

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.
Act 734 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 2007

5 By: Representative Hyde
6
7

For An Act To Be Entitled

9 THE ARKANSAS CLEAN AIR ON CAMPUS ACT OF 2009; AN
10 ACT TO PROTECT STUDENTS, EMPLOYEES, AND VISITORS
11 AT STATE-SUPPORTED INSTITUTIONS OF HIGHER
12 EDUCATION FROM SECONDHAND SMOKE ON CAMPUS; AND
13 FOR OTHER PURPOSES.
14

Subtitle

15 THE ARKANSAS CLEAN AIR ON CAMPUS ACT OF
16 2009.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 6, Chapter 60, is amended to add an
23 additional subchapter to read as follows:
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SUBCHAPTER 7 - THE CLEAN AIR ON CAMPUS ACT OF 2009

6-60-701. Title.

27 This subchapter shall be known as the "Clean Air on Campus Act of
28 2009".
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6-60-702. Findings.

31 The General Assembly finds that:
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33 (1) Scientific research data has shown that nonsmokers often
34 receive damage to their health from the smoking of tobacco by others;

35 (2) Smoking, directly or indirectly, is a major cause of



1 preventable diseases and death;

2 (3) Secondhand smoke can cause or contribute to lung cancer,
3 heart disease, chronic lung ailments, and low birth-weight; and

4 (4) A law that prohibits smoking on state-supported institutions
5 of higher education campuses will reduce secondhand smoke exposure among
6 nonsmokers.

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8 6-60-703. Definitions.

9 As used in this subchapter:

10 (1) "Campus" means all property, including buildings and
11 grounds, that are owned or operated by a state-supported institution of
12 higher education;

13 (2) "Employee" means an individual who is employed by a state-
14 supported institution of higher education in consideration for direct or
15 indirect monetary wages or profit;

16 (3) "Governing authority" means the administrative branch of the
17 state-supported institution of higher education;

18 (4) "Guest" means a visitor to the campus of a state-supported
19 institution of higher education;

20 (5) "Secondhand smoke" means smoke:

21 (A) Emitted from lighted, smoldering, or burning tobacco
22 when the person is not inhaling;

23 (B) Emitted at the mouthpiece during puff drawing; and

24 (C) Exhaled by the person smoking;

25 (6) "Smoking" means inhaling, exhaling, burning, or carrying
26 any:

27 (A) Lighted tobacco product, including cigarettes, cigars,
28 and pipe tobacco; and

29 (B) Other lighted combustible plant material; and

30 (7) "Student" means an individual enrolled in a credit or
31 noncredit course at a state-supported institution of higher education.

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33 6-60-704. Prohibitions on smoking.

34 (a) Beginning on August 1, 2010, smoking is prohibited on each campus
35 of state-supported institutions of higher education.

36 (b) An individual or campus subject to the smoking prohibitions of

1 this section shall not discriminate or retaliate in any manner against a
 2 person for making a complaint of a violation of this section or furnishing
 3 information concerning a violation to a person, campus, or governing
 4 authority.

5 (c) The prohibitions on smoking in this section shall be communicated
 6 to all students and employees of state-supported institutions of higher
 7 education a minimum of thirty (30) days before the effective date of this
 8 subchapter, and to each guest of a state-supported institution of higher
 9 education upon request.

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 11 6-60-705. Notice of prohibition of smoking.

12 "No Smoking" signs or the international "No Smoking" symbol consisting
 13 of a pictorial representation of a burning cigarette enclosed in a red circle
 14 with a red bar across it may be clearly and conspicuously posted on each
 15 campus where smoking is prohibited by this subchapter.

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 17 6-60-706. Rules - Promulgation and enforcement authority.

18 (a) The Arkansas Higher Education Coordinating Board may adopt
 19 reasonable rules that it determines necessary to carry out the purposes or
 20 facilitate the enforcement of this subchapter.

21 (b)(1) The Department of Higher Education may enforce compliance with
 22 this subchapter and any rules promulgated under this subchapter by the board.

23 (2) Under the rules of the board, the department may enter upon
 24 and inspect a campus at any reasonable time and in a reasonable manner.

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 26 6-60-707. Penalties.

27 Any person who violates any provision of this subchapter is guilty of a
 28 violation and upon conviction shall be punished by a fine of not less than
 29 one hundred dollars (\$100) no more than five hundred dollars (\$500).

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 31 **APPROVED: 4/1/2009**