

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 285

5 By: Senators E. Cheatham, Bledsoe
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS CLEAN INDOOR AIR ACT OF
9 2006 TO INCLUDE USE OF AN ELECTRONIC CIGARETTE WITHIN
10 THE DEFINITIONS OF SMOKING AND SECONDHAND SMOKE; TO
11 CREATE AN EXEMPTION WITHIN THE ARKANSAS CLEAN INDOOR
12 AIR ACT OF 2006 FOR RETAIL VAPE STORES; AND FOR OTHER
13 PURPOSES.
14

Subtitle

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16 TO AMEND THE ARKANSAS CLEAN INDOOR AIR
17 ACT OF 2006 TO INCLUDE USE OF AN
18 ELECTRONIC CIGARETTE WITHIN THE
19 DEFINITIONS OF SMOKING AND SECONDHAND
20 SMOKE.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 20-27-1803(14), concerning the definition
27 of "secondhand smoke" within the Arkansas Clean Indoor Air Act of 2006, is
28 amended to read as follows:

29 (14) "Secondhand smoke" means smoke or vapor:

30 (A) Emitted from:

31 (i) An electronic cigarette; or

32 (ii) A lighted, smoldering, or burning tobacco or
33 other plant material when the person smoking is not inhaling;

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

35 (C) Exhaled by the person smoking;
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1 SECTION 2. Arkansas Code § 20-27-1803(17), concerning the definition
2 of "smoking" within the Arkansas Clean Indoor Air Act of 2006, is amended to
3 read as follows:

4 (17) "Smoking" means inhaling, exhaling, burning, or carrying
5 any:

- 6 (A) Lighted tobacco product, including cigarettes, cigars,
7 and pipe tobacco; ~~and~~
- 8 (B) Other lighted combustible plant material; and
- 9 (C) Electronic cigarette;

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11 SECTION 3. Arkansas Code § 20-27-1803, concerning the definitions
12 within the Arkansas Clean Indoor Air Act of 2006, is amended to add
13 additional subdivisions to read as follows:

14 (19) "Retail vape store" means a retail store utilized primarily
15 for the sale of electronic cigarette products and accessories and in which
16 the sale of other products is merely incidental; and

17 (20)(A) "Electronic cigarette" means an electronic oral device,
18 including a device composed of a heating element and battery or electronic
19 circuit, or both, that provides a vapor of nicotine or any other substance,
20 and the use or inhalation of the vapor to simulate smoking.

21 (B) "Electronic cigarette" includes any described device,
22 whether manufactured, distributed, marketed, or sold as an e-cigarette, e-
23 cigar, and e-pipe or under any other product, name, or descriptor.

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25 SECTION 4. Arkansas Code § 20-27-1805 is amended to read as follows:
26 20-27-1805. Exemptions.

27 An owner or operator of any of the following areas may exempt itself
28 from this subchapter:

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

31 (2)(A) Hotel and motel rooms that are rented to guests and are
32 designated as smoking rooms.

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

1 (3)(A) All workplaces of any employer with fewer than three (3)
2 employees.

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

4 (4) A retail tobacco store or retail vape store, if secondhand
5 smoke from the store does not infiltrate into areas in which smoking is
6 prohibited under this subchapter;

7 (5)(A) An area within a long-term care facility that is
8 designated by the long-term care facility as a smoking area for supervised
9 patient and supervisory staff smoking; or

10 (B) An area outside of the long-term care facility that is
11 designated for visitors and staff that is beyond twenty-five feet (25') of
12 any primary entryway or opening of a long-term care facility;

13 (6) Outdoor areas of places of employment;

14 (7) All workplaces of any manufacturer, importer, or wholesaler
15 of tobacco products, of any tobacco leaf dealer or processor, and all tobacco
16 storage facilities;

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

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

24 (9) Designated smoking areas on the gaming floor of any
25 franchisee of the Arkansas Racing Commission.

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