

**Senate File 352 - Introduced**

SENATE FILE 352

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**A BILL FOR**

1 An Act relating to an exemption for smoking in public places,  
2 places of employment, and outdoor areas meeting certain  
3 conditions.

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

1 Section 1. Section 142D.4, Code 2011, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 12. *a.* A public place, place of  
4 employment, or outdoor area otherwise subject to the  
5 prohibitions of section 142D.3 that meets any of the following  
6 conditions:

7 (1) Entrance to the public place, place of employment, or  
8 outdoor area is restricted to individuals eighteen years of age  
9 or older.

10 (2) An enclosed area within the public place, place of  
11 employment, or outdoor area is restricted to individuals  
12 eighteen years of age or older and smoke does not infiltrate  
13 from the enclosed area into areas in which smoking is otherwise  
14 prohibited under section 142D.3.

15 *b.* This subsection shall not be construed to prohibit the  
16 owner, operator, manager, or other person having custody or  
17 control of a public place, place of employment, or outdoor area  
18 from designating the entire public place, place of employment,  
19 or outdoor area as a nonsmoking place pursuant to section  
20 142D.5.

21

#### EXPLANATION

22 This bill exempts public places, places of employment, and  
23 outdoor areas otherwise subject to the prohibition against  
24 smoking from the prohibition if either of the following  
25 conditions is met: entrance to the public place, place of  
26 employment, or outdoor area is restricted to individuals 18  
27 years of age or older; or an enclosed area within the public  
28 place, place of employment, or outdoor area is restricted  
29 to individuals 18 years of age or older and smoke does not  
30 infiltrate from the enclosed area into areas in which smoking  
31 is otherwise prohibited. The bill also provides that the  
32 bill is not to be construed to prohibit the owner, operator,  
33 manager, or other person having custody or control of a public  
34 place, place of employment, or outdoor area from designating  
35 the entire public place, place of employment, or outdoor area

S.F. 352

1 as a nonsmoking place.