

FEB 7 2008
HUMAN RESOURCES

HOUSE FILE 2265
BY SWAIM

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

A BILL FOR

1 An Act relating to smoking prohibitions in child care facilities
2 and child care homes and making a penalty applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2265

1 Section 1. Section 142B.1, subsection 3, Code 2005, is
2 amended to read as follows:

3 3. "Public place" means any enclosed indoor area used by
4 the general public or serving as a place of work containing
5 two hundred fifty or more square feet of floor space,
6 including, but not limited to, all restaurants with a seating
7 capacity greater than fifty, all retail stores, lobbies and
8 malls, offices, including waiting rooms, and other commercial
9 establishments; public conveyances with departures, travel,
10 and destination entirely within this state; educational
11 facilities; hospitals, clinics, nursing homes, and other
12 health care and medical facilities; and auditoriums,
13 elevators, theaters, libraries, art museums, concert halls,
14 indoor arenas, and meeting rooms. "Public place includes a
15 child care facility and a child care home as defined in
16 section 237A.1. "Public place" does not include a retail
17 store at which fifty percent or more of the sales result from
18 the sale of tobacco or tobacco products, the portion of a
19 retail store where tobacco or tobacco products are sold, a
20 private, enclosed office occupied exclusively by smokers even
21 though the office may be visited by nonsmokers, a room used
22 primarily as the residence of students or other persons at an
23 educational facility, a sleeping room in a motel or hotel, or
24 each resident's room in a health care facility. The person in
25 custody or control of the facility shall provide a sufficient
26 number of rooms in which smoking is not permitted to
27 accommodate all persons who desire such rooms.

28 Sec. 2. Section 142B.2, Code 2005, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 5. Notwithstanding any provision of this
31 chapter to the contrary, smoking is prohibited in all areas of
32 a child care facility or child care home. However, if the
33 child care facility or child care home is used as the
34 residence of the child care provider, smoking is prohibited
35 only in any area which may be used by the children receiving

1 child care or to which the children receiving child care may
2 be exposed. For purposes of this subsection, "child care
3 facility" and "child care home" mean the same as defined in
4 section 237A.1.

5 Sec. 3. Section 237A.3A, subsection 5, Code 2005, is
6 amended by striking the subsection.

7 EXPLANATION

8 This bill adds to the definition of "public place" child
9 care facilities and child care homes for the purposes of
10 prohibiting smoking. The bill provides that smoking is
11 prohibited in all areas of child care facilities and child
12 care homes. However, if the child care facility or child care
13 home is used as the residence of the child care provider,
14 smoking is prohibited only in any area which may be used by
15 the children receiving child care or to which the children
16 receiving child care may be exposed. The bill eliminates the
17 current prohibition against smoking in child development homes
18 only during the home's hours of operation in an area which may
19 be used by the children receiving child care.

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