

Senate File 2188 - Introduced

SENATE FILE 2188
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3030)

A BILL FOR

1 An Act eliminating specific requirements relating to no smoking
2 signs or symbols.

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

1 Section 1. Section 142D.5, Code 2022, is amended to read as
2 follows:

3 **142D.5 Declaration of area as nonsmoking — signage notice.**

4 1. Notwithstanding any provision of [this chapter](#) to the
5 contrary, an owner, operator, manager, or other person having
6 custody or control of an area otherwise exempt from the
7 prohibitions of [section 142D.3](#) may declare the entire area as a
8 nonsmoking place.

9 2. Smoking shall be prohibited in any location of an area
10 declared a nonsmoking place under ~~this section~~ pursuant to
11 subsection 1 if a "no smoking" sign or the international "no
12 smoking" symbol is posted ~~conforming to the provisions of~~
13 [section 142D.6](#) to provide adequate notice of the prohibition.

14 Sec. 2. Section 142D.6, Code 2022, is amended to read as
15 follows:

16 **142D.6 Notice of nonsmoking requirements — ~~posting of signs.~~**

17 1. Notice of the provisions of [this chapter](#) shall be
18 provided to all applicants for a business license in this
19 state, to all law enforcement agencies, and to any business
20 required to be registered with the office of the secretary of
21 state.

22 2. All employers subject to the prohibitions of this
23 chapter shall communicate to all existing employees and to
24 all prospective employees upon application for employment the
25 smoking prohibitions prescribed in [this chapter](#).

26 ~~3. The owner, operator, manager, or other person having~~
27 ~~custody or control of a public place, place of employment,~~
28 ~~area declared a nonsmoking place pursuant to [section 142D.5](#),~~
29 ~~or outdoor area where smoking is prohibited under this~~
30 ~~chapter shall clearly and conspicuously post in and at every~~
31 ~~entrance to the public place, place of employment, area~~
32 ~~declared a nonsmoking place pursuant to [section 142D.5](#), or~~
33 ~~outdoor area, "no smoking" signs or the international "no~~
34 ~~smoking" symbol. Additionally, a "no smoking" sign or the~~
35 ~~international "no smoking" symbol shall be placed in every~~

1 ~~vehicle that constitutes a public place, place of employment,~~
2 ~~or area declared a nonsmoking place pursuant to section 142D.5~~
3 ~~under [this chapter](#), visible from the exterior of the vehicle.~~
4 ~~All signs shall contain the telephone number for reporting~~
5 ~~complaints and the internet site of the department of public~~
6 ~~health. The owner, operator, manager, or other person having~~
7 ~~custody or control of the public place, place of employment,~~
8 ~~area declared a nonsmoking place pursuant to [section 142D.5](#),~~
9 ~~or outdoor area may use the sample signs provided on the~~
10 ~~department of public health's internet site, or may use another~~
11 ~~sign if the contents of the sign comply with the requirements~~
12 ~~of [this subsection](#).~~

13 ~~4.~~ 3. The owner, operator, manager, or other person having
14 custody or control of a public place, place of employment,
15 area declared a nonsmoking place pursuant to [section 142D.5](#),
16 or outdoor area where smoking is prohibited under [this chapter](#)
17 shall remove all ashtrays from these locations.

18 Sec. 3. Section 142D.8, subsection 1, Code 2022, is amended
19 to read as follows:

20 1. [This chapter](#) shall be enforced by the department of
21 public health or the department's designee. The department of
22 public health shall adopt rules to administer [this chapter](#),
23 including rules regarding enforcement. The department
24 of public health shall provide information regarding the
25 provisions of [this chapter](#) and related compliance issues to
26 employers, owners, operators, managers, and other persons
27 having custody or control of a public place, place of
28 employment, area declared a nonsmoking place pursuant to
29 section 142D.5, or outdoor area where smoking is prohibited,
30 and the general public via the department's internet site. The
31 internet site shall include ~~sample signage~~ and the telephone
32 number for reporting complaints. Judicial magistrates shall
33 hear and determine violations of [this chapter](#).

34

EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill eliminates specific requirements relating to
3 the posting of a "no smoking" sign or the international "no
4 smoking" symbol by the owner, operator, manager, or other
5 person having custody or control of a location where smoking
6 is prohibited pursuant to Code chapter 142D (smokefree air
7 Act). The bill provides that if an owner, operator, manager,
8 or other person having custody or control of an area otherwise
9 exempt from the smoking prohibitions under Code chapter 142D
10 voluntarily declares the entire area as a nonsmoking place,
11 smoking is then prohibited in an area declared a nonsmoking
12 place if a "no smoking" sign or the international "no smoking"
13 symbol is posted in order to provide adequate notice of the
14 prohibition.