

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Senator Keet

# A Bill

SENATE BILL 21

## For An Act To Be Entitled

8 "AN ACT TO PROHIBIT SMOKING INSIDE MOST PUBLIC BUILDINGS  
9 IN ARKANSAS; TO AUTHORIZE THE DIRECTOR OF THE ARKANSAS  
10 DEPARTMENT OF HEALTH TO ENFORCE THE LIMITS; TO AMEND  
11 VARIOUS SECTIONS OF THE ARKANSAS CODE OF 1987, ANNOTATED,  
12 TO STRENGTHEN CERTAIN NON-SMOKING LIMITATIONS UNDER  
13 CURRENT ARKANSAS LAW; AND FOR OTHER PURPOSES."

## Subtitle

16 "TO PROHIBIT SMOKING INSIDE MOST PUBLIC  
17 BUILDINGS IN ARKANSAS AND TO STRENGTHEN  
18 CERTAIN EXISTING NO-SMOKING LAWS"

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

22 SECTION 1. This act may be known and cited as the "Arkansas Clean  
23 Indoor Air Act".

25 SECTION 2. As used in this act, unless the context otherwise requires:

26 (1) "Smoking in a place or vehicle" means the possession, in that place  
27 or vehicle, of a lighted cigarette, cigarillo, cigar, or pipe.

28 (2) "Indoor public place" means any enclosed area of a public building  
29 during times in which it is open to the general public.

30 (3) "Political subdivision" means a incorporated town, a city of the  
31 first or second class, or a county government of Arkansas, or a community  
32 college district, or a school district.

33 (4) "Public building" means any building or structure owned or leased  
34 by the State of Arkansas, an agency, board or commission of the State, a  
35 state supported institution of higher education, or by a political

1 subdivision of the State or its departments or agencies.

2 (5) "Public vehicle" means any common carrier or vehicle available for  
3 hire to the general public.

4 (6) "Work place" means any enclosed area in which persons engage in  
5 work, but which is neither an indoor public place nor a public vehicle.

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7 SECTION 3. (a) No person shall smoke in a an indoor public place  
8 except in an area designated as a smoking area by the person in charge of the  
9 public building.

10 (b) The person in charge of the public building may designate one (1)  
11 or more specific areas of an indoor public place as smoking areas, provided  
12 that:

13 (1) at least fifty percent (50%) or more of the enclosed areas of  
14 the indoor public place are not designated as smoking areas; and

15 (2) existing physical barriers and ventilation systems are  
16 adequate to minimize the deleterious effects of smoking on adjacent areas not  
17 designated as smoking areas.

18 (c) Outdoor areas of public buildings may be designated as smoking or  
19 non-smoking areas. In the event outdoor seating is provided, separate  
20 seating areas shall be arranged and designated as smoking and non-smoking  
21 areas.

22 (d) No person shall smoke in a public vehicle.

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24 SECTION 4. The person in charge of an indoor public place or a public  
25 vehicle shall make reasonable efforts to ensure compliance with Section 3 of  
26 this act by:

27 (1) Posting appropriate signs.

28 (2) Requesting persons who are smoking in violation of Section 3 to  
29 refrain from smoking.

30 (3) Other appropriate means.

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32 SECTION 5. (a) The Director of the Arkansas Department of Health shall  
33 adopt regulations needed to carry out Sections 3 and 4 of this act.

34 (b) The Director of the Arkansas Department of Health may, upon  
35 request, waive compliance with Section 3 in specific cases if he or she

1 determines there are compelling reasons to do so, and if he or she determines  
2 that the waiver will not impair the health or comfort of persons who do not  
3 smoke.

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5 SECTION 6. (a) The Director of the Arkansas Department of Labor shall,  
6 after consulting with the Arkansas Department of Health, adopt regulations to  
7 restrict smoking in work places:

8 (1) in which smoking, alone or in combination with environmental  
9 substances, deleteriously affects the health or comfort of workers who do not  
10 smoke; or

11 (2) if a worker has submitted a written request to the director  
12 of the Department of Labor that smoking be restricted.

