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Committee

FILED MAR 4 1994

SENATE FILE 2298  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2005)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to restrictions on the use of tobacco products in  
2 public places and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2298

1 Section 1. Section 142B.1, subsection 3, Code 1993, is  
2 amended to read as follows:

3 3. "Public place" means any enclosed indoor area used by  
4 the general public or serving as a place of work containing  
5 ~~two-hundred-fifty-or-more-square-feet-of-floor-space,~~  
6 including, but not limited to, all restaurants ~~with-a-seating~~  
7 ~~capacity-greater-than-fifty,~~ all retail stores, lobbies and  
8 malls, offices, including waiting rooms, and other commercial  
9 establishments; public conveyances with departures, travel,  
10 and destination entirely within this state; educational  
11 facilities; hospitals, clinics, nursing homes, and other  
12 health care and medical facilities; child care centers, as  
13 defined in section 237A.1; and auditoriums, elevators,  
14 theaters, libraries, art museums, concert halls, indoor  
15 arenas, and meeting rooms. "Public place" does not include a  
16 retail store at which fifty percent or more of the sales  
17 result from the sale of tobacco or tobacco products, the  
18 portion of a retail store where tobacco or tobacco products  
19 are sold, a private, enclosed office occupied exclusively by  
20 smokers even though the office may be visited by nonsmokers, a  
21 room used primarily as the residence of students or other  
22 persons at an educational facility, a sleeping room in a motel  
23 or hotel, or each resident's room in a health care facility.  
24 The person in custody or control of the facility shall provide  
25 a sufficient number of rooms in which smoking is not permitted  
26 to accommodate all persons who desire such rooms.

27 Sec. 2. Section 142B.2, subsection 3, unnumbered paragraph  
28 1, Code 1993, is amended to read as follows:

29 ~~Where-smoking-areas-are-designated,-existing-physical~~  
30 ~~barriers-and-existing-ventilation-systems-shall-be-used-to~~  
31 ~~minimize-the-toxic-effect-of-smoke-in-adjacent-nonsmoking~~  
32 ~~areas.--In-the-case-of-public-places-consisting-of-a-single~~  
33 ~~room,-the-provisions-of-this-law-shall-be-considered-met-if~~  
34 ~~one-side-of-the-room-is-reserved-and-posted-as-a-no-smoking~~  
35 ~~area:~~ A smoking area shall only be designated if transmission

1 of environmental tobacco smoke to adjacent areas can be  
2 eliminated. ~~No-public-place-other-than-a-bar-shall-be~~  
3 ~~designated-as-a-smoking-area-in-its-entirety---If-a-bar-has~~  
4 ~~within-its-premises-a-nonsmoking-area,-this-designation-shall~~  
5 ~~be-posted-on-all-entrances-normally-used-by-the-public.~~

6 Sec. 3. Section 142B.2, Code 1993, is amended by adding  
7 the following new subsection:

8 NEW SUBSECTION. 5. The following conditions shall apply  
9 to restaurants, as applicable, in order to comply with this  
10 chapter:

11 a. A restaurant of any size or seating capacity which  
12 designates the restaurant as a no-smoking area in its entirety  
13 shall post signs in conspicuous areas both inside and on the  
14 exterior of the building which advise patrons of the no-  
15 smoking policy of the restaurant.

16 b. A restaurant of any size or seating capacity which  
17 offers both smoking and no-smoking areas in accordance with  
18 the application of this chapter to other public places shall  
19 comply with the requirements under this chapter for a public  
20 place.

21 c. A restaurant of any size but with a seating capacity of  
22 fewer than fifty seats may designate the restaurant as a  
23 smoking-permitted restaurant by designating the restaurant as  
24 a smoking area in its entirety. A smoking-permitted  
25 restaurant shall post signs, in conspicuous areas both inside  
26 and on the exterior of the building, which advise patrons of  
27 the smoking-permitted status of the restaurant. A restaurant  
28 which is designated as a smoking-permitted restaurant shall  
29 also issue a written health warning to prospective and current  
30 employees which states that due to the environment of the  
31 restaurant, the employee may be working in a hazardous  
32 environment.

