

*As Engrossed: 3/18/91*

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

# A Bill

**SENATE BILL 701**

## **For An Act To Be Entitled**

8 "AN ACT TO REGULATE THE SMOKING OF TOBACCO IN PUBLIC  
9 PLACES; AND FOR OTHER PURPOSES"

10

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

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13 SECTION 1. Short Title.

14 This act shall be known and may be cited as the Arkansas Clean Indoor  
15 Air Act.

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17 SECTION 2. Public policy.

18 The purpose of this act is to protect the public health, comfort and  
19 environment by limiting smoking in public places and at public meetings to  
20 designated smoking areas.

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22 SECTION 3. Definitions.

23 (a) "Public place" means any enclosed, indoor area used by the general  
24 public or serving as a place of work, including, but not limited to, retail  
25 stores, offices and other commercial establishments, public conveyances,  
26 educational facilities, hospitals, nursing homes, auditoriums, arenas and  
27 meeting room, but excluding private, completely enclosed offices occupied  
28 exclusively by smokers even though such offices may be visited by nonsmokers.  
29 *Provided, however, the term "public place" does not include any hotel, motel,*  
30 *restaurant or other commercial food service establishment.*

31 (b) "Smoking" means the carrying by a person of a lighted cigar,  
32 cigarette, pipe or other lighted smoking device.

33 (c) "Public meeting" means all meetings open to the public.

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35 SECTION 4. Prohibitions.

1 (a) No person shall smoke in a public place or at a meeting of a public  
2 body except in a designated smoking area.

3 (b) A health facility or educational facility may prohibit all smoking  
4 in such facility or may designate smoking and nonsmoking areas within the  
5 facility. An educational facility in which children in grades kindergarten  
6 through twelve are educated may also prohibit smoking, the use of snuff,  
7 chewing tobacco or any other form of tobacco product in the buildings and on  
8 the grounds of the facility. In an educational facility in which children in  
9 grades kindergarten through twelve are educated, smoking areas may only be  
10 designated for adults. Provided further, educational facilities in which  
11 children in grades kindergarten through twelve are educated which designate a  
12 smoking area within the facility shall also designate a nonsmoking area within  
13 the facility which may be used by school personnel for breaks, lunch or  
14 similar activities.

15 (c) This prohibition shall not apply to a building used for a private  
16 function if the seating arrangements are under the control of the sponsor of  
17 the function and not under the control of the proprietor or the person in  
18 charge of the place. Furthermore, this prohibition shall not apply to  
19 factories, warehouses, and similar places of work not usually frequented by  
20 the general public, except that the Director of the Department of Health shall  
21 establish rules to restrict or prohibit smoking in those places of work where  
22 the close proximity of workers or the inadequacy of ventilation causes smoke  
23 pollution detrimental to the health and comfort of the nonsmoking employees.

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25 SECTION 5. Designation of smoking areas.

26 Smoking areas may be designated by proprietors or other persons in  
27 charge of public places, except in places in which smoking is prohibited by  
28 the fire marshal or by other law, ordinance or rule.

29 Where smoking areas are designated, existing physical barriers and  
30 ventilation systems shall be used to minimize the toxic, carcinogenic effect  
31 of smoke in adjacent nonsmoking areas. No public place other than a bar shall  
32 be designated as a smoking area in its entirety. If a bar is designated as a  
33 smoking area in its entirety, this designation shall be posted conspicuously  
34 on all entrances normally used by the public.

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36 SECTION 6. Responsibilities of proprietors.

1 The proprietor or other person in charge of a public place shall make  
2 reasonable efforts to prevent smoking in the public place by:

- 3 (1) posting appropriate signs;
- 4 (2) arranging seating to provide a smoke-free area;
- 5 (3) asking smokers to refrain from smoking upon request of a client or  
6 employee suffering discomfort from the smoke; or
- 7 (4) any other means which may be appropriate.

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9 SECTION 7. Director of the Department of Health, enforcement,  
10 penalties.

11 (a) Rules. The Director of the Department of Health shall adopt rules  
12 necessary and reasonable to implement the provisions of this act.

13 (b) Penalties. Any person who violates Sections 4 or 6 is guilty of a  
14 Class C misdemeanor.

15 (c) The Director of the Department of Health, or any affected party may  
16 institute an action in any court with jurisdiction to enjoin repeated  
17 violations of Section 6.

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19 SECTION 8. The provisions of this act shall be supplemental to existing  
20 laws relating to smoking and shall not be interpreted to repeal such laws.

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22 *SECTION 9. The provisions of this Act shall not apply to hotels,*  
23 *motels, restaurants or other commercial food service establishments.*

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25 SECTION 10. All provisions of this act of a general and permanent  
26 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
27 Code Revision Commission shall incorporate the same in the Code.

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29 SECTION 11. If any provision of this act or the application thereof to  
30 any person or circumstance is held invalid, such invalidity shall not affect  
31 other provisions or applications of the act which can be given effect without  
32 the invalid provision or application, and to this end the provisions of this  
33 act are declared to be severable.

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35 SECTION 12. All laws and parts of laws in conflict with this act are

As Amended 3/10/07

1 hereby repealed.

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*/s/Russ*