

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 2035

4
5 By: Representative Wood
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For An Act To Be Entitled

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10 "AN ACT TO REQUIRE ALL RESTAURANTS SEATING TWENTY OR MORE
11 PEOPLE TO PROVIDE A NO SMOKING AREA; TO SPECIFY SIZE AND
12 NOTICE REQUIREMENTS REGARDING SMOKING IN RESTAURANTS; TO
13 AUTHORIZE THE DEPARTMENT OF HEALTH TO MONITOR COMPLIANCE;
14 TO IMPOSE PENALTIES; AND FOR OTHER PURPOSES. "

Subtitle

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17 "AN ACT TO REQUIRE ALL RESTAURANTS
18 SEATING TWENTY OR MORE PEOPLE TO PROVIDE
19 A NO SMOKING AREA. "

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

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24 SECTION 1. For purposes of this act:

25 (1) "Department" means the Department of Health; and

26 (2) "Restaurant" means an established eating place the primary business
27 of which is serving food to the public prepared for consumption on the
28 premises.

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30 SECTION 2. (a) All restaurants with a seating capacity of greater than
31 twenty (20) people shall provide a no-smoking section.

32 (b)(1) The no-smoking section shall cover no less than one-half (1/2) of
33 the total customer seating area of the restaurant.

34 (2) The no-smoking section of the restaurant shall be so arranged
35 that non-smoking customers will have full access to as much of the public area
36 of the restaurant as possible without having to pass through the smoking

1 section of the restaurant.

2 (3) Public areas, including at least the primary customer entrance
 3 and exit, the cashier's area, food buffet, the approaches to restrooms and the
 4 restrooms, shall be no-smoking areas, but shall not, for purposes of this act,
 5 be considered part of the no-smoking customer seating section required in
 6 subdivision (b)(1).

7 (4) All tables, counters and other areas designated for customer
 8 dining shall be clearly marked with the appropriate sign indicating that the
 9 section is either a "SMOKING" or "NO SMOKING" section and those signs shall be
 10 of a size, design and color and shall be so located as to make them clearly
 11 visible to all diners in that section.

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 13 SECTION 3. (a) The State Board of Health is empowered to promulgate and
 14 enforce regulations in accordance with the provisions of this act.

15 (b) Nothing in this act shall prevent the State Board of Health or the
 16 Department of Health from promulgating regulations to either enhance this act
 17 or to strengthen the provisions of this act, but in no event shall the
 18 department have the authority to promulgate regulations which conflict with
 19 this act.

20 (c) It shall be the duty of the department to administer the provisions
 21 of this act and the regulations pursuant to it.

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 23 SECTION 4. Any restaurant which fails to comply with the provisions of
 24 this act shall be subject to revocation of any and all licenses and permits
 25 issued to the restaurant by any agent or department of the State of Arkansas.

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 27 SECTION 5. All provisions of this act of a general and permanent nature
 28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 29 Revision Commission shall incorporate the same in the Code.

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 31 SECTION 6. If any provision of this act or the application thereof to
 32 any person or circumstance is held invalid, such invalidity shall not affect
 33 other provisions or applications of the act which can be given effect without
 34 the invalid provision or application, and to this end the provisions of this
 35 act are declared to be severable.

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1 SECTION 7. All laws and parts of laws in conflict with this act are
2 hereby repealed.

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