HOUSE FILE 2004

BY PAULSEN and FOEGE

Passed House, Date _____   Passed Senate, Date _____

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

Approved _____

A BILL FOR

1 An Act relating to local laws and regulations relating to smoking

2   prohibitions.

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

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1   Section 1. Section 142B.6, unnumbered paragraph 3, Code
2 2003, is amended to read as follows:
3   Enforcement of this chapter shall be implemented in an
4 equitable manner throughout the state. For the purpose of
5 equitable and uniform implementation, application, and
6 enforcement of state and local laws and regulations, the
7 provisions of this chapter shall supersede any local law or
8 regulation ~~which~~ that is ~~inconsistent-with-or-conflicts-with~~
9 less restrictive than the provisions of this chapter.
10 However, local laws and regulations that are more restrictive
11 than the provisions of this chapter may be adopted,
12 implemented, applied, and enforced.
13   EXPLANATION
14   This bill relates to the adoption, implementation,
15 application, and enforcement of local smoking prohibitions
16 applicable to public places and public meetings. The bill
17 provides that for the purpose of equitable and uniform
18 implementation, application, and enforcement of state and
19 local laws and regulations, the Code provisions supersede
20 local law or regulation that is less restrictive than the
21 provisions of Code chapter 142B. Additionally, the bill
22 provides that local laws and regulations that are more
23 restrictive than the provisions of the Code chapter may be
24 adopted, implemented, applied, and enforced. Under current
25 law, equitable and uniform implementation, application, and
26 enforcement of state and local laws and regulations means that
27 the provisions of the Code chapter supersede any local law or
28 regulation that is inconsistent with or conflicts with the
29 provisions of the Code chapter.
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