

**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

exclusively by smokers even though the office may be visited by nonsmokers, ~~lobbies and malls which encompass floor space of three hundred or less square feet~~, 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.

Sec. 2. Section 98A.2, subsection 3, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A facility inspected by the department of inspections and appeals shall be inspected by the department for compliance with sections 98A.3 and 98A.4.

Sec. 3. Section 98A.6, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. 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.

Sec. 4. Section 805.8, subsection 11, Code 1989, is amended to read as follows:

11. SMOKING VIOLATIONS. For violations of section 98A.6, the scheduled fine is ~~ten~~ twenty-five dollars, and is a civil penalty, and the criminal penalty surcharge under section 911.2 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed. If the civil fine is not paid in a timely manner, a citation shall be issued for the violation in the manner provided in section 804.1. The complainant shall not be charged a filing fee.

Approved April 24, 1990

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## CHAPTER 1190

### SCHOOL FINANCE TECHNICAL AMENDMENTS

*H.F. 2068*

**AN ACT** providing technical changes to the financing of education programs of school districts and providing a retroactive effective date.

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

Section 1. Section 257.2, subsection 3, Code Supplement 1989, is amended to read as follows:

3. "Budget adjustment" is means an adjustment to the regular program ~~budget district cost~~ of a school district for school districts in which the regular program ~~budget district cost~~ for a year would be less than its regular program ~~budget district cost~~ for the previous year.

Sec. 2. Section 257.7, subsection 1, Code Supplement 1989, is amended to read as follows:

1. BUDGETS. School districts are subject to chapter 24. The authorized expenditures of a school district during a base year shall not exceed the lesser of the budget for that year certified under section 24.17 plus any allowable amendments permitted in this section, or the authorized budget, which is the sum of the combined district cost for that year, the actual miscellaneous income received for that year, and the actual unspent balance from the preceding year.