

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

A Bill

SENATE BILL 311

5 By: Senator B. Johnson
6 By: Representative Gonzales
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS CLEAN INDOOR AIR ACT OF
10 2006; TO ALLOW PRIVATELY OWNED BUSINESSES THE OPTION
11 TO PROHIBIT SMOKING; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE ARKANSAS CLEAN INDOOR AIR
16 ACT OF 2006; TO ALLOW PRIVATELY OWNED
17 BUSINESSES THE OPTION TO PROHIBIT
18 SMOKING.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 20-27-1804 is amended to read as follows:

24 20-27-1804. Prohibitions on smoking in publically owned places of
25 employment – Voluntary participation by privately owned businesses.

26 (a)(1) Effective July 21, 2006, smoking is prohibited in all vehicles
27 and enclosed areas owned, leased, or operated by the state, its agencies and
28 authorities, and any political subdivision of the state, municipal
29 corporation, or local board or authority created by general, local, or
30 special act of the General Assembly or by ordinance or resolution of the
31 governing body of a county or municipal corporation individually or jointly
32 with other political subdivisions or municipalities of the state.

33 (2) Subdivision (a)(1) of this section does not apply to a
34 privately owned business.

35 (b)(1) Smoking is prohibited under subsection (a)(1) of this section
36 in all public places and enclosed areas within ~~places of employment,~~



1 ~~including, but not limited to~~ each publically owned place of employment,
2 including without limitation:

- 3 (A) Common work areas;
- 4 (B) Auditoriums;
- 5 (C) Classrooms;
- 6 (D) Conference and meeting rooms;
- 7 (E) Private offices;
- 8 (F) Elevators;
- 9 (G) Hallways;
- 10 (H) Health care facilities;
- 11 (I) Cafeterias;
- 12 (J) Employee lounges;
- 13 (K) Stairs;
- 14 (L) Restrooms; and
- 15 (M) All other enclosed areas.

16 (2) ~~An~~ Under subsection (a)(1) of this section, an individual, a
17 person, an entity, or a business subject to the smoking prohibitions of this
18 section shall not discriminate or retaliate in any manner against a person
19 for making a complaint of a violation of this section or furnishing
20 information concerning a violation to a person, an entity, or a business or
21 to an enforcement authority.

22 (3) The prohibitions on smoking in ~~subsections (a)~~ subdivision
23 (a)(1) and subsection (b) of this section and the provisions of subdivision
24 (b)(2) of this section shall be communicated to all current employees by
25 their employer ~~within thirty (30) days of July 21, 2006,~~ and to each
26 prospective employee upon application for employment.

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

29 ~~20-27-1805. Exemptions.~~

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

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

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

36 ~~(B) However, if a hotel or motel has more than twenty five~~

1 ~~(25) guest rooms, not more than twenty percent (20%) of rooms rented to~~
2 ~~guests in the hotel or motel may be designated as exempt from this~~
3 ~~subchapter;~~

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

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

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

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

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

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

17 ~~(7) All workplaces of any manufacturer, importer, or wholesaler~~
18 ~~of tobacco products, of any tobacco leaf dealer or processor, and all tobacco~~
19 ~~storage facilities;~~

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

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

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

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30 SECTION 3. Arkansas Code § 20-27-1807 is amended to read as follows:
31 20-27-1807. Rules – Promulgation and enforcement authority.

32 (a)(1) The State Board of Health may adopt reasonable rules and
33 ~~regulations that it determines are necessary or useful to carry out the~~
34 purposes or facilitate enforcement of this subchapter.

35 (2) A privately owned business may choose to follow the rules
36 adopted under this section.

1 (b)(1) The Department of Health and its authorized agents may enforce
2 compliance with this subchapter and any rules ~~and regulations~~ adopted ~~and~~
3 ~~promulgated~~ under this subchapter by the board.

4 (2) Under rules of the board, the department and its authorized
5 agents may enter upon and inspect the premises ~~of any public place or~~
6 ~~enclosed area within a place of employment~~ under § 20-27-1804(a)(1) at any
7 reasonable time and in a reasonable manner.

8 (3)(A) A privately owned business may choose to allow
9 inspections under this subsection.

10 (B) The department may recommend best practices under this
11 subchapter to a privately owned business that chooses to allow inspections
12 under this subchapter.

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