13 (b) No person shall smoke in a work place in violation of restrictions  
14 established pursuant to subsection (a) of this section.

15 (c) The Director of the Arkansas Department of Labor may, upon request,  
16 waive compliance with Section 6(a) in specific cases if he or she determines  
17 there are compelling reasons to do so, and if he or she determines that the  
18 waiver will not impair the health or comfort of persons who do not smoke.

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20 SECTION 7. Any person who pleads guilty, nolo contendere, or is found  
21 guilty of violating the provisions of Sections 3, 4, or 6(b) shall be guilty  
22 of a misdemeanor and shall be punished by a fine of not less than ten dollars  
23 (\$10.00) nor more than one hundred dollars (\$100) for each offense.

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25 SECTION 8. Upon request of (1) any aggrieved person, in the case of  
26 violations of any provision of this act, (2) the Director of the Arkansas  
27 Department of Health, in the case of violations of Sections 3 or 4, or (3)  
28 the Director of the Arkansas Department of Labor, in the case of violations  
29 of Section 6(b), the chancery court in the county in which the violations  
30 occurred may enjoin further violations of this act.

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32 SECTION 9. Arkansas Code § 6-21-609 is amended to read as follows:

33 "6-21-609. Prohibition against smoking on school property.

34 (a) Smoking of tobacco or products containing tobacco in any form in  
35 enclosed areas, buildings, or facilities of a public elementary or secondary

1 school is prohibited.

2 (b) Smoking of tobacco or products containing tobacco in any form on a  
3 public school bus is prohibited.

4 (c) Any person violating the provisions of this section shall be  
5 guilty of a misdemeanor and, upon conviction thereof, shall be punished by a  
6 fine of not less than ten dollars (\$10.00) nor more than one hundred dollars  
7 (\$100)."

8

9 SECTION 10. Arkansas Code § 20-27-703 is amended to read as follows:

10 "20-27-703. Public smoking prohibited - Exceptions.

11 (a) Smoking of tobacco or products containing tobacco in any form in a  
12 doctor\_s or dentist\_s waiting room, in hospital corridors, nurses\_ stations  
13 in hospitals and clinics, and in all hospital rooms is prohibited.

14 (b) The provisions of this subchapter shall not prohibit smoking in any  
15 of the aforementioned areas if the Director of the Arkansas Department of  
16 Health waives compliance with subsection (a) of this section in specific  
17 cases where he or she determines there are compelling reasons to do so, and  
18 where he or she determines that the waiver will not impair the health or  
19 comfort of persons who do not smoke."

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21 SECTION 11. Arkansas Code § 25-2-102 is amended to read as follows:

22 "25-1-102. State agency smoking policies.

23 (a) As used in this section, unless the context otherwise requires:

24 (1) State agency means any department, agency, board,  
25 commission, office, or other authority of the state;

26 (2) Smoking means a lighted cigar, cigarette, pipe, or any  
27 other ignited tobacco product;

28 (3) General office space means space occupied by personnel  
29 performing their daily work functions.

30 (b) The chief administrative officer of each state agency shall  
31 promulgate a no smoking policy for the general office space of the state  
32 agency. The policy shall prohibit smoking, except that the chief  
33 administrative officer may, upon request, waive compliance with this  
34 prohibition in specific cases if he or she determines there are compelling  
35 reasons to do so, and if he or she determines that the waiver will not impair

1 the health or comfort of persons who do not smoke."  
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3 SECTION 12. All provisions of this act of a general and permanent  
4 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
5 Code Revision Commission shall incorporate the same in the Code.  
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7 SECTION 13. If any provision of this act or the application thereof to  
8 any person or circumstance is held invalid, such invalidity shall not affect  
9 other provisions or applications of the act which can be given effect without  
10 the invalid provision or application, and to this end the provisions of this  
11 act are declared to be severable.  
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13 SECTION 14. All laws and parts of laws in conflict with this act are  
14 hereby repealed.  
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