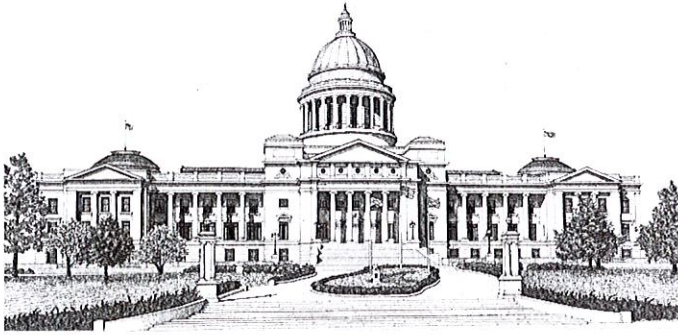


ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

John Thurston

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Parks, Heritage and Tourism

Department Division of Arkansas State Parks

Contact Leslie Fiskien E-mail leslie.fiskien@arkansas.gov Phone (501) 324-9586

Statutory Authority for Promulgating Rules Ark. Code Ann. §22-4-101 et seq., Ark. Code Ann. §25-43-1301 et seq. and Ark. Code Ann. §15-11-206

Rule Title: Smoking, Tobacco, Electronic Cigarette Policy at Arkansas State Parks

Intended Effective Date
(Check One)

☐ Emergency (ACA 25-15-204)

☒ 10 Days After Filing (ACA 25-15-204)

☐ Other _____
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

July 27 through July 29, 2022

August 25, 2022

October 21, 2022

November 4, 2022

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Leslie Fiskien leslie.fiskien@arkansas.gov

October 25, 2022

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

(501) 324-9586

leslie.fiskien@arkansas.gov

Phone Number

E-mail Address

Chief of Legislative Affairs

Title

October 25, 2022

Date

ARKANSAS DEPARTMENT OF PARKS, HERITAGE, AND TOURISM
DIVISION OF STATE PARKS

September 15, 2022

PARK DIRECTIVE 1191

SMOKING / TOBACCO / ELECTRONIC CIGARETTE POLICY

For public health, safety, preservation, and the prevention of triggering of smoke/fire alarm/vapor sensitive systems, the use of the following products are prohibited inside or within twenty-five (25) feet of any enclosed Arkansas State Park building or structure:

- Smoking of tobacco
- Use of tobacco
- Use of Non-FDA Center for Tobacco Products (CTP) regulated nicotine products in any form
- Electronic cigarettes (e-cig or e-cigarette)
- Personal vaporizers (PV)
- Electronic nicotine delivery systems (ENDS)

In addition, to ensure water quality, reduce littering, and improve guest experience, smoking will not be allowed within the boundaries of all park beaches and on the Crater of Diamonds minefield. Park Superintendents may establish designated employee and guest legal product use areas outside of buildings that are away from building entrances and out of primary public use areas.

Replaces PD 1191 dated February 1, 2016

APPROVED BY: _____
SHEA LEWIS, DIRECTOR
Division of Arkansas State Parks

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Parks, Heritage and Tourism

DIVISION Division of Arkansas State Parks

PERSON COMPLETING THIS STATEMENT Leslie Fiskin, Chief of Legislative Affairs

TELEPHONE NO. (501) 324-9586 FAX NO. (501) 324-9575 EMAIL: leslie.fiskin@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Smoking, Tobacco, Electronic Cigarette Policy at Arkansas State Parks

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☐ No ☒
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If an agency is proposing a more costly rule, please state the following:

- a) How the additional benefits of the more costly rule justify its additional cost;

- b) The reason for adoption of the more costly rule;

- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and

- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total \$ 0.00

Total \$ 0.00

b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total \$ 0.00

Total \$ 0.00

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ 0

\$ 0

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6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ 0

\$ 0

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7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?
Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.