

MAR 4 2003
HUMAN RESOURCES

HOUSE FILE 410
BY LENSING and MASCHER

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

A BILL FOR

1 An Act relating to smoking prohibitions.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HF 410

1 Section 1. Section 142B.1, subsections 1 and 3, Code 2003,
2 are amended to read as follows:

3 1. "Bar" means an establishment or portion of an
4 establishment where one can purchase and consume alcoholic
5 beverages as defined in section 123.3, subsection 4, but
6 ~~excluding any establishment or portion of the establishment~~
7 ~~having table and seating facilities for serving of meals to~~
8 ~~more than fifty people at one time and where, in consideration~~
9 ~~of payment, meals are served at tables to the public.~~

10 3. "Public place" means any enclosed indoor area used by
11 the general public or serving as a place of work containing
12 ~~two hundred fifty or more square feet of floor space,~~
13 including, but not limited to, all restaurants ~~with a seating~~
14 ~~capacity greater than fifty,~~ all bars, all retail stores,
15 lobbies and malls, offices, including waiting rooms, and other
16 commercial establishments; outdoor bar or restaurant areas;
17 public restrooms; public conveyances with departures, travel,
18 and destination entirely within this state; educational
19 facilities; child care facilities and child care homes;
20 playgrounds; hospitals, clinics, nursing homes, and other
21 health care and medical facilities; and auditoriums,
22 elevators, theaters, libraries, art museums, concert halls,
23 ~~indoor~~ arenas, and meeting rooms whether located indoors or
24 outdoors and including all corridors, hallways, and lobbies
25 adjacent to these areas. "Public place" does not include a
26 retail store at which fifty percent or more of the sales
27 result from the sale of tobacco or tobacco products, the
28 ~~portion of a retail store where tobacco or tobacco products~~
29 ~~are sold, a private, enclosed office occupied exclusively by~~
30 ~~smokers even though the office may be visited by nonsmokers,~~ a
31 room used primarily as the residence of students or other
32 persons at an educational facility, a sleeping room in a motel
33 or hotel, or each resident's room in a health care facility.
34 The person in custody or control of the facility shall provide
35 a sufficient number of rooms in which smoking is not permitted

1 to accommodate all persons who desire such rooms.

2 Sec. 2. Section 142B.2, Code 2003, is amended by striking
3 the section and inserting in lieu thereof the following:

4 142B.2 PROHIBITION.

5 A person shall not smoke in a public place or in a public
6 meeting.

7 Sec. 3. Section 142B.3, Code 2003, is amended to read as
8 follows:

9 142B.3 RESPONSIBILITIES OF PROPRIETORS -- INSPECTIONS.

10 1. The person having custody or control of a public place
11 or public meeting shall ~~make-reasonable-efforts-to-prevent~~
12 ~~smoking-in-the-public-place-or-public-meeting-by-posting~~
13 ~~appropriate-signs-indicating-no-smoking-or-smoking-areas-and~~
14 ~~arranging-seating-accordingly~~ prominently and conspicuously
15 post signs as necessary to comply with this chapter.

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

20 3. A facility inspected by the department of inspections
21 and appeals shall be inspected by the department for
22 compliance with this section.

23 Sec. 4. Section 142B.6, unnumbered paragraph 1, Code 2003,
24 is amended to read as follows:

25 A person who smokes in those areas prohibited in section
26 142B.2, or who violates section ~~142B.4~~ 142B.3, shall pay a
27 civil fine pursuant to section 805.8C, subsection 3, paragraph
28 "a", for each violation.

29 Sec. 5. Section 142B.4, Code 2003, is repealed.

30 EXPLANATION

31 This bill relates to smoking prohibitions in public places.
32 The bill redefines "public place" to mean any enclosed indoor
33 area used by the general public or serving as a place of work,
34 without limitation as to floor space, including, but not
35 limited to, all restaurants, without limitation as to seating

1 capacity and all bars. Under the bill, "public place" also
2 includes outdoor bar or restaurant areas; public restrooms;
3 child care facilities and child care homes; playgrounds; and
4 auditoriums, elevators, theaters, libraries, art museums,
5 concert halls, arenas, and meeting rooms whether located
6 indoors or outdoors and including all corridors, hallways, and
7 lobbies adjacent to these areas. Under the bill, "public
8 place" does not include a retail store at which 50 percent or
9 more of the sales result from the sale of tobacco or tobacco
10 products, but does include the portion of a retail store where
11 tobacco or tobacco products are sold. The bill also
12 eliminates the exception to the definition of "public place"
13 of an enclosed office occupied exclusively by smokers even
14 though the office may be visited by nonsmokers.

15 The bill prohibits smoking in a public place and eliminates
16 all provisions allowing smoking in a public place in
17 designated smoking areas and the provisions requiring
18 proprietors to post signs and make other provisions relating
19 to designated smoking areas. The bill, however, does require
20 proprietors to prominently and conspicuously post signs as
21 necessary to comply with the chapter.

22
23
24
25
26
27
28
29
30
31
32
33
34
35