

House File 544 - Introduced

HOUSE FILE _____
BY SCHULTZ

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the elimination of the requirements relating
2 to posting of signs under the smokefree air Act.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2344HH 83
5 pf/rj/5

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1 1 Section 1. Section 142D.5, Code 2009, is amended to read
1 2 as follows:
1 3 142D.5 DECLARATION OF AREA AS NONSMOKING.
1 4 ~~1. Notwithstanding any provision of this chapter to the~~
1 5 ~~contrary, an owner, operator, manager, or other person having~~
1 6 ~~custody or control of an area otherwise exempt from the~~
1 7 ~~prohibitions of section 142D.3 may declare the entire area as~~
1 8 ~~a nonsmoking place.~~
1 9 ~~2. Smoking shall be prohibited in any location of an area~~
~~1 10 declared a nonsmoking place under this section if a sign is~~
~~1 11 posted conforming to the provisions of section 142D.6.~~
1 12 Sec. 2. Section 142D.6, Code 2009, is amended to read as
1 13 follows:
1 14 142D.6 NOTICE OF NONSMOKING REQUIREMENTS ~~== POSTING OF~~
~~1 15 SIGNS.~~
1 16 1. Notice of the provisions of this chapter shall be
1 17 provided to all applicants for a business license in this
1 18 state, to all law enforcement agencies, and to any business
1 19 required to be registered with the office of the secretary of
1 20 state.
1 21 2. All employers subject to the prohibitions of this
1 22 chapter shall communicate to all existing employees and to all
1 23 prospective employees upon application for employment the
1 24 smoking prohibitions prescribed in this chapter.
1 25 ~~3. The owner, operator, manager, or other person having~~
~~1 26 custody or control of a public place, place of employment,~~
~~1 27 area declared a nonsmoking place pursuant to section 142D.5,~~
~~1 28 or outdoor area where smoking is prohibited under this chapter~~
~~1 29 shall clearly and conspicuously post in and at every entrance~~
~~1 30 to the public place, place of employment, area declared a~~
~~1 31 nonsmoking place pursuant to section 142D.5, or outdoor area,~~
~~1 32 "no smoking" signs or the international "no smoking" symbol.~~
~~1 33 Additionally, a "no smoking" sign or the international "no~~
~~1 34 smoking" symbol shall be placed in every vehicle that~~
~~1 35 constitutes a public place, place of employment, or area~~
~~2 1 declared a nonsmoking place pursuant to section 142D.5 under~~
~~2 2 this chapter, visible from the exterior of the vehicle. All~~
~~2 3 signs shall contain the telephone number for reporting~~
~~2 4 complaints and the internet site of the department of public~~
~~2 5 health. The owner, operator, manager, or other person having~~
~~2 6 custody or control of the public place, place of employment,~~
~~2 7 area declared a nonsmoking place pursuant to section 142D.5,~~
~~2 8 or outdoor area may use the sample signs provided on the~~
~~2 9 department of public health's internet site, or may use~~
~~2 10 another sign if the contents of the sign comply with the~~
~~2 11 requirements of this subsection.~~
2 12 ~~4. 3.~~ The owner, operator, manager, or other person
2 13 having custody or control of a public place, place of
2 14 employment, area declared a nonsmoking place pursuant to
2 15 section 142D.5, or outdoor area where smoking is prohibited
2 16 under this chapter shall remove all ashtrays from these
2 17 locations.
2 18 Sec. 3. Section 142D.8, subsection 1, Code 2009, is
2 19 amended to read as follows:
2 20 1. This chapter shall be enforced by the department of

2 21 public health or the department's designee. The department of
2 22 public health shall adopt rules to administer this chapter,
2 23 including rules regarding enforcement. The department of
2 24 public health shall provide information regarding the
2 25 provisions of this chapter and related compliance issues to
2 26 employers, owners, operators, managers, and other persons
2 27 having custody or control of a public place, place of
2 28 employment, area declared a nonsmoking place pursuant to
2 29 section 142D.5, or outdoor area where smoking is prohibited,
2 30 and the general public via the department's internet site.
2 31 The internet site shall include ~~sample signage and the~~
2 32 telephone number for reporting complaints. Judicial
2 33 magistrates shall hear and determine violations of this
2 34 chapter.

2 35 EXPLANATION

3 1 This bill eliminates requirements relating to posting of
3 2 signs under the smokefree air Act (Code chapter 142D) to
3 3 provide notice of smokefree areas. The bill makes conforming
3 4 changes throughout the Code chapter necessitated by
3 5 elimination of the requirements.
3 6 LSB 2344HH 83
3 7 pf/rj/5