

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.

Act 134 of the Regular Session

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: H1/27/05

A Bill

HOUSE BILL 1193

5 By: Representatives Bradford, Bright, Roebuck, *Borhauer*  
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8 **For An Act To Be Entitled**

9 AN ACT TO PROHIBIT THE USE OF TOBACCO PRODUCTS IN  
10 AND ON THE GROUNDS OF ALL MEDICAL FACILITIES IN  
11 ARKANSAS; AND FOR OTHER PURPOSES.  
12

13 **Subtitle**

14 AN ACT TO PROHIBIT THE USE OF TOBACCO  
15 PRODUCTS IN AND ON THE GROUNDS OF ALL  
16 MEDICAL FACILITIES IN ARKANSAS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Title 20, Chapter 27, Subchapter 7 is amended  
22 to add additional sections to read as follows:

23 20-27-704. Findings.

24 The General Assembly finds that:

25 (1) Direct smoking of tobacco and indirect smoking of tobacco  
26 through inhaling the smoke of those who are smoking nearby are major causes  
27 of preventable diseases and death; and

28 (2) Prohibiting tobacco use in medical facilities will decrease  
29 the use of tobacco and exposure to harm from tobacco.  
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31 20-27-705. Definitions.

32 For purposes of §§ 20-27-704 through 20-27-708:

33 (1) "Grounds" means the buildings in and on which medical  
34 facilities operate together with all property owned by a medical facility  
35 that is contiguous to the buildings in which medical services are provided;



1           (2)(A) "Medical facilities" means hospitals, including both  
2 inpatient and out-patient services, as well as hospital-owned and operated  
3 ambulatory surgery centers and hospital-owned and operated free-standing  
4 medical clinics; and

5           (B) "Medical facilities" does not include psychiatric  
6 hospitals as defined by Department of Health rules for hospitals and related  
7 institutions; and

8           (3) "Tobacco" means cigars, cigarettes, pipes, or other  
9 tobacco-smoking devices.

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11       20-27-706. Prohibition of smoking at medical facilities.

12       (a) Smoking of tobacco is prohibited in and on the grounds of all  
13 medical facilities.

14       (b)(1) Each medical facility shall request any person who violates  
15 subsection (a) of this section to desist.

16       (2) If the violation continues, the medical facility may report  
17 the violation to the appropriate law enforcement agency.

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19       20-27-707. Exception.

20       (a) If a treating physician determines that an inpatient's treatment  
21 will be substantially impaired by the denial to that patient of the use of  
22 tobacco, the physician may enter a written order permitting the use of  
23 tobacco by that patient.

24       (b) The order shall be consistent with:

25           (1) The medical facility's medical staff bylaws;

26           (2) Hospital regulations; and

27           (3) Local ordinances.

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29       20-27-708. Penalty.

30       A violation of § 20-27-706 is a Class C misdemeanor.

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32       20-27-709. Notice at medical facilities.

33       (a) Each medical facility shall post signs in prominent places in its  
34 facilities and on its property to explain the prohibition of smoking under §  
35 20-27-706.

36       (b)(1) Notices shall be written in English and Spanish.

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(2) For a person who cannot read the signs, the prohibition of smoking in a medical facility on its grounds shall be given verbally in the appropriate language before any enforcement of the prohibition against the violator.

(c) The Department of Health may treat a violation of this section as a deficiency to be assessed against the medical facility.

SECTION 2. This act shall become effective on October 1, 2005.

*/s/ Bradford, et al*

**APPROVED: 2/11/2005**

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