

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Tullis**

A Bill

HOUSE BILL 1441

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7 **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 11, CHAPTER 3,
9 SUBCHAPTER 2 TO PROHIBIT EMPLOYERS FROM REQUIRING AS A
10 CONDITION OF EMPLOYMENT THAT EMPLOYEES REFRAIN FROM
11 SMOKING OUTSIDE THE COURSE OF THEIR EMPLOYMENT; AND FOR
12 OTHER PURPOSES."

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

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16 SECTION 1. Subchapter 2 of Chapter 3 of Title 11 of the Arkansas Code
17 is hereby amended by inserting an additional section at the end thereof to
18 read as follows:

19 "11-3-204. Prohibited condition of employment -- Smoking by employees
20 outside course of employment. (a) It shall be unlawful for an employer to
21 refuse to hire or to discharge any individual, or otherwise disadvantage any
22 individual, with respect to compensation, terms, conditions or privileges of
23 employment because the individual is a smoker or nonsmoker or require as a
24 condition of employment that any employee or applicant for employment abstain
25 from smoking or using tobacco products during nonworking hours.

26 (b) In any civil action alleging a violation of this section the court
27 may: (1) award actual damages to a prevailing employee or prospective
28 employee; and

29 (2) award court costs to a prevailing employee or prospective
30 employee.

31 (c) *This section shall not apply to places of worship or to educational
32 institutions which are, in whole or in substantial part, owned, supported,
33 controlled or managed by a religious corporation, association or society if
34 the use or non-use of tobacco products by its employees conforms to the tenets
35 of that religion.*

1 (d) This section shall not be construed to prevent an employer from
2 seeking appropriate insurance coverage for an employee or group of employees."
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4 SECTION 2. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 3. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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

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/s/ *B. Tullis*

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