

**CHAPTER 1188****DRUG TESTING***S.F. 2432*

**AN ACT** relating to the drug testing of certain individuals as required pursuant to certain federal regulations.

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

Section 1. Section 730.5, subsection 2, Code 1989, is amended to read as follows:

2. Except as provided in subsection 7, an employer shall not require or request employees or applicants for employment to submit to a drug test as a condition of employment, preemployment, promotion, or change in status of employment. An employer shall not request, require, or conduct random or blanket drug testing of employees. However, this section does not apply to preemployment drug tests authorized for peace officers or correctional officers of the state, or to drug tests required under federal statutes or under federal regulations adopted as of July 1, 1990, or to drug tests conducted pursuant to a nuclear regulatory commission policy statement, or to drug tests conducted to determine if an employee is ineligible to receive workers' compensation under section 85.16, subsection 2.

The exemption granted by this subsection relating to drug testing pursuant to federal regulations adopted as of July 1, 1990, is of no effect, as it applies to a particular regulation, upon a finding by a court of competent jurisdiction, including any appeal of such finding, that the particular regulation is unconstitutional or otherwise invalid. The decision of a court invalidating any regulation exempted by this section shall not be stayed pending appeal.

Sec. 2.

This Act shall take precedence over any other statute amending section 730.5, subsection 2, enacted during the Seventy-third General Assembly, 1990 Session, to the extent that this Act cannot be reconciled with such other enactment.

Approved April 24, 1990

**CHAPTER 1189****SMOKING IN PUBLIC PLACES***H.F. 209*

**AN ACT** relating to the limitations on smoking, and providing penalties.

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

Section 1. Section 98A.1, subsection 2, Code 1989, is amended to read as follows:

2. "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 containing three hundred or more square feet of floor space, including waiting rooms of three hundred or more square feet of floor space, 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 ~~restaurant~~, 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