

**CHAPTER 219**  
**SMOKING PROHIBITIONS**  
*H.F. 79*

**AN ACT** prohibiting smoking in certain public places and providing a penalty.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 98A.1, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

**98A.1 DEFINITIONS.**

As used in this chapter unless the context otherwise requires:

1. "Smoking" means the carrying of or control over a lighted cigar, cigarette, pipe, or other lighted smoking equipment.

2. "Public place" means any enclosed indoor area used by the general public or serving as a place of work, including, but not limited to, all retail stores, offices containing three hundred or more square feet of floor space, including waiting rooms of three hundred or more square feet of floor space, and other commercial establishments; public conveyances with departures, travel and destination entirely within this state; educational facilities; hospitals, clinics, nursing homes, and other health care and medical facilities; and auditoriums, elevators, theaters, libraries, art museums, concert halls, indoor arenas, and meeting rooms. "Public place" does not include a restaurant, a retail store at which fifty percent or more of the sales result from the sale of tobacco or tobacco products, the portion of a retail store where tobacco or tobacco products are sold, a private, enclosed office occupied exclusively by smokers even though the office may be visited by nonsmokers, lobbies and malls which encompass floor space of three hundred or less square feet, a room used primarily as the residence of students or other persons at an educational facility, a sleeping room in a motel or hotel, or each resident's room in a health care facility. The person in custody or control of the facility shall provide a sufficient number of rooms in which smoking is not permitted to accommodate all persons who desire such rooms.

3. "Public meeting" means a gathering in person of the members of a governmental body, whether an open or a closed session under chapter 21.

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

Sec. 2. Section 98A.2, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

**98A.2 PROHIBITION.**

1. A person shall not smoke in a public place or in a public meeting except in a designated smoking area. This prohibition does not apply in cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the place. This prohibition does not apply to factories, warehouses, and similar places of work not usually frequented by the general public, except that an employee cafeteria in such place of work shall have a designated nonsmoking area.

2. Smoking areas may be designated by persons having custody or control of public places, except in places in which smoking is prohibited by the fire marshal or by other law, ordinance, or regulation.

3. Where smoking areas are designated, existing physical barriers and existing ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas. In

the case of public places consisting of a single room, the provisions of this law shall be considered met if one side of the room is reserved and posted as a no-smoking area. No public place other than a bar shall be designated as a smoking area in its entirety. If a bar has within its premises a nonsmoking area, this designation shall be posted on all entrances normally used by the public.

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

4. Notwithstanding subsection 1 of this section, smoking is prohibited on elevators.

Sec. 3. Section 98A.3, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

**98A.3 RESPONSIBILITIES OF PROPRIETORS.**

The person having custody or control of a public place or public meeting shall make reasonable efforts to prevent smoking in the public place or public meeting by posting appropriate signs indicating no-smoking or smoking areas and arranging seating accordingly.

Sec. 4. Section 98A.4, Code 1987, is amended to read as follows:

**98A.4 NO-SMOKING AREAS POSTED.**

~~The A person or persons having custody or control of a facility in which smoking is prohibited under section 98A.2 public place or public meeting shall cause signs to be posted within the facility, or within the area or appropriate areas of the facility where the prohibition against smoking is in effect, one or more conspicuous signs bearing the words "smoking prohibited by law" or words or symbols of similar effect advising patrons of smoking and no-smoking areas. In addition the statement "Smoking prohibited except in designated areas" shall be conspicuously posted on all major entrances to the public place or public meeting.~~

Sec. 5. Section 98A.6, Code 1987, is amended to read as follows:

**98A.6 CIVIL PENALTY FOR VIOLATION.**

~~A person who smokes in those areas covered by prohibited in section 98A.2, or who violates section 98A.4, shall pay a civil fine of five dollars for the first violation and not less than ten nor more than one hundred dollars pursuant to section 805.8, subsection 11 for each subsequent violation.~~

~~Judicial magistrates shall hear and determine violations of this chapter. The civil fines penalties paid pursuant to this chapter shall be deposited in the county treasury.~~

Sec. 6. Section 805.8, Code 1987, is amended by adding the following new subsection:

**NEW SUBSECTION. 11. SMOKING VIOLATIONS.** For violations of section 98A.6, the scheduled fine is ten dollars, and is a civil penalty, and the criminal penalty surcharge under section 911.2 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed. If the civil fine is not paid in a timely manner, a citation shall be issued for the violation in the manner provided in section 804.1.

Sec. 7. Section 98A.5, Code 1987, is repealed.

Approved June 8, 1987