

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 285

By: Senators E. Cheatham, Bledsoe

For An Act To Be Entitled

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

Subtitle

TO AMEND THE ARKANSAS CLEAN INDOOR AIR ACT OF 2006 TO INCLUDE USE OF AN ELECTRONIC CIGARETTE WITHIN THE DEFINITIONS OF SMOKING AND SECONDHAND SMOKE.

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

SECTION 1. Arkansas Code § 20-27-1803(14), concerning the definition of "secondhand smoke" within the Arkansas Clean Indoor Air Act of 2006, is amended to read as follows:

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

(A) Emitted from:

(i) An electronic cigarette; or

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

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

(C) Exhaled by the person smoking;



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Outdoor areas of places of employment;

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

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

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

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