

SENATE FILE 203
BY COMMITTEE ON HUMAN RESOURCES
(SUCCESSOR TO SSB 61)

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

A BILL FOR

1 An Act relating to smoking in a public place, establishing
2 penalties, and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 203

1 Section 1. Section 142B.2, subsections 2, 3, and 4, Code
2 1995, are amended to read as follows:

3 2. Smoking areas may be designated by persons having
4 custody or control of public places, except in places in which
5 smoking is prohibited by the fire marshal or by other law,
6 ordinance, or regulation.

7 A designated smoking area shall only be designated if
8 transmission of environmental tobacco smoke to adjacent areas
9 can be eliminated.

10 ~~3.--Where smoking areas are designated, existing physical~~
11 ~~barriers and existing ventilation systems shall be used to~~
12 ~~minimize the toxic effect of smoke in adjacent nonsmoking~~
13 ~~areas.--In the case of public places consisting of a single~~
14 ~~room, the provisions of this law shall be considered met if~~
15 ~~one side of the room is reserved and posted as a no-smoking~~
16 ~~area. No~~ A public place other than a bar shall not be
17 designated as a smoking area in its entirety. If a bar has
18 within its premises a nonsmoking area, this designation shall
19 be posted on all entrances normally used by the public.

20 If the public place is subject to any state inspection
21 process or under contract with the state, the person
22 performing the inspection shall check for compliance with the
23 posting requirement.

24 A facility inspected by the department of inspections and
25 appeals shall be inspected by the department for compliance
26 with sections 142B.3 and 142B.4.

27 ~~4. 3.~~ Notwithstanding subsection 1 ~~of this section,~~
28 smoking is prohibited on elevators.

29 Sec. 2. Section 142B.6, Code 1995, is amended to read as
30 follows:

31 142B.6 CIVIL PENALTY FOR VIOLATION -- UNIFORM APPLICATION
32 ENFORCEMENT.

33 A person who smokes in those areas prohibited in section
34 142B.2, or who violates section 142B.2, subsection 2 or 3,
35 section 142B.3, or section 142B.4, shall pay a civil fine

1 pursuant to section 805.8, subsection 11 for each violation.
2 Judicial magistrates shall hear and determine violations of
3 this chapter. The civil penalties paid pursuant to this
4 chapter shall be deposited in the county treasury.

5 ~~Enforcement of this chapter shall be implemented in an~~
6 ~~equitable manner throughout the state. For the purpose of~~
7 ~~equitable and uniform implementation, application, and~~
8 ~~enforcement of state and local laws and regulations, the~~
9 ~~provisions of this chapter shall supersede any local law or~~
10 ~~regulation which is inconsistent with or conflicts with the~~
11 ~~provisions of this chapter.~~ The Iowa department of public
12 health shall adopt rules to enforce this chapter.

13 Sec. 3. EFFECTIVE DATES. Section 1 of this Act takes
14 effect July 1, 1996.

15 EXPLANATION

16 This bill amends the chapter of the Code regarding
17 regulation of smoking in a public place. The bill provides
18 for designation as smoking areas only those places from which
19 transmission of environmental tobacco smoke to adjacent areas
20 can be eliminated. This provision takes effect July 1, 1996.

21 The bill also provides for the payment of a civil fine for
22 violation of provisions relating to designation of smoking
23 areas and of violation of provisions relating to the
24 responsibilities of proprietors. The bill removes the
25 provision relating to state regulation superseding local law
26 or regulation and requires the Iowa department of public
27 health to adopt rules to enforce the chapter.

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Hammond
Neuhauser
Boettger

SSB-61
Human Resources

Succeeded By
SF/HF 203
SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON SZYMONIAK)

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Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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By _____

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A designated smoking area shall only be designated if transmission of environmental tobacco smoke to adjacent areas can be eliminated.

~~3.--Where smoking areas are designated, existing physical barriers and existing ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas.--In the case of public places consisting of a single room, the provisions of this law shall be considered met if one side of the room is reserved and posted as a no-smoking area.~~ No A public place other than a bar shall not be designated as a smoking area in its entirety. If a bar has within its premises a nonsmoking area, this designation shall be posted on all entrances normally used by the public.

If the public place is subject to any state inspection process or under contract with the state, the person performing the inspection shall check for compliance with the posting requirement.

A facility inspected by the department of inspections and appeals shall be inspected by the department for compliance with sections 142B.3 and 142B.4.

~~4.~~ 3. Notwithstanding subsection 1 ~~of this section,~~ smoking is prohibited on elevators.

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