

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.

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

As Engrossed: H3/29/05

A Bill

HOUSE BILL 1883

5 By: Representatives Bradford, Ledbetter
6 By: Senators Malone, Miller, Steele
7
8

For An Act To Be Entitled

10 AN ACT TO PROTECT THE HEALTH OF THE CITIZENS OF
11 ARKANSAS; TO BAN THE SMOKING OF TOBACCO PRODUCTS
12 IN FOOD SERVICE ESTABLISHMENTS IN ARKANSAS; AND
13 FOR OTHER PURPOSES.
14

Subtitle

15
16 *DR. FAY BOOZMAN CLEAN AIR IN RESTAURANTS*
17 *FOR A HEALTHIER ARKANSAS ACT.*
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code Title 20, Chapter 27, is amended to add an
23 additional subchapter to read as follows:

24 20-27-1701. Title.

25 This subchapter shall be known and may be cited as the "Dr. Fay Boozman
26 Clean Air in Restaurants for a Healthier Arkansas Act .

27 The purpose of this subchapter is to protect the health of the citizens
28 of Arkansas by establishing a ban on the smoking of tobacco products in food
29 service establishments in the State of Arkansas to ensure that patrons and
30 employees of food service establishments in this state are not subjected to
31 the harmful effects of tobacco smoke.
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33 20-27-1703. Definitions.

34 As used in this subchapter:

35 (1)(A) "Bar" means an establishment:

36 (i) That has more than seventy percent (70%) of its



- 1 annual gross sales in alcoholic beverages;
2 (ii) That is devoted to serving alcoholic beverages
3 for consumption by guests on the premises;
4 (iii) In which the serving of food is only
5 incidental to the consumption of alcoholic beverages; and
6 (iv) From which minors are refused admittance unless
7 accompanied by a parent or legal guardian.
8 (B) For purposes of this section, any establishment that
9 admits minors is not considered a bar.
10 (2) "Employee" means a person who is employed by an employer for
11 direct or indirect monetary wages or profit and any person who volunteers his
12 or her services for a profit or nonprofit entity;
13 (3) "Employer" means a person, partnership, corporation,
14 municipal corporation, nonprofit entity, or other entity that employs the
15 services of one (1) or more individual persons;
16 (4) "Enclosed area" means an area closed in by a roof and walls
17 with appropriate openings for ingress and egress;
18 (5) "Food" means any raw, cooked, or processed edible substance,
19 ice, beverage, or ingredient used or intended for use or for sale in whole or
20 in part for human consumption;
21 (6)(A) "Food service establishment" means any place where food
22 is manufactured, packaged, produced, processed, transported, stored, sold,
23 commercially prepared, vended, or otherwise handled.
24 (B) "Food service establishment" includes:
25 (i) Coffee shops;
26 (ii) Cafeterias;
27 (iii) Sandwich shops;
28 (iv) Catering facilities; and
29 (v) Any other type of eating establishment that
30 gives or offers food to the public, guests, or employees.
31 (C) "Food service establishment" does not include:
32 (i) Cocktail lounges or taverns if the cocktail
33 lounge or tavern is a bar; or
34 (ii) Private homes where food is prepared or served
35 for guests and individual family consumption;
36 (7) "Minor" means any person under eighteen (18) years of age;

1 (8) "Person" means any individual, partnership, corporation,
2 association, or venture;

3 (9) "Smoking" means inhaling, exhaling, burning, or carrying any
4 lighted tobacco product, weed, plant, or other combustible substance; and

5 (10) "Tobacco product" means any tobacco, cigarette, cigar, pipe
6 tobacco, smokeless tobacco, snuff, or any other form of tobacco that may be
7 used for smoking, chewing, inhaling, or other manner of ingesting or
8 absorbing into the body.

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10 20-27-1704. Food service establishments.

11 (a)(1) Thirty (30) days after the effective date of this subchapter,
12 smoking shall be prohibited in all food service establishments that earn more
13 than thirty percent (30%) of their gross revenue from food sales.

14 (2) The prohibition against smoking applies to all enclosed
15 areas.

16 (b) A food service establishment owner or operator violates this
17 subchapter if a person is allowed to smoke or possess a burning tobacco
18 product, weed, or other plant product in any enclosed area of a food service
19 establishment.

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21 20-27-1705. Posting of signs.

22 (a)(1) Each food service establishment shall post appropriate signs
23 visible to patrons within the dining area indicating that the smoking of
24 tobacco products, weeds, or other plant products is prohibited in the area.

25 (2) The sign required in subdivision (a)(1) of this section is
26 not required if all patrons of the food establishment are seated by a host or
27 hostess who advises them that smoking is prohibited.

28 (b) Signs bearing the words "No Smoking" or the international "No
29 Smoking" symbol, consisting of the pictorial representation of a burning
30 cigarette enclosed in circle with a bar across it, shall be clearly and
31 conspicuously displayed at every entrance of every food service establishment
32 in which smoking is prohibited under this subchapter.

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34 20-27-1706. Public education.

35 The Department of Health shall develop an educational program to
36 explain the purpose and requirements of this subchapter to businesses and

1 citizens affected by it and to help persons, owners, operators, and managers
2 of food service establishments comply with this subchapter.

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4 20-27-1707. Penalties.

5 (a) Each violation of this subchapter is a Class A misdemeanor.

6 (b) Each day a violation exists or continues shall constitute a
7 separate offense.

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9 20-27-1708. Local standards.

10 A municipality or county may by ordinance, resolution, order, or
11 otherwise adopt standards prohibiting the use of tobacco products that are
12 more restrictive than the prohibitions established under this subchapter.

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/s/ Bradford, et al

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