

## SMOKING PROHIBITIONS

### Footnotes

This chapter not enacted as a part of this title; transferred from chapter 98A in Code 1993

#### **142B.1 Definitions.**

As used in this chapter unless the context otherwise requires:

1. "*Bar*" means an establishment or portion of an establishment where one can purchase and consume alcoholic beverages as defined in section 123.3, subsection 4, but excluding any establishment or portion of the establishment having table and seating facilities for serving of meals to more than fifty people at one time and where, in consideration of payment, meals are served at tables to the public.
2. "*Public meeting*" means a gathering in person of the members of a governmental body, whether an open or a closed session under chapter 21.
3. "*Public place*" means any enclosed indoor area used by the general public or serving as a place of work containing two hundred fifty or more square feet of floor space, including, but not limited to, all restaurants with a seating capacity greater than fifty, all retail stores, lobbies and malls, offices, including waiting rooms, and other commercial establishments; public conveyances with departures, travel, and destination entirely within this state; educational facilities; hospitals, clinics, nursing homes, and other health care and medical facilities; and auditoriums, elevators, theaters, libraries, art museums, concert halls, indoor arenas, and meeting rooms. "*Public place*" does not include a retail store at which fifty percent or more of the sales result from the sale of tobacco or tobacco products, the portion of a retail store where tobacco or tobacco products are sold, a private, enclosed office occupied exclusively by smokers even though the office may be visited by nonsmokers, a room used primarily as the residence of students or other persons at an educational facility, a sleeping room in a motel or hotel, or each resident's room in a health care facility. The person in custody or control of the facility shall provide a sufficient number of rooms in which smoking is not permitted to accommodate all persons who desire such rooms.
4. "*Smoking*" means the carrying of or control over a lighted cigar, cigarette, pipe, or other lighted smoking equipment.

[C79, 81, § 98A.1]

87 Acts, ch 219, § 1; 90 Acts, ch 1189, § 1

C93, § 142B.1

#### **142B.2 Prohibition.**

1. A person shall not smoke in a public place or in a public meeting except in a designated smoking area. This prohibition does not apply in cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the place. This prohibition does not apply to factories, warehouses, and similar places of work not usually frequented by the general public, except that an employee cafeteria in such place of work shall have a designated nonsmoking area.
2. Smoking areas may be designated by persons having custody or control of public places, except in places in which smoking is prohibited by the fire marshal or by other law, ordinance, or regulation.

3. Where smoking areas are designated, existing physical barriers and existing ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas. In the case of public places consisting of a single room, the provisions of this law shall be considered met if one side of the room is reserved and posted as a no-smoking area. No public place other than a bar shall be designated as a smoking area in its entirety. If a bar has within its premises a nonsmoking area, this designation shall be posted on all entrances normally used by the public.

If the public place is subject to any state inspection process or under contract with the state, the person performing the inspection shall check for compliance with the posting requirement.

A facility inspected by the department of inspections and appeals shall be inspected by the department for compliance with sections 142B.3 and 142B.4.

4. Notwithstanding subsection 1 of this section, smoking is prohibited on elevators.

[C79, 81, § 98A.2]

87 Acts, ch 219, § 2; 90 Acts, ch 1189, § 2

C93, § 142B.2

#### **142B.3 Responsibilities of proprietors.**

The person having custody or control of a public place or public meeting shall make reasonable efforts to prevent smoking in the public place or public meeting by posting appropriate signs indicating no-smoking or smoking areas and arranging seating accordingly.

[C79, 81, § 98A.3]

87 Acts, ch 219, § 3

C93, § 142B.3

#### **142B.4 Areas posted.**

A person having custody or control of a public place or public meeting shall cause signs to be posted within the appropriate areas of the facility advising patrons of smoking and no-smoking areas. In addition the statement "*Smoking prohibited except in designated areas*" shall be conspicuously posted on all major entrances to the public place or public meeting.

[C79, 81, § 98A.4]

87 Acts, ch 219, § 4

C93, § 142B.4

#### **142B.5 Reserved.**

#### **142B.6 Civil penalty for violation uniform application.**

A person who smokes in those areas prohibited in section 142B.2, or who violates section 142B.4, shall pay a civil fine pursuant to section 805.8C, subsection 3, paragraph "a", for each violation.

Judicial magistrates shall hear and determine violations of this chapter. The civil penalties paid pursuant to this chapter shall be deposited in the county treasury.

Enforcement of this chapter shall be implemented in an equitable manner throughout the state. For the purpose of equitable and uniform implementation, application, and enforcement of state and local laws and regulations, the provisions of this chapter shall supersede any local law or regulation which is inconsistent with or conflicts with the provisions of this chapter.

[C79, 81, § 98A.6]

83 Acts, ch 123, § 52, 209; 87 Acts, ch 219, § 5; 90 Acts, ch 1189, § 3

C93, § 142B.6

2001 Acts, ch 137, §5