

personnel within a system wherein the vested employee may choose to receive the IPERS-hazardous pay system or remain under the employee's present system and the conditions of transfer of funds of the employee's present retirement system.

Sec. 67. Section sixty-four (64) of this Act is effective January 8, 1979.

Sec. 68. The sections of this Act amending sections of chapters ninety-seven A (97A) and four hundred eleven (411) of the Code are effective July 1, 1979.

Approved June 27, 1978

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## CHAPTER 1061

### SMOKING PROHIBITED IN PUBLIC AREAS

S. F. 2022

AN ACT prohibiting smoking in certain public areas and providing a civil penalty.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. SMOKING DEFINED. As used in this Act, "smoking" means inhaling or exhaling the smoke of, or the possession or control of, a lighted cigarette, pipe, cigar, or little cigar as defined in section ninety-eight point forty-two (98.42), subsection sixteen (16) of the Code.

Sec. 2. NEW SECTION. SMOKING PROHIBITED IN CERTAIN AREAS. Smoking is prohibited in:

1. An elevator, indoor theater, library, art museum, concert hall, auditorium, or other similar facility which is open to the public. However, those in custody of buildings or facilities housing indoor theaters, libraries, art museums, concert halls, or other similar facilities open to the public may permit smoking by persons seated at tables provided for the purpose of consuming food or beverages served or provided on the premises and may make available smoking areas adjacent to such facilities within the same structure where the words "smoking permitted" are posted.

2. Those portions of a railroad passenger coach, passenger bus, passenger airplane, or other common carrier providing departures originating in this state, which portions are set aside by the person in custody or control of the carrier as non-smoking areas. Such areas shall be of sufficient capacity to accommodate all persons who do not wish to be seated in a smoking area.

3. A waiting room of a railroad or bus station or of an airport, except in areas designated by the person in custody or control of the facility as smoking areas.

4. A waiting room, rest room, lobby, or hallway of a hospital, clinic, medical laboratory, or other similar facility, except in areas designated by the person in custody or control of the facility as smoking areas.

5. A room of a health care facility as defined in section one hundred thirty-five C point one (135C.1) of the Code, hospital, clinic, or other medical facility used for the recuperation or care of patients, except in rooms designated by the person in custody or control of the facility as smoking rooms. 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.

6. A public building owned by or under the control of this state or any of its political subdivisions, except in areas designated by the controlling governmental body, officer, or agency as smoking areas.

Sec. 3. NEW SECTION. DESIGNATION OF SMOKING AREAS. The person or persons authorized to designate smoking areas pursuant to section two (2) of this Act shall not so designate an area where smoking is prohibited by any other statute, ordinance, or lawful rule of the United States, this state, or any of its political subdivisions.

Sec. 4. NEW SECTION. NO SMOKING AREAS POSTED. The person or persons having custody or control of a facility in which smoking is prohibited under section two (2) of this Act shall cause to be posted within the facility, or within the area or areas of the facility where the prohibition against smoking is in effect, one or more conspicuous signs bearing the words "smoking prohibited by law" or words or symbols of similar effect.

Sec. 5. NEW SECTION. ENFORCEMENT OF SMOKING PROHIBITION. The person in custody or control of a facility in which smoking is prohibited under section two (2) of this Act, or an employee of any such facility who is on duty therein, who observes a person smoking in that facility in violation of this Act shall inform the person that smoking is prohibited by law in that facility or that area of the facility, as the case may be.

Sec. 6. NEW SECTION. CIVIL PENALTY FOR VIOLATION. A person who smokes in those areas covered by section two (2) of this Act or who violates section four (4) of this Act shall

pay a civil fine of five dollars for the first violation and not less than ten nor more than one hundred dollars for each subsequent violation.

Judicial magistrates shall hear and determine violations of this Act. The civil fines paid pursuant to this Act shall be deposited in the county general fund.

Approved May 8, 1978

## CHAPTER 1062

### FACILITIES IN MULTIPLE DWELLINGS FOR HANDICAPPED

S. F. 384

AN ACT to provide that standards for facilities accessible to the physically handicapped shall apply to multiple-dwelling-unit buildings of twelve or more dwelling units, and to provide that all functions of public bathrooms available to the physically handicapped shall be accessible to those persons.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section one hundred four A point two (104A.2), Code 1977, is amended to read as follows:

104A.2 APPLICABILITY. The standards and specifications set forth in this chapter shall apply to all public and private buildings and facilities, temporary and permanent, used by the general public. The specific occupancies and extent of accessibility shall be in accordance with the conforming standards set forth in section 104A.6. Notwithstanding the standards set forth in section 104A.6, in every multiple-dwelling-unit building containing five twelve or more individual dwelling units the requirements of this chapter which apply to apartments shall be met by at least one dwelling unit or by at least ten percent of the dwelling units, whichever is the greater number, on ~~the-ground-floor-level~~ and-on each of the ~~other~~ floor levels in the building which are accessible to the physically handicapped. Any fraction five-tenths or below shall be rounded to the next lower whole unit.

Sec. 2. Section one hundred four A point three (104A.3), subsection five (5), Code 1977, is amended by striking the subsection.

Sec. 3. Section one hundred four A point three (104A.3), subsection seven (7), Code 1977, is amended by striking the subsection and inserting in lieu thereof the following: