

House File 2054 - Introduced

HOUSE FILE _____
BY WISE

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

A BILL FOR

1 An Act relating to the regulation of smoking in certain public
2 places, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5206YH 82
5 pf/nh/8

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1 1 Section 1. Section 142B.1, subsections 1 and 3, Code 2007,
1 2 are amended to read as follows:
1 3 1. "Bar" means ~~an a legal-age-restricted establishment or~~
~~1 4 portion of an establishment where one can purchase and consume~~
1 5 that is primarily devoted to the serving of alcoholic
1 6 beverages as defined in section 123.3, subsection 4, but
~~1 7 excluding any establishment or portion of the establishment~~
~~1 8 having table and seating facilities for serving of meals to~~
~~1 9 more than fifty people at one time and where, in consideration~~
~~1 10 of payment, meals are served at tables to the public to guests~~
~~1 11 on the premises and in which the serving of food is incidental~~
1 12 to the consumption of those beverages.

1 13 3. "Public place" means any enclosed indoor area used by
1 14 the general public or serving as a place of work ~~containing~~
~~1 15 two hundred fifty or more square feet of floor space,~~
1 16 including, but not limited to, all restaurants ~~with a seating~~
~~1 17 capacity greater than fifty,~~ all retail stores, lobbies and
1 18 malls, offices, including waiting rooms, and other commercial
1 19 establishments; public conveyances with departures, travel,
1 20 and destination entirely within this state; educational
1 21 facilities; hospitals, clinics, nursing homes, and other
1 22 health care and medical facilities; and auditoriums,
1 23 elevators, theaters, libraries, art museums, concert halls,
1 24 indoor arenas, and meeting rooms. "Public place" does not
1 25 include a retail store at which fifty percent or more of the
1 26 sales result from the sale of tobacco or tobacco products; ~~i~~
1 27 the portion of a retail store where tobacco or tobacco
1 28 products are sold; ~~i~~ or a private, enclosed office occupied
1 29 exclusively by smokers even though the office may be visited
1 30 by nonsmokers; ~~a.~~ "Public place" also does not include a room
1 31 used primarily as the residence of students or other persons
1 32 at an educational facility, a sleeping room in a motel or
1 33 hotel, or each resident's room in a health care facility. ~~The~~
1 34 , but the person in custody or control of the facility shall
1 35 provide a sufficient number of rooms in which smoking is not
2 1 permitted to accommodate all persons who desire such rooms.
2 2 "Public place" does not include a gambling structure or an
2 3 excursion gambling boat.

2 4 Sec. 2. Section 142B.2, subsections 3 and 4, Code 2007,
2 5 are amended to read as follows:

2 6 3. a. Where smoking areas are designated, existing
2 7 physical barriers and existing ventilation systems shall be
2 8 used to minimize the toxic effect of smoke in adjacent
2 9 nonsmoking areas. In the case of public places consisting of
2 10 a single room, the provisions of this law shall be considered
2 11 met if one side of the room is reserved and posted as a
2 12 no-smoking area. No public place ~~other than a bar~~ shall be
2 13 designated as a smoking area in its entirety. ~~If a bar has~~
~~2 14 within its premises a nonsmoking area, this designation shall~~
~~2 15 be posted on all entrances normally used by the public.~~
2 16 b. If the public place is subject to any state inspection
2 17 process or under contract with the state, the person
2 18 performing the inspection shall check for compliance with the
2 19 posting requirement.
2 20 c. A facility inspected by the department of inspections

2 21 and appeals shall be inspected by the department for
2 22 compliance with sections 142B.3 and 142B.4.
2 23 4. a. Notwithstanding subsection 1 of this section,
2 24 smoking is prohibited on elevators.
2 25 b. Notwithstanding subsection 1, and any other provision
2 26 to the contrary, beginning July 1, 2008, smoking is prohibited
2 27 in restaurants.
2 28 c. Notwithstanding subsections 1 and 3 and any other
2 29 provision to the contrary, a bar may be designated as a
2 30 smoking area in its entirety. If the bar has within its
2 31 premises a nonsmoking area, this designation shall be posted
2 32 on all entrances normally used by the public. However,
2 33 notwithstanding subsection 1, and any other provision to the
2 34 contrary, beginning July 1, 2009, smoking is prohibited in
2 35 bars.

3 1 Sec. 3. Section 142B.6, unnumbered paragraph 1, Code 2007,
3 2 is amended to read as follows:
3 3 A person who smokes in those areas or public places
3 4 prohibited in section 142B.2, or who violates section 142B.4,
3 5 shall pay a civil fine pursuant to section 805.8C, subsection
3 6 3, paragraph "a", for each violation.

3 7 EXPLANATION

3 8 This bill provides for the prohibition of smoking in all
3 9 restaurants beginning July 1, 2008, and in all bars beginning
3 10 July 1, 2009. The bill also provides that the definition of
3 11 public place, to which smoking restrictions apply, does not
3 12 include gambling structures or excursion gambling boats.
3 13 Existing penalties would be applicable to persons who smoke in
3 14 areas which are not designated smoking areas or in the public
3 15 places in which smoking is prohibited. For such violations,
3 16 the scheduled fine is \$25, and is a civil penalty, and the
3 17 criminal penalty surcharge is not added and court costs are
3 18 not imposed. If the civil penalty assessed for a violation is
3 19 not paid in a timely manner, a citation is issued for the
3 20 violation. However, a person under age 18 is not to be
3 21 detained in a secure facility for failure to pay the civil
3 22 penalty. The complainant is also not to be charged a filing
3 23 fee.

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