

MAR 2 2001

HUMAN RESOURCES

HOUSE FILE 490

BY PETERSEN and RAYHONS

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to cigarette and tobacco laws including
2 enforcement provisions.

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

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HF-490

1 Section 1. Section 142B.6, Code 2001, is amended to read
2 as follows:

3 142B.6 CIVIL PENALTY FOR VIOLATION -- UNIFORM APPLICATION.

4 1. A person who smokes in those areas prohibited in
5 section 142B.2, or who violates section 142B.4, shall pay a
6 civil fine pursuant to section 805.8, subsection 11 for each
7 violation.

8 2. Judicial magistrates shall hear and determine
9 violations of this chapter. The civil penalties paid pursuant
10 to this chapter shall be deposited in the county treasury.

11 3. Enforcement of this chapter shall be implemented in an
12 equitable manner throughout the state. For the purpose of
13 complying with section 364.1 and section 364.2, subsections 1,
14 2, and 3, and for the purpose of equitable and uniform
15 implementation, application, and enforcement of state and
16 local laws and regulations, the provisions of this chapter
17 shall supersede any local law or regulation which is
18 inconsistent with or conflicts with the provisions of this
19 chapter. This subsection shall not be interpreted to limit
20 the power of local law enforcement to enforce this chapter and
21 local law enforcement may enforce this chapter.

22 Sec. 2. Section 453A.49, Code 2001, is amended to read as
23 follows:

24 453A.49 ENFORCEMENT.

25 The director shall enforce the provisions of this division.
26 The director may prescribe rules not inconsistent with the
27 provisions of this division for its detailed and efficient
28 administration. In the enforcement of this division the
29 director may call upon any county attorney or the attorney
30 general for assistance. The director may bring injunction
31 proceedings to restrain any person from acting as a
32 distributor or subjobber without complying with the provisions
33 of this division. This section shall not be interpreted to
34 limit the power of local law enforcement to enforce this
35 division and local law enforcement may enforce this division.

1 Sec. 3. Section 453A.56, Code 2001, is amended to read as
2 follows:

3 453A.56 UNIFORM APPLICATION.

4 Enforcement of this chapter shall be implemented in an
5 equitable manner throughout the state. For the purpose of
6 complying with section 364.1 and section 364.2, subsections 1,
7 2, and 3, and for the purpose of equitable and uniform
8 implementation, application, and enforcement of state and
9 local laws and regulations, the provisions of this chapter
10 shall supersede any local law or regulation which is
11 inconsistent with or conflicts with the provisions of this
12 chapter. This section shall not be interpreted to limit the
13 power of local law enforcement to enforce this chapter and
14 local law enforcement may enforce this chapter.

15 EXPLANATION

16 This bill amends the provisions of Code chapter 142B
17 relating to smoking prohibitions for public places and Code
18 chapter 453A relating to cigarette and tobacco taxes regarding
19 enforcement. The bill provides that enforcement is to be
20 carried out in compliance with the home rule provisions of
21 Code chapter 364. The bill also provides that the enforcement
22 provisions are not to be interpreted to limit local law
23 enforcement from enforcing the chapters and provides that
24 local law enforcement may enforce the chapters.

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