

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 2119

5 By: Representative Walker
6

For An Act To Be Entitled

8 AN ACT TO PROHIBIT SMOKING IN ALL PUBLIC PLACES; AND
9 FOR OTHER PURPOSES.
10

Subtitle

11 TO PROHIBIT SMOKING IN ALL PUBLIC PLACES.
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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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18 SECTION 1. Arkansas Code § 20-27-1801 is amended to read as follows:
19 20-27-1801. Title.

20 This subchapter shall be known as the “Arkansas Clean ~~Indoor~~ Air Act of
21 ~~2006~~ 2013”.

22
23 SECTION 2. Arkansas Code § 20-27-1803(10), concerning definitions for
24 the Clean Indoor Air Act, is amended to read as follows:

25 (10)(A) “Public place” means an ~~enclosed area to which the~~
26 ~~public is invited or in which the~~ area in which the public is permitted,
27 ~~including, but not limited to~~ without limitation:

- 28 (i) Banks;
- 29 (ii) Bars;
- 30 (iii) Educational facilities;
- 31 (iv) Health care facilities;
- 32 (v) Laundromats;
- 33 (vi) Public transportation facilities;
- 34 (vii) Reception areas;
- 35 (viii) Restaurants;
- 36 (ix) Retail food production and marketing



1 establishments;

- 2 (x) Retail service establishments;
- 3 (xi) Retail stores;
- 4 (xii) Shopping malls;
- 5 (xiii) Sports arenas;
- 6 (xiv) Theaters; and
- 7 (xv) Waiting rooms.

8 (B) A private residence is not a public place unless it is
 9 used as a licensed child care, adult day care, or health care facility;

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 11
 12 SECTION 3. Arkansas Code § 20-27-1804(a) and (b)(1), concerning
 13 prohibitions on smoking, is amended to read as follows:

14 (a) ~~Effective July 21, 2006~~ On and after October 1, 2013, smoking is
 15 prohibited in all vehicles and ~~enclosed~~ areas owned, leased, or operated by
 16 the state, its agencies and authorities, and any political subdivision of the
 17 state, municipal corporation, or local board or authority created by general,
 18 local, or special act of the General Assembly or by ordinance or resolution
 19 of the governing body of a county or municipal corporation individually or
 20 jointly with other political subdivisions or municipalities of the state.

21 (b)(1) Smoking is prohibited in all public places, ~~and enclosed areas~~
 22 ~~within places of employment, including, but not limited to~~ without
 23 limitation:

- 24 (A) Common work areas;
- 25 (B) Auditoriums;
- 26 (C) Classrooms;
- 27 (D) Conference and meeting rooms;
- 28 (E) Private offices;
- 29 (F) Elevators;
- 30 (G) Hallways;
- 31 (H) Health care facilities;
- 32 (I) Cafeterias;
- 33 (J) Employee lounges;
- 34 (K) Stairs;
- 35 (L) Restrooms; and
- 36 (M) All other enclosed areas.

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2 SECTION 4. Arkansas Code § 20-27-1805 is repealed.

3 ~~20-27-1805.—Exemptions.~~

4 ~~An owner or operator of any of the following areas may exempt itself~~
5 ~~from this subchapter:~~

6 ~~(1) Private residences except when used as a licensed child~~
7 ~~care, adult daycare, or health care facility;~~

8 ~~(2)(A) Hotel and motel rooms that are rented to guests and are~~
9 ~~designated as smoking rooms.~~

10 ~~(B) However, if a hotel or motel has more than twenty-five~~
11 ~~(25) guest rooms, not more than twenty percent (20%) of rooms rented to~~
12 ~~guests in the hotel or motel may be designated as exempt from this~~
13 ~~subchapter;~~

14 ~~(3)(A) All workplaces of any employer with fewer than three (3)~~
15 ~~employees.~~

16 ~~(B) This exemption does not apply to any public place;~~

17 ~~(4) A retail tobacco store, if secondhand smoke from the store~~
18 ~~does not infiltrate into areas in which smoking is prohibited under this~~
19 ~~subchapter;~~

20 ~~(5) Areas within long-term care facilities that are designated~~
21 ~~by the long-term care facilities as a smoking area or for supervised patient~~
22 ~~smoking only;~~

23 ~~(6) Outdoor areas of places of employment;~~

24 ~~(7) All workplaces of any manufacturer, importer, or wholesaler~~
25 ~~of tobacco products, of any tobacco leaf dealer or processor, and all tobacco~~
26 ~~storage facilities;~~

27 ~~(8)(A) All restaurants and bars licensed by the State of~~
28 ~~Arkansas that prohibit at all times all persons less than twenty-one (21)~~
29 ~~years of age from entering the premises if secondhand smoke does not~~
30 ~~infiltrate into areas in which smoking is prohibited under this subchapter.~~

31 ~~(B) All restaurants and bars that are exempt under this~~
32 ~~subdivision (8) shall prominently display a health warning sign as defined by~~
33 ~~the State Board of Health; and~~

34 ~~(9) Designated smoking areas on the gaming floor of any~~
35 ~~franchisee of the Arkansas Racing Commission.~~

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