

Senate Study Bill 61

Conference Committee Text

PAG LIN

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

1 3 2. Smoking areas may be designated by persons having
1 4 custody or control of public places, except in places in which
1 5 smoking is prohibited by the fire marshal or by other law,
1 6 ordinance, or regulation.

1 7 A designated smoking area shall only be designated if
1 8 transmission of environmental tobacco smoke to adjacent areas
1 9 can be eliminated.

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~~3. Where smoking areas are designated, existing physical~~

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~~barriers and existing ventilation systems shall be used to~~

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~~minimize the toxic effect of smoke in adjacent nonsmoking~~

1 13

~~areas. In the case of public places consisting of a single~~

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~~room, the provisions of this law shall be considered met if~~

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~~one side of the room is reserved and posted as a no smoking~~

1 16

~~area.~~

~~No~~

~~A public place other than a bar shall not be~~
1 17 designated as a smoking area in its entirety. If a bar has
1 18 within its premises a nonsmoking area, this designation shall
1 19 be posted on all entrances normally used by the public.

1 20 If the public place is subject to any state inspection
1 21 process or under contract with the state, the person
1 22 performing the inspection shall check for compliance with the
1 23 posting requirement.

1 24 A facility inspected by the department of inspections and
1 25 appeals shall be inspected by the department for compliance
1 26 with sections 142B.3 and 142B.4.

1 27

~~4.~~

~~3. Notwithstanding subsection 1~~

~~of this section~~

1 28 smoking is prohibited on elevators.
1 29 Sec. 2. Section [142B.6](#), Code 1995, is amended to read as
1 30 follows:
1 31 142B.6 CIVIL PENALTY FOR VIOLATION &endash;

~~UNIFORM APPLICATION~~

1 32 ENFORCEMENT.
1 33 A person who smokes in those areas prohibited in section
1 34 142B.2, or who violates section 142B.2, subsection 2 or 3,
1 35 section 142B.3, or section 142B.4, shall pay a civil fine
2 1 pursuant to section 805.8, subsection 11 for each violation.
2 2 Judicial magistrates shall hear and determine violations of
2 3 this chapter. The civil penalties paid pursuant to this
2 4 chapter shall be deposited in the county treasury.
2 5

~~Enforcement of this chapter shall be implemented in an~~

2 6

~~equitable manner throughout the state. For the purpose of~~

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~~equitable and uniform implementation, application, and~~

2 8

~~enforcement of state and local laws and regulations, the~~

2 9

~~provisions of this chapter shall supersede any local law or~~

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~~regulation which is inconsistent with or conflicts with the~~

2 11

~~provisions of this chapter.~~

- The Iowa department of public
2 12 health shall adopt rules to enforce this chapter.

2 13 Sec. 3. EFFECTIVE DATES. Section 1 of this Act takes
2 14 effect July 1, 1996.

2 15 EXPLANATION

2 16 This bill amends the chapter of the Code regarding
2 17 regulation of smoking in a public place. The bill provides
2 18 for designation as smoking areas only those places from which
2 19 transmission of environmental tobacco smoke to adjacent areas
2 20 can be eliminated. This provision takes effect July 1, 1996.

2 21 The bill also provides for the payment of a civil fine for
2 22 violation of provisions relating to designation of smoking
2 23 areas and of violation of provisions relating to the
2 24 responsibilities of proprietors. The bill removes the
2 25 provision relating to state regulation superseding local law
2 26 or regulation and requires the Iowa department of public
2 27 health to adopt rules to enforce the chapter.

2 28 LSB 1759SC 76

2 29 pf/jw/5