

PROPOSITION 201
I-05-2006; SMOKE-FREE ARIZONA ACT

ANALYSIS BY LEGISLATIVE COUNCIL

Currently, state statutes provide that smoking tobacco is prohibited in certain areas and most state buildings. A person who smokes where smoking is prohibited is guilty of a petty offense. Several cities and towns also have restrictions on smoking in public places.

Proposition 201 would prohibit smoking in all public places and places of employment, except as provided by the proposition. These exceptions include:

1. Retail tobacco stores that are physically separated and independently ventilated.
2. Veterans and fraternal clubs when they are not open to the public.
3. Hotel rooms designated as smoking rooms.
4. Outdoor patios.

Proposition 201 would increase the state tax on cigarettes from \$1.18 per pack to \$1.20 per pack. Taxes on cigars and other tobacco products would not be increased by this proposition. Revenues collected from this tax would be deposited in a new Smoke-Free Arizona Fund to be administered by the Department of Health Services (DHS) to pay for enforcement and education costs.

Proposition 201 also would prescribe notice and other requirements for operating establishments to implement the smoking restrictions. In addition, an employer could not retaliate against an employee for exercising any rights provided by the proposition.

A person who smokes where smoking is prohibited would be guilty of a petty offense.

Under the proposition, DHS would implement and enforce these smoking restrictions. DHS would be required to design and implement a program to educate the public and business owners about the smoking restrictions. DHS would also be authorized to accept complaints about and investigate violations of the smoking restrictions. Proposition 201 would also require DHS to assess a civil penalty of at least \$100 but less than \$500 for each violation.

Proposition 201 would not prohibit or repeal more restrictive city, town or county laws.