

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representative Hawkins**

# A Bill

**HOUSE BILL 2118**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 20-27-703 TO PLACE  
9 RESTRICTION ON THE SMOKING OF TOBACCO IN PUBLIC PLACES;  
10 AND FOR OTHER PURPOSES."

## Subtitle

13 "TO PLACE RESTRICTIONS ON THE SMOKING OF TOBACCO IN PUBLIC  
14 PLACES."

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

18 SECTION 1. Arkansas Code 20-27-703 is amended to read as follows:  
19 "20-27-703. Public smoking prohibited - Exceptions.

21 (a) As used in this act:

22 (1) "Smoking" means the act of inhaling the smoke from or  
23 possessing a lighted cigarette, cigar, pipe or any other form of tobacco or  
24 similar substance used for smoking.

25 (2) "Public building" means any building or office space owned or  
26 occupied by the State of Arkansas, and any county, city, school district or  
27 other political subdivision of the State of Arkansas, and used for any public  
28 purpose. If only part of such public building is owned or occupied by the  
29 public entity described herein, only that part of the building which is so  
30 owned or occupied shall be consider a public building.

31 (3) "Public place" means any enclosed indoor area to which the  
32 general public is invited or permitted, including, but not limited to, bowling  
33 centers, retail stores, auditoriums, arenas, theaters, hotel and motel rooms,  
34 convention halls, taxi cabs and limousines.

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1 (b) (1) The smoking of tobacco in any form is prohibited in the  
2 following public places:

3 (A) Public elevators;

4 (B) Waiting rooms, hallways, lobbies or other areas  
5 frequented or used by patients of any medical facility, clinic or hospital, or  
6 the office of any chiropractor, dentist, physical therapist, physician,  
7 podiatrist, psychologist, optometrist or doctor of traditional oriental  
8 medicine. This section shall not prohibit smoking in patient lounges  
9 designated for smoking or by patients provided that the patient\_s physician  
10 allows the patient to smoke; and

11 (C) School buses or buses used by the general public, other  
12 than a chartered bus.

13 (2) The owner, operator or manager in control of areas listed in  
14 subsection (1) shall post, in a conspicuous manner, a "no smoking"  
15 announcement or warning in any place or area where smoking is prohibited.

16 (3) The smoking of tobacco is not prohibited in any room or area  
17 designated as a smoking area.

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19 (c) (1) The owner, operator or manager in control of a public building  
20 or public place:

21 (A) May post, in a conspicuous manner, a "no smoking"  
22 announcement or warning in any place or area not designated for smoking.

23 (B) May designate separate rooms or portions of non-smoking  
24 areas which may be used for smoking.

25 (2) The owner, operator or manager of a restaurant with a seating  
26 capacity of fifty (50) or more, may maintain a flexible non-smoking area  
27 within the restaurant, according to cliental demand, and offer each customer  
28 or group of customers the opportunity to be seated in a smoking or non-smoking  
29 area.

30 (3) A business or location which derives more than fifty percent  
31 (50%) of its gross revenues from the sale of alcoholic beverages may be  
32 designated as a smoking area in its entirety by the owner. operator or manager  
33 of the business.

34 (4) The smoking of tobacco is not prohibited at a licensed  
35 parimutuel greyhound or thoroughbred horse racing track; provided, however,

1 that the owner, manager or operator of such a facility may designate separate  
2 rooms or area which may not be used for smoking.

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4 (d) (1) The counties and municipalities in this state pursuant to  
5 appropriate ordinances, shall enforce the provision of this subchapter.

6 (2) The governing body of a municipality or county may not impose  
7 more stringent restriction on the smoking of tobacco than is provided by this  
8 subchapter.

9 (3) All municipal or county ordinance enacted prior to January 1,  
10 1993 are not affected by this subchapter.

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12 SECTION 2. All provisions of this act of a general and permanent nature  
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 3. If any provision of this act or the application thereof to  
17 any person or circumstance is held invalid, such invalidity shall not affect  
18 other provisions or applications of the act which can be given effect without  
19 the invalid provision or application, and to this end the provisions of this  
20 act are declared to be severable.

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22 SECTION 4. All laws and parts of laws in conflict with this act are  
23 hereby repealed.

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25 SECTION 5. EMERGENCY. It is hereby found and determined by the General  
26 Assembly of the State of Arkansas that the quality, cleanliness and purity of  
27 air affects the health and safety of the inhabitants of the State of Arkansas  
28 and that this act is necessary to place restrictions on the smoking of tobacco  
29 in public places. Therefore, an emergency is hereby declared to exist and  
30 this act being necessary for the immediate preservation of the public peace,  
31 health, and safety, shall be in full force and effect from and after its  
32 passage and approval.

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*/s/Bruce Hawkins*

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