

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S3/16/17

A Bill

SENATE BILL 343

5 By: Senator B. King
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For An Act To Be Entitled

8 AN ACT TO AMEND THE AUTHORITY OF THE ARKANSAS TOBACCO
9 CONTROL BOARD TO ASSESS CIVIL PENALTIES; TO MODIFY
10 CIVIL PENALTIES FOR UNLAWFUL SALES OF TOBACCO
11 PRODUCTS; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE AUTHORITY OF THE ARKANSAS
16 TOBACCO CONTROL BOARD TO ASSESS CIVIL
17 PENALTIES; AND TO MODIFY CIVIL PENALTIES
18 FOR UNLAWFUL SALES OF TOBACCO PRODUCTS.
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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 § 26-57-214(e), concerning penalties for
24 doing business regarding tobacco products without a registration or license,
25 is amended to read as follows:

26 (e) ~~Any~~ A person who pleads guilty or nolo contendere to or is found
27 guilty of buying, selling, or otherwise doing business in cigarettes, tobacco
28 products, vapor products, alternative nicotine products, or e-liquid products
29 in this state without first obtaining the appropriate license or permit:

30 (1) May be fined not more than three (3) times the value of the
31 tax that would have been owed on the cigarettes, tobacco products, vapor
32 products, alternative nicotine products, or e-liquid products involved in the
33 transaction; and

34 (2)(A) For a second or subsequent offense, if the offense
35 involves unlawful conduct such as cigarette, tobacco product, vapor product,
36 alternative nicotine product, or e-liquid product smuggling a person:



1 (i) For an offense committed negligently, as defined
 2 in § 5-2-202, is guilty of a Class A misdemeanor;

3 (ii) For an offense committed knowingly, as defined
 4 in § 5-2-202, is guilty of a Class D felony; and

5 (iii) For an offense committed purposely, as defined
 6 in § 5-2-202, is guilty of a Class C felony.

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 8 SECTION 2. Arkansas Code § 26-57-226 is amended to read as follows:
 9 26-57-226. Penalties.

10 ~~Any~~ A person within the jurisdiction of this state who is not licensed
 11 to sell, deliver, or cause to be delivered tobacco products, vapor products,
 12 alternative nicotine products, or e-liquid products to consumers and who
 13 sells, takes orders from, delivers, or causes to be delivered immediately or
 14 in the future any tobacco products, vapor products, alternative nicotine
 15 products, or e-liquid products to consumers;

16 (1) May be fined not more than three (3) times the value of the
 17 tax that would have been owed on the cigarettes, tobacco products, vapor
 18 products, alternative nicotine products, or e-liquid products involved in the
 19 transaction; and

20 (2)(A) For a second or subsequent offense, if the offense
 21 involves unlawful conduct such as cigarette, tobacco product, vapor product,
 22 alternative nicotine product, or e-liquid product smuggling a person:

23 (i) For an offense committed negligently, as defined
 24 in § 5-2-202, is guilty of a Class A misdemeanor;

25 (ii) For an offense committed knowingly, as defined
 26 in § 5-2-202, is guilty of a Class D felony; and

27 (iii) For an offense committed purposely, as defined
 28 in § 5-2-202, is guilty of a Class C felony.

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 30 SECTION 3. Arkansas Code § 26-57-256(a)(5)(B)(ii) , concerning the
 31 power of the Arkansas Tobacco Control Board to assess civil penalties, is
 32 amended to read as follows:

33 (ii) In addition, the board may levy a civil penalty
 34 in an amount not to exceed ~~five thousand dollars (\$5,000) for each violation~~
 35 three (3) times the value of the tax that would have been owed on the
 36 cigarettes, tobacco products, vapor products, alternative nicotine products,

1 or e-liquid products involved in the transaction against ~~any~~ a person or
2 entity found to be in violation.

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/s/B. King