

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

*As Engrossed: S1/27/11 S2/17/11*

# A Bill

SENATE BILL 69

5 By: Senator J. Jeffress  
6

## 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.  
11

### Subtitle

14 AN ACT TO PROHIBIT THE SALE OF HERBAL  
15 SNUFF TO PERSONS UNDER EIGHTEEN (18)  
16 YEARS OF AGE.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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.

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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 is guilty of a violation and is subject to a  
25 fine not to exceed one hundred dollars (\$100) per violation.

26 (2) Each violation and conviction shall be deemed a separate  
27 offense.

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29 20-27-2404. Rules -- Enforcement.

30 (a) The Arkansas Tobacco Control Board shall adopt rules to implement  
31 this chapter.

32 (b)(1) The board and its authorized agents may enforce compliance with  
33 this chapter and any rules adopted under this section by the board.

34 (2) The board and its authorized agents may enter upon and  
35 inspect the premises of any public place at any reasonable time and in a  
36 reasonable manner.

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*/s/J. Jeffress*