

# Senate Amendment 3115

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1 1 Amend Senate File 236 as follows:  
1 2 #1. Page 1, by inserting before line 1 the  
1 3 following:  
1 4 <Section 1. Section 142B.1, subsection 1, Code  
1 5 2007, is amended to read as follows:  
1 6 1. "Bar" means ~~an a legal-age-restricted~~  
1 7 establishment or portion of an establishment where one  
1 8 ~~can purchase and consume that is primarily devoted to~~  
1 9 ~~the serving of~~ alcoholic beverages as defined in  
1 10 section 123.3, subsection 4, ~~but excluding any~~  
1 11 ~~establishment or portion of the establishment having~~  
1 12 ~~table and seating facilities for serving of meals to~~  
1 13 ~~more than fifty people at one time and where, in~~  
1 14 ~~consideration of payment, meals are served at tables~~  
1 15 ~~to the public to guests on the premises and in which~~  
1 16 ~~the serving of food is incidental to the consumption~~  
1 17 ~~of those beverages, including but not limited to~~  
1 18 ~~taverns, nightclubs, cocktail lounges, and cabarets.>~~  
1 19 #2. By striking page 1, line 19, through page 2,  
1 20 line 9, and inserting the following:  
1 21 <3. "Public place" means any enclosed indoor area  
1 22 used by the general public or serving as a place of  
1 23 work containing two hundred fifty or more square feet  
1 24 of floor space, including, but not limited to, all  
1 25 restaurants with a seating capacity greater than  
1 26 fifty, all retail stores, lobbies and malls, offices,  
1 27 including waiting rooms, and other commercial  
1 28 establishments; public conveyances with departures,  
1 29 travel, and destination entirely within this state;  
1 30 educational facilities; hospitals, clinics, nursing  
1 31 homes, and other health care and medical facilities;  
1 32 and auditoriums, elevators, theaters, libraries, art  
1 33 museums, concert halls, indoor arenas, and meeting  
1 34 rooms. "Public place" does not include ~~a:~~  
1 35 a. A retail store at which fifty percent or more  
1 36 of the sales result from the sale of tobacco or  
1 37 tobacco products, ~~the~~  
1 38 b. The portion of a retail store where tobacco or  
1 39 tobacco products are sold, ~~a~~  
1 40 c. A private, enclosed office occupied exclusively  
1 41 by smokers even though the office may be visited by  
1 42 nonsmokers, ~~a~~  
1 43 d. A room used primarily as the residence of  
1 44 students or other persons at an educational facility,  
1 45 a sleeping room in a motel or hotel, or each  
1 46 resident's room in a health care facility. The person  
1 47 in custody or control of the facility shall provide a  
1 48 sufficient number of rooms in which smoking is not  
1 49 permitted to accommodate all persons who desire such  
1 50 rooms.  
2 1 e. A bar.  
2 2 f. A business location licensed under chapter 99D  
2 3 or 99F.  
2 4 g. A private residence unless used as a child care  
2 5 facility, a child care home, or a health care provider  
2 6 location.  
2 7 Sec. \_\_\_\_\_. Section 142B.2, subsection 3, unnumbered  
2 8 paragraph 1, Code 2007, is amended to read as follows:  
2 9 Where smoking areas are designated, existing  
2 10 physical barriers and existing ventilation systems  
2 11 shall be used to minimize the toxic effect of smoke in  
2 12 adjacent nonsmoking areas. In the case of public  
2 13 places consisting of a single room, the provisions of  
2 14 this law shall be considered met if one side of the  
2 15 room is reserved and posted as a no-smoking area. No  
2 16 public place ~~other than a bar~~ shall be designated as a  
2 17 smoking area in its entirety. ~~If a bar has within its~~  
2 18 ~~premises a nonsmoking area, this designation shall be~~  
2 19 ~~posted on all entrances normally used by the public.>~~  
2 20 #3. Page 2, line 26, by striking the words <or a  
2 21 bar>.  
2 22 #4. By renumbering as necessary.  
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