

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1594

By: Representatives Wynne and Ward

"AN ACT TO REGULATE SMOKING IN STATE-CONTROLLED BUILDINGS AND FACILITIES; AND FOR OTHER PURPOSES."

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

SECTION 1. For the purposes of this Act:

(a) "Agency head" means the chief administrative officer of any department, agency, board, commission, office or other authority of the State.

(b) "Smoking" means a lighted cigar, cigarette, pipe or any other lit tobacco product.

(c) "General office space" means space occupied by personnel performing their daily work functions.

SECTION 2. (a) The control of smoking in State-controlled buildings and facilities, including leased space and delegated facilities is set forth in this Act. The provisions for controlling smoking reflect the following considerations:

(1) In recognition of the increased health hazards of passive smoke on the non-smoker, smoking is to be held to an absolute minimum in areas where there are non-smokers.

(2) In recognition of the needs of smokers, smoking areas should be designated in State buildings which are convenient, do not negatively impact worker productivity, and do not impinge on the health of those who do not smoke.

(3) Agency heads are to be given the responsibility to determine which areas are to be smoking areas and which areas are to be non-smoking areas. In exercising this responsibility, agency heads are to give appropriate consideration to the views of the employees affected and are to take fully into consideration the health issues involved.

(b) Smoking is prohibited in the following areas:

(1) General office space, except as permitted under (c)(2)(iii) of this section;

(2) Auditoriums, classrooms, and conference rooms;

(3) Elevators ("No Smoking" signs shall be posted in elevators and adequate receptacles shall be placed outside the entrances if designated as a smoking area);

(4) Corridors, lobbies, restrooms, and stairways, except as permitted under (c)(2)(iv) of this section;

(5) Medical care facilities such as medical clinics and units;

(6) Libraries; and

(7) Hazardous areas. Each agency shall post and enforce "No Smoking" rules in any location under its jurisdiction which involves flammable liquids, flammable gases, or flammable vapors, or in all other locations where there is a collection of readily ignitable, combustible materials.

(c) Designated smoking areas shall be established as follows:

(1) Smoking areas in cafeterias.

(i) Each agency head shall establish "smoking areas" in cafeterias.

(ii) The areas designated shall be based upon an estimate of the number of smoking and non-smoking patrons served. This may be adjusted on the basis of local experience. The designated "smoking" areas shall be identified by appropriate signs.

(2) "Designated smoking areas" established by agency heads.

(i) Agency heads shall establish "designated smoking areas" except those areas set forth under paragraph (a) of this section. Agency heads will be responsible for monitoring and controlling these areas, and for ensuring that "designated smoking areas" are identified by proper signs. Suitable uniform signs reading "Designated Smoking Area" shall be furnished and installed by the agency.

(ii) Agencies in multi-tenant buildings are encouraged to work together to identify "designated smoking areas".

(iii) Office space may be designated as a smoking area provided that the office space is configured so as to limit the involuntary exposure of non-smokers to secondhand smoke to a minimum, e.g., the office space involved must be large enough and sufficiently ventilated to provide separate smoking

and non-smoking sections which protect the non-smokers against involuntary exposure to smoke.

(iv) An agency head may designate corridors, lobbies, or restrooms as smoking areas when it is not possible to designate a sufficient number of other smoking areas.

(d) Agencies are responsible for providing adequate ash-trays or receptacles in the designated smoking areas.

(e) Suitable uniform signs reading "No Smoking Except in Designated Areas" shall be placed on or near entrance doors of buildings subject to these regulations. It is not necessary to display a sign in every room of each building.

(f) An agency is not required by this Act to make any expenditures for structural or non-structural changes to accommodate the preferences of non-smoking employees.

(g) Prior to implementation of this Act agencies should consult with employees.

SECTION 3. Agencies are encouraged to develop additional guidelines for internal use for action when violations of this Act occur. Nothing in this Act precludes an agency from establishing more stringent guidelines.

SECTION 4. This Act shall be supplemental to all other laws regulating smoking.

