

1 State of Arkansas
2 77th General Assembly
3 Regular Session, 1989
4 By: Representative Tullis

A Bill

HOUSE BILL 1991

For An Act To Be Entitled

"AN ACT TO PROHIBIT EMPLOYMENT DISCRIMINATION AGAINST
NON-SMOKERS OR SMOKERS; AND FOR OTHER PURPOSES."

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

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13 SECTION 1. For the purposes of this Act:

14 (1) "Employer" means any person carrying on any employment regardless of
15 the number of persons employed; and

16 (2) "Smoker" means any person who smokes tobacco or tobacco products.

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18 SECTION 2. (a) It shall be unlawful for any employer:

19 (1) To fail or refuse to hire or to discharge any individual or
20 otherwise discriminate against any individual with respect to his
21 compensation, terms, conditions, or privileges of employment because the
22 individual is a non-smoker or smoker;

23 (2) To limit, segregate, or classify employees in any manner which
24 would deprive or tend to deprive any individual of employment opportunities or
25 otherwise adversely affect his status as an employee because the individual is
26 a non-smoker or smoker; or

27 (3) To reduce the wage rate of any employee in order to comply with
28 this section.

29 (b) Any employer who violates this section shall be guilty of a Class B
30 misdemeanor in addition to civil liability.

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32 SECTION 3. (a) An employer who violates this Act shall be liable to the
33 employee or prospective employee affected by such violation. Such employer
34 shall be liable for such legal or equitable relief as may be appropriate,
35 including, but limited to, employment, reinstatement, promotion, and the
36 payment of lost wages and benefits.

H.B.

1 SECTION 2. Arkansas Code 20-27-702 is hereby amended to read as follows:

2 "(a) Any person violating the provisions of this subchapter may be
3 guilty of a misdemeanor and upon conviction shall be punished by a fine of not
4 less than ten dollars (\$10.00) nor more than one hundred dollars (\$100).

5 (b) It is the duty of all state, county and city officers to enforce the
6 provisions of this subchapter."

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8 SECTION 3. All provisions of this act of a general and permanent nature
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
10 Revision Commission shall incorporate the same in the Code.

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12 SECTION 4. All laws and parts of laws in conflict with this act are
13 hereby repealed.

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