

State of Arkansas
88th General Assembly
Regular Session, 2011

A Bill

HOUSE BILL 1805

By: Representative Hyde

For An Act To Be Entitled

AN ACT TO EXPAND THE CLEAN AIR ON CAMPUS ACT OF 2009;
AND FOR OTHER PURPOSES.

Subtitle

TO EXPAND THE CLEAN AIR ON CAMPUS ACT OF
2009.

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

SECTION 1. Arkansas Code §§ 6-60-803 and 6-60-804 are amended to read as follows:

6-60-803. Definitions.

As used in this subchapter:

(1) "Campus" means all property, including buildings and grounds, ~~that are owned or operated by~~ under the control of a state-supported institution of higher education;

(2) "Employee" means an individual who is employed by a state-supported institution of higher education in consideration for direct or indirect monetary wages or profit;

(3) "Governing authority" means the administrative branch of the state-supported institution of higher education;

(4) "Guest" means a visitor to the campus of a state-supported institution of higher education;

(5) "Secondhand smoke" means smoke:

(A) Emitted from lighted, smoldering, or burning tobacco when the person is not inhaling;

(B) Emitted at the mouthpiece during puff drawing; and



(C) Exhaled by the person smoking;

(6) "Smoking" means inhaling, exhaling, burning, or carrying any:

(A) Lighted tobacco product, including cigarettes, cigars, and pipe tobacco; or

(B) Other lighted combustible plant material; and

(7) "Student" means an individual enrolled in a credit or noncredit course at a state-supported institution of higher education.

6-60-804. Prohibitions on smoking.

(a) ~~Beginning on August 1, 2010, smoking~~ Smoking is prohibited on each campus of state-supported institutions of higher education, including in any vehicle located or operated on campus.

(b) An individual or campus subject to the smoking prohibitions of this section shall not discriminate or retaliate in any manner against a person for making a complaint of a violation of this section or furnishing information concerning a violation to a person, campus, or governing authority.

(c) The prohibitions on smoking in this section shall be communicated to all students and employees of state-supported institutions of higher education ~~a minimum of thirty (30) days before July 31, 2009,~~ and to each guest of a state-supported institution of higher education upon request.

SECTION 2. Arkansas Code §§ 6-60-806 and 6-60-807 are amended to read as follows:

6-60-806. Rules – Promulgation and enforcement authority.

~~(a) The Arkansas Higher Education Coordinating Board may~~ governing board of each state-supported institution of higher education shall adopt reasonable rules that it determines necessary to carry out the purposes or facilitate the enforcement of this subchapter.

~~(b)(1) The Department of Higher Education may enforce compliance with this subchapter and any rules promulgated under this subchapter by the board.~~

~~(2) Under the rules of the board, the department may enter upon and inspect a campus at any reasonable time and in a reasonable manner.~~

6-60-807. Penalties.

1 (a)(1) A person who violates any provision of this subchapter may be:

2 (A) Sanctioned by the state-supported institution of
3 higher education where the violation occurred in accordance with the state-
4 supported institution of higher education's rules; or

5 (B) Summoned to appear before a court of competent
6 jurisdiction.

7 (2) If a person is sanctioned by a state-supported institution
8 of higher education for a violation of this subchapter, he or she may appeal
9 the sanction to a court of competent jurisdiction.

10 (b) Any person who violates any provision of this subchapter is guilty
11 of a violation and upon conviction shall be punished by a fine of not less
12 than one hundred dollars (\$100) ~~no~~ nor more than five hundred dollars (\$500).
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