

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Tullis**

A Bill

HOUSE BILL 1441

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 11, CHAPTER 3,
9 SUBCHAPTER 2 TO PROHIBIT EMPLOYERS FROM REQUIRING AS A
10 CONDITION OF EMPLOYMENT THAT EMPLOYEES REFRAIN FROM
11 SMOKING OUTSIDE THE COURSE OF THEIR EMPLOYMENT; AND FOR
12 OTHER PURPOSES."

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

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16 SECTION 1. Subchapter 2 of Chapter 3 of Title 11 of the Arkansas Code
17 is hereby amended by inserting an additional section at the end thereof to
18 read as follows:

19 "11-3-204. Prohibited condition of employment -- Smoking by employees
20 outside course of employment. (a) It shall be unlawful for an employer to
21 refuse to hire or to discharge any individual, or otherwise disadvantage any
22 individual, with respect to compensation, terms, conditions or privileges of
23 employment because the individual is a smoker or nonsmoker or require as a
24 condition of employment that any employee or applicant for employment abstain
25 from smoking or using tobacco products during nonworking hours.

26 (b) In any civil action alleging a violation of this section the court
27 may: (1) award actual damages to a prevailing employee or prospective
28 employee; and

29 (2) award court costs to a prevailing employee or prospective
30 employee.

31 (c) *This section shall not apply to places of worship or to educational*
32 *institutions which are, in whole or in substantial part, owned, supported,*
33 *controlled or managed by a religious corporation, association or society if*
34 *the use or non-use of tobacco products by its employees conforms to the tenets*
35 *of that religion.*

