

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013

# A Bill

HOUSE BILL 1618

4  
5 By: Representative Baine  
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## For An Act To Be Entitled

8 AN ACT TO REQUIRE WHOLESALERS TO REPORT CERTAIN  
9 INFORMATION TO THE ARKANSAS TOBACCO CONTROL BOARD; TO  
10 PROTECT INFORMATION IN THE REQUIRED REPORT FROM  
11 DISCLOSURE; AND FOR OTHER PURPOSES.  
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## Subtitle

14 TO REQUIRE WHOLESALERS TO REPORT CERTAIN  
15 INFORMATION TO THE ARKANSAS TOBACCO  
16 CONTROL BOARD; AND TO PROTECT INFORMATION  
17 IN THE REQUIRED REPORT FROM DISCLOSURE.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code Title 26, Chapter 57, Subchapter 2, is  
24 amended to add an additional section to read as follows:

25 26-57-265. Reports by wholesalers to Arkansas Tobacco Control.

26 (a) Each wholesaler shall file with the Director of Arkansas Tobacco  
27 Control a monthly report of the wholesaler's sales to retailers and other  
28 wholesalers in this state and the wholesaler's sales from within this state  
29 to retailers and other wholesalers outside of this state.

30 (b) The report required under subsection (a) of this section shall  
31 contain the following information for the preceding calendar month's sales:

32 (1) The name of each retailer or wholesaler;

33 (2) The address of each retailer or wholesaler to which the  
34 wholesaler delivered cigarettes, cigars, or other tobacco products;

35 (3) The address of each retailer or wholesaler that purchased  
36 cigarettes, cigars, or other tobacco products from the wholesaler at the



1 wholesaler's location;

2 (4) The Arkansas permit number of each retailer or wholesaler or  
3 the equivalent permit number if the retailer or wholesaler resides outside of  
4 the state; and

5 (5) The monthly net sales made to each retailer or wholesaler,  
6 including without limitation:

7 (A) The quantity, units, and brand styles of the  
8 cigarettes in stamped and unstamped packages that were sold to each retailer  
9 or wholesaler; and

10 (B) The quantity, units, and brand styles of the cigars  
11 and other tobacco products sold to the retailer or wholesaler.

12 (c) A wholesaler shall file the report required under subsection (a)  
13 of this section on or before the tenth day of each month.

14 (d)(1) Except as provided under this section, a wholesaler shall  
15 electronically file the report required under subsection (a) of this section  
16 with the director.

17 (2) The director may establish procedures for allowing an  
18 alternative method of filing for a wholesaler that demonstrates to the  
19 director an inability to comply with the electronic reporting requirement.

20 (3) If the director determines that another method of filing the  
21 report is more efficient than electronic filing, the director may promulgate  
22 rules requiring the use of another method by wholesalers.

23 (e)(1) Except for information that has been submitted as evidence in a  
24 concluded investigation resulting in an administrative violation or criminal  
25 charge, information contained in a report required to be filed under this  
26 section is confidential and is exempt from disclosure under the Freedom of  
27 Information Act of 1967, § 25-19-101 et seq.

28 (2)(A) Information contained in a report required to be filed  
29 under this section may be:

30 (i) Transmitted to the appropriate taxing authority  
31 in a state to which deliveries shown on the report were made; and

32 (ii) Provided to a requesting law enforcement  
33 agency.

34 (B) A taxing authority or law enforcement agency receiving  
35 information under subdivision (e)(2)(A) of this section shall agree to  
36 maintaining the confidentiality of the information.

1                   (C) Information provided to a taxing authority or law  
2 enforcement agency under subdivision (e)(2)(A) of this section shall remain  
3 exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-  
4 101 et seq.

5                   (f) The director may promulgate rules to implement this section.

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7                   SECTION 2. EFFECTIVE DATE. This act shall be effective on and after  
8 September 1, 2013.

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