

Senate File 249 - Introduced

SENATE FILE 249

BY QUIRMBACH, HOGG, DVORSKY,
and BOLKCOM

A BILL FOR

1 An Act relating to the prohibitions against smoking under the
2 smokefree air Act and making penalties applicable.

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

1 Section 1. Section 142D.2, subsection 21, Code 2017, is
2 amended to read as follows:

3 21. "*Smoking*" means inhaling, exhaling, burning, or carrying
4 any lighted or heated cigar, cigarette, pipe, or other tobacco
5 product in any manner or in any form, or the use of a vapor
6 product. "*Smoking*" does not include smoking that is associated
7 with a recognized religious ceremony, ritual, or activity,
8 including but not limited to burning of incense.

9 Sec. 2. Section 142D.2, Code 2017, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 23. "*Vapor product*" means as defined in
12 section 453A.1.

13 Sec. 3. Section 142D.4, subsection 10, Code 2017, is amended
14 by striking the subsection.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill relates to the smokefree air Act (Code chapter
19 142D).

20 The bill defines "vapor product" and adds to the definition
21 of "smoking" the use of a vapor product.

22 The bill also eliminates the exception under the smokefree
23 air Act, for smoking on the gaming floors of a premises
24 licensed pursuant to Code chapter 99F (gambling structures,
25 excursion gambling boats, and racetracks). The bill thereby
26 subjects the entirety of these premises to the smoking
27 prohibitions of the Act.

28 Under Code chapter 142D, a person who smokes in an area where
29 smoking is prohibited is subject to a civil penalty, which is a
30 scheduled fine of \$50. A person who owns, operates, manages,
31 or otherwise has custody or control of a public place, place
32 of employment, area declared a nonsmoking place, or outdoor
33 area regulated under Code chapter 142D and who fails to comply
34 with the Code chapter is subject to a civil penalty ranging
35 from an amount not to exceed \$100 for a first violation to

1 an amount not to exceed \$500 for each additional violation
2 in excess of a second violation in a year. An employer who
3 discharges or in any manner discriminates against an employee
4 because the employee has made a complaint or has provided
5 information or instituted a legal action under the Code chapter
6 is subject to a civil penalty of not less than \$2,000 and
7 not more than \$10,000 for each violation. In addition to
8 civil penalties, a person who owns, operates, manages, or
9 otherwise has custody or control of a public place, place of
10 employment, area declared a nonsmoking place, or outdoor area
11 regulated under the Code chapter may be subject to suspension
12 or revocation of any permit or license issued to the person for
13 the premises on which the violation occurred. Violation of the
14 Code chapter constitutes a public nuisance which may be abated
15 by restraining order, preliminary or permanent injunction,
16 or other means provided by law, and the entity abating the
17 public nuisance may take action to recover the costs of such
18 abatement. Each day on which a violation of the Code chapter
19 occurs is considered a separate and distinct violation.