33 d. A restaurant which is held out to be a bar or a bar may  
34 be designated as a smoking area in its entirety. If the bar  
35 has within its premises a nonsmoking area, the designation

1 shall be posted on all entrances normally used by the public.  
2 If the bar is designated as a smoking area in its entirety,  
3 signs designating this status shall be posted both inside and  
4 on the exterior of the building. The bar shall also issue a  
5 written health warning to prospective and current employees  
6 which states that due to the environment of the bar, the  
7 employee may be working in a hazardous environment.

8 Sec. 4. Section 142B.4, Code 1993, is amended to read as  
9 follows:

10 142B.4 AREAS POSTED.

11 A person having custody or control of a public place or  
12 public meeting shall cause signs to be posted within the  
13 appropriate areas of the facility advising patrons of smoking  
14 and no-smoking areas. In addition the statement "Smoking  
15 prohibited except in designated areas" shall be conspicuously  
16 posted on all major entrances to the public place or public  
17 meeting. In regard to restaurants, signs shall also be posted  
18 in accordance with section 142B.2, subsection 5.

19 Sec. 5. Section 142B.6, unnumbered paragraph 1, Code 1993,  
20 is amended to read as follows:

21 A person who ~~smokes in those areas prohibited in section~~  
22 ~~142B.27 or who~~ violates section 142B.2, 142B.3, or 142B.4  
23 shall pay a civil fine pursuant to section 805.8, subsection  
24 11, for each violation.

25 Sec. 6. Section 142B.6, unnumbered paragraph 3, Code 1993,  
26 is amended by striking the unnumbered paragraph.

27 Sec. 7. NEW SECTION. 142B.7 ENFORCEMENT.

28 The Iowa department of public health shall adopt rules to  
29 enforce this chapter.

30 EXPLANATION

31 This bill amends the smoking prohibition chapter of the  
32 Code by removing the restriction on the application of the  
33 chapter to only a public place with an area of 250 or more  
34 square feet, by removing the restriction on the application of  
35 the chapter to only restaurants with a seating capacity of

1 greater than 50, and by specifically including child care  
2 centers in the definition of "public place" to which the  
3 chapter is applicable. In reference to restaurants and  
4 restaurants which are designated as bars, the bill provides  
5 for 4 classifications of restaurant based upon the size and  
6 seating capacity of the restaurant and prescribed criteria for  
7 compliance with the applicable designation. The bill also  
8 allows the designation of smoking areas only in those places  
9 from which transmission of environmental tobacco smoke to  
10 adjacent areas can be eliminated; clarifies that a person who  
11 smokes in a nondesignated area or a person who has custody or  
12 control of a public place or public meeting who does not post  
13 appropriate signs or arrange seating accordingly, is subject  
14 to a civil fine of \$25 for each violation; removes the  
15 prohibition concerning the superseding of state law over local  
16 regulation; and requires the Iowa department of public health  
17 to adopt rules to enforce the chapter.

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Riordan, Chair  
Lloyd-Jones  
Tinsman

SSB 2005  
Human Resources

SENATE FILE <sup>New</sup> 2298  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL  
BY CHAIRPERSON SZYMONIAK)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
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35 ~~area.~~ A smoking area shall only be designated if transmission

1 of environmental tobacco smoke to adjacent areas can be  
2 eliminated. No public place other than a bar shall be  
3 designated as a smoking area in its entirety. If a bar has  
4 within its premises a nonsmoking area, this designation shall  
5 be posted on all entrances normally used by the public.

6 Sec. 3. Section 142B.6, unnumbered paragraph 1, Code 1993,  
7 is amended to read as follows:

8 A person who ~~smokes-in-those-areas-prohibited-in-section~~  
9 ~~142B.2, or who~~ violates section 142B.2, 142B.3, or 142B.4,  
10 shall pay a civil fine pursuant to section 805.8, subsection  
11 11, for each violation.

12 Sec. 4. Section 142B.6, unnumbered paragraph 3, Code 1993,  
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