

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: H3/25/13

# A Bill

HOUSE BILL 1560

5 By: Representative Wright  
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## For An Act To Be Entitled

8 AN ACT TO AMEND THE UNFAIR CIGARETTE SALES ACT TO  
9 SIMPLIFY THE APPLICATION AND ADMINISTRATION OF THE  
10 ACT; AND FOR OTHER PURPOSES.  
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## Subtitle

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14 TO AMEND THE UNFAIR CIGARETTE SALES ACT  
15 TO SIMPLIFY THE APPLICATION AND  
16 ADMINISTRATION OF THE ACT.  
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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 § 4-75-702(5)(B), concerning the meaning of  
22 the term "cost to wholesaler" as used in the Unfair Cigarette Sales Act, is  
23 amended to read as follows:

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

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



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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*