum line beneath the upper lip; and

13 (4)(A) "Herbal snuff" means a tobaccoless chewing and snuff
14 composition that mimics smokeless tobacco.

15 (i) "Herbal snuff" includes:

16 (ii) Herbal chewing snuff;

17 (ii) Herbal dipping snuff; and

18 (iv) Herbal snus.

19
20 20-27-2403. Prohibition on sales of herbal snuff -- Penalties.

21 (a) It is unlawful to sell or offer for sale herbal snuff in this
22 state to persons under eighteen (18) years of age.

23 (b)(1) A person who pleads guilty or nolo contendere to or is found
24 guilty of violating this section shall be fined not less than:

25 (A) One hundred dollars (\$100) and not more than five
26 hundred dollars (\$500) for the first offense;

27 (B) Two hundred dollars (\$200) and not more than one
28 thousand dollars (\$1,000) for the second offense; and

29 (C) Five hundred dollars (\$500) and not more than two
30 thousand dollars (\$2,000) for the third or subsequent offense.

31 (2) Each violation and conviction shall be deemed a separate
32 offense.

33
34 20-27-2404. Rules -- Enforcement.

35 (a) The State Board of Health shall adopt rules to implement this
36 chapter.

1 (b)(1) The Department of Health and its authorized agents may enforce
2 compliance with this chapter and any rules adopted under this section by the
3 board.

4 (2) Under rules of the board, the department and its authorized
5 agents may enter upon and inspect the premises of any public place at any
6 reasonable time and in a reasonable manner.

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