

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1232

By: Representatives Ward and Wynne

"AN ACT TO REQUIRE EVERY STATE AGENCY AND INSTITUTION TO ESTABLISH POLICIES REGARDING THE SMOKING OF TOBACCO PRODUCTS ON THE PREMISES OF THE STATE AGENCIES AND INSTITUTIONS; AND FOR OTHER PURPOSES."

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

SECTION 1. (a) "Immediate work area" means the nearest enclosed room or other space within which an employee works.

(b) "Work site" means any area that serves as a place of work at which the principal activities consist of professional, clerical or administrative services.

SECTION 2. The chief administrative officer of each State agency, board, commission and institution shall establish a policy no later than September 1, 1987 not inconsistent with this Act regulating the smoking of tobacco products on the premises of every work site. The policy shall be posted conspicuously on the premises.

SECTION 3. The chief administrative officer may designate areas as smoking areas so long as those areas are not included within or include an immediate work area. Provided that such immediate work areas may be designated for smoking if all employees therein are smokers.

SECTION 4. If the separation of smokers and nonsmokers at any work site would require the expenditure of public funds, the work site shall not be designated as a smoking area.

SECTION 5. Smoking of tobacco products shall not be permitted at work

sites except in areas designated for smoking.

SECTION 6. If requested by a State employee, the State Health Department shall inspect the work site of the State employee for compliance with this Act. The State Health Department is not required to inspect work sites for compliance with this Act unless specifically requested by a State employee.

SECTION 7. The State Health Department may issue regulations necessary for the implementation and enforcement of this Act, including the provision for an administrative fine of not to exceed \$100.00 for the violation of this Act. All fines collected under this Act shall be deposited into the State Treasury as general revenues.

SECTION 8. If conflicts arise under this Act involving smokers versus nonsmokers, the issue shall be resolved in favor of the nonsmokers.

SECTION 9. This Act shall not be interpreted as repealing or superseding any existing law or regulation regulating the smoking of tobacco products unless such laws or regulations are in direct conflict with this Act and to the extent that a direct conflict does not exist, this Act is supplemental to all existing laws and regulations regulating the smoking of tobacco products.

