

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1883

4
5 By: Representatives Bradford, Ledbetter
6 By: Senators Malone, Miller, Steele

For An Act To Be Entitled

10 AN ACT TO PROTECT THE HEALTH OF THE CITIZENS OF
11 ARKANSAS; TO BAN THE SMOKING OF TOBACCO PRODUCTS
12 IN FOOD SERVICE ESTABLISHMENTS IN ARKANSAS; AND
13 FOR OTHER PURPOSES.

Subtitle

14
15 AN ACT TO BAN THE SMOKING OF TOBACCO
16 PRODUCTS IN FOOD SERVICE ESTABLISHMENTS
17 IN ARKANSAS.
18

19
20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22
23 SECTION 1. Arkansas Code Title 20, Chapter 27, is amended to add an
24 additional subchapter to read as follows:

25 20-27-1701. Purpose.

26 The purpose of this subchapter is to protect the health of the citizens
27 of Arkansas by establishing a ban on the smoking of tobacco products in food
28 service establishments in the State of Arkansas to ensure that patrons and
29 employees of food service establishments in this state are not subjected to
30 the harmful effects of tobacco smoke.

31
32 20-27-1702. Definitions.

33 As used in this subchapter:

34 (1)(A) "Bar" means an establishment:

35 (i) That has more than seventy percent (70%) of its
36 annual gross sales in alcoholic beverages;



1 (ii) That is devoted to serving alcoholic beverages
2 for consumption by guests on the premises;

3 (iii) In which the serving of food is only
4 incidental to the consumption of alcoholic beverages; and

5 (iv) From which minors are refused admittance unless
6 accompanied by a parent or legal guardian.

7 (B) For purposes of this section, any establishment that
8 admits minors is not considered a bar.

9 (2) "Employee" means a person who is employed by an employer for
10 direct or indirect monetary wages or profit and any person who volunteers his
11 or her services for a profit or nonprofit entity;

12 (3) "Employer" means a person, partnership, corporation,
13 municipal corporation, nonprofit entity, or other entity that employs the
14 services of one (1) or more individual persons;

15 (4) "Enclosed area" means an area closed in by a roof and walls
16 with appropriate openings for ingress and egress;

17 (5) "Food" means any raw, cooked, or processed edible substance,
18 ice, beverage, or ingredient used or intended for use or for sale in whole or
19 in part for human consumption;

20 (6)(A) "Food service establishment" means any place where food
21 is manufactured, packaged, produced, processed, transported, stored, sold,
22 commercially prepared, vended, or otherwise handled.

23 (B) "Food service establishment" includes:

24 (i) Coffee shops;

25 (ii) Cafeterias;

26 (iii) Sandwich shops;

27 (iv) Catering facilities; and

28 (v) Any other type of eating establishment that
29 gives or offers food to the public, guests, or employees.

30 (C) "Food service establishment" does not include:

31 (i) Cocktail lounges or taverns if the cocktail
32 lounge or tavern is a bar; or

33 (ii) Private homes where food is prepared or served
34 for guests and individual family consumption;

35 (7) "Minor" means any person under eighteen (18) years of age;

36 (8) "Person" means any individual, partnership, corporation,

1 association, or venture;

2 (9) "Smoking" means inhaling, exhaling, burning, or carrying any
 3 lighted tobacco product, weed, plant, or other combustible substance; and

4 (10) "Tobacco product" means any tobacco, cigarette, cigar, pipe
 5 tobacco, smokeless tobacco, snuff, or any other form of tobacco that may be
 6 used for smoking, chewing, inhaling, or other manner of ingesting or
 7 absorbing into the body.

8
 9 20-27-1703. Food service establishments.

10 (a)(1) Thirty (30) days after the effective date of this subchapter,
 11 smoking shall be prohibited in all food service establishments that earn more
 12 than thirty percent (30%) of their gross revenue from food sales.

13 (2) The prohibition against smoking applies to all enclosed
 14 areas.

15 (b) A food service establishment owner or operator violates this
 16 subchapter if a person is allowed to smoke or possess a burning tobacco
 17 product, weed, or other plant product in any enclosed area of a food service
 18 establishment.

19
 20 20-27-1704. Posting of signs.

21 (a)(1) Each food service establishment shall post appropriate signs
 22 visible to patrons within the dining area indicating that the smoking of
 23 tobacco products, weeds, or other plant products is prohibited in the area.

24 (2) The sign required in subdivision (a)(1) of this section is
 25 not required if all patrons of the food establishment are seated by a host or
 26 hostess who advises them that smoking is prohibited.

27 (b) Signs bearing the words "No Smoking" or the international "No
 28 Smoking" symbol, consisting of the pictorial representation of a burning
 29 cigarette enclosed in circle with a bar across it, shall be clearly and
 30 conspicuously displayed at every entrance of every food service establishment
 31 in which smoking is prohibited under this subchapter.

32
 33 20-27-1705. Public education.

34 The Department of Health shall develop an educational program to
 35 explain the purpose and requirements of this subchapter to businesses and
 36 citizens affected by it and to help persons, owners, operators, and managers

1 of food service establishments comply with this subchapter.

2
3 20-27-1706. Penalties.

4 (a) Each violation of this subchapter is a Class A misdemeanor.

5 (b) Each day a violation exists or continues shall constitute a
6 separate offense.

7
8 20-27-1707. Local standards.

9 A municipality or county may by ordinance, resolution, order, or
10 otherwise adopt standards prohibiting the use of tobacco products that are
11 more restrictive than the prohibitions established under this subchapter.