State of Arkansas  
87th General Assembly  
Regular Session, 2009  

By: Representative Hyde

A Bill

For An Act To Be Entitled
THE ARKANSAS CLEAN AIR ON CAMPUS ACT OF 2009; AN
ACT TO PROTECT STUDENTS, EMPLOYEES, AND VISITORS
AT STATE-SUPPORTED INSTITUTIONS OF HIGHER
EDUCATION FROM SECONDHAND SMOKE ON CAMPUS; AND
FOR OTHER PURPOSES.

Subtitle
THE ARKANSAS CLEAN AIR ON CAMPUS ACT OF
2009.

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

SECTION 1. Arkansas Code Title 6, Chapter 60, is amended to add an additional subchapter to
read as follows:

SUBCHAPTER 7 - THE CLEAN AIR ON CAMPUS ACT OF 2009

6-60-701. Title,  
This subchapter shall be known as the “Clean Air on Campus Act of 2009”.

6-60-702. Findings,  
The General Assembly finds that:
(1) Scientific research data has shown that nonsmokers often receive damage to their
health from the smoking of tobacco by others;
(2) Smoking, directly or indirectly, is a major cause of preventable diseases and death;
(3) Secondhand smoke can cause or contribute to lung cancer, heart disease, chronic
lung ailments, and low birth-weight; and
60-703. Definitions.  
As used in this subchapter:

(1) “Campus” means all property, including buildings and grounds, that are owned or operated by a state-supported institution of higher education;

(2) “Employee” means an individual who is employed by a state-supported institution of higher education in consideration for direct or indirect monetary wages or profit;

(3) “Governing authority” means the administrative branch of the state-supported institution of higher education;

(4) “Guest” means a visitor to the campus of a state-supported institution of higher education;

(5) “Secondhand smoke” means smoke:

(A) Emitted from lighted, smoldering, or burning tobacco when the person is not inhaling;

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

(C) Exhaled by the person smoking;

(6) “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

(7) “Student” means an individual enrolled in a credit or noncredit course at a state-supported institution of higher education.

60-704. Prohibitions on smoking.

(a) Beginning on August 1, 2010, smoking is prohibited on each campus of state-supported institutions of higher education.

(b) An individual or campus subject to the smoking prohibitions of this section shall not discriminate or retaliate in any manner against a person for making a complaint of a violation of this section or furnishing information concerning a violation to a person, campus, or governing authority.

(c) The prohibitions on smoking in this section shall be communicated to all students and employees of state-supported institutions of higher education a minimum of thirty (30) days before the effective date of this subchapter, and to each guest of a state-supported institution of higher education upon request.

60-705. Notice of prohibition of smoking.
"No Smoking" signs or the international "No Smoking" symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it may be clearly and conspicuously posted on each campus where smoking is prohibited by this subchapter.

6-60-706. Rules - Promulgation and enforcement authority.
   (a) The Arkansas Higher Education Coordinating Board may adopt reasonable rules that it determines necessary to carry out the purposes or facilitate the enforcement of this subchapter.
   (b)(1) The Department of Higher Education may enforce compliance with this subchapter and any rules promulgated under this subchapter by the board.
   (2) Under the rules of the board, the department may enter upon and inspect a campus at any reasonable time and in a reasonable manner.

6-60-707. Penalties.
   Any person who violates any provision of this subchapter is guilty of a violation and upon conviction shall be punished by a fine of not less than one hundred dollars ($100) no more than five hundred dollars ($500).