

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/25/13

A Bill

HOUSE BILL 1560

By: Representative Wright

For An Act To Be Entitled

AN ACT TO AMEND THE UNFAIR CIGARETTE SALES ACT TO
SIMPLIFY THE APPLICATION AND ADMINISTRATION OF THE
ACT; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE UNFAIR CIGARETTE SALES ACT
TO SIMPLIFY THE APPLICATION AND
ADMINISTRATION OF THE ACT.

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

SECTION 1. Arkansas Code § 4-75-702(5)(B), concerning the meaning of the term "cost to wholesaler" as used in the Unfair Cigarette Sales Act, is amended to read as follows:

(5)(B)(i) In the absence of ~~the filing with the board of proof satisfactory to the board~~ of a lesser or higher cost of doing business by the wholesale dealer making the sale, the cost of doing business by the wholesale dealer shall be presumed to be four percent (4%) of the basic cost of the *cigarettes to the wholesale dealer.*

(ii) If the director determines that the wholesale dealer is selling, offering to sell, or advertising cigarettes at a price based upon a cost of doing business that is less than the presumed four percent (4%) cost of doing business under subdivision (5)(B)(i) of this section, then upon the request of the director, a wholesale dealer shall provide proof that his or her cost of doing business is less than the presumed four percent (4%) cost of doing business under subdivision (5)(B)(i) of this section.



SECTION 2. Arkansas Code § 4-75-708(e)(2), concerning evidence of intent to injure competitors and destroy or substantially limit competition under the Unfair Cigarette Sales Act, is amended to read as follows:

(2) Any offer to a wholesaler, retailer, or salesperson of a rebate in price or the giving of a rebate in price or an offer of a concession or the giving of a concession of any kind in connection with the sale of cigarettes at less than cost to him or her;

/s/Wright