

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1900

By: Representative Tullis

For An Act To Be Entitled

"AN ACT TO AMEND TITLE 20, CHAPTER 27, SUBCHAPTER 7 OF THE ARKANSAS CODE OF 1987 TO CLARIFY THE PUBLIC POLICY OF THE STATE OF ARKANSAS CONCERNING PUBLIC SMOKING; TO CLARIFY THAT THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS HAS THE SOLE RESPONSIBILITY FOR REGULATING SMOKING; TO PROVIDE THAT IT SHALL BE THE DUTY OF ALL STATE, COUNTY AND CITY OFFICERS TO ENFORCE THE PROVISIONS OF THE CHAPTER CONCERNING PUBLIC SMOKING; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 20-27-701 is hereby amended by adding new subsections to read as follows:

"(c) It is hereby declared to be public policy of the State of Arkansas that the State has a valid governmental interest in preserving and promoting the public health and welfare of its citizens; and

(d) It is the responsibility of the General Assembly to enact legislation necessary to protect and further this essential governmental interest; and

(e) That in order to prohibit confusion the General Assembly shall set a statewide law governing public smoking policy. All other governmental entities may enact their own ordinances or regulations to the extent those ordinances or regulations are no more restrictive than State law.

(f) That this Act and Arkansas Code Section 5-27-227 regulating the sale of tobacco to minors and Sections 26-57-201 through 26-57-237, the Arkansas Tobacco Products Tax Act of 1977, preempt all local county and municipality ordinances that are inconsistent with the provisions of this subsection."

SECTION 2. Arkansas Code 20-27-702 is hereby amended to read as follows:

"(a) Any person violating the provisions of this subchapter may be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100).

(b) It is the duty of all state, county and city officers to enforce the provisions of this subchapter."

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

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 All laws and parts of laws in conflict with this act are hereby repealed.