

JAN 14 2005
STATE GOVERNMENT

HOUSE FILE 71
BY PETERSEN

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

A BILL FOR

1 An Act relating to the prohibition of smoking in restaurants and
2 bars and making penalties applicable.

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

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HF 71

1 Section 1. Section 142B.1, subsections 1 and 3, Code 2005,
2 are amended to read as follows:

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

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

35 Sec. 2. Section 142B.2, subsection 3, unnumbered paragraph

1 1, Code 2005, is amended to read as follows:

2 Where smoking areas are designated, existing physical
3 barriers and existing ventilation systems shall be used to
4 minimize the toxic effect of smoke in adjacent nonsmoking
5 areas. In the case of public places consisting of a single
6 room, the provisions of this law shall be considered met if
7 one side of the room is reserved and posted as a no-smoking
8 area. ~~No-public-place-other-than-a-bar-shall-be-designated-as~~
9 ~~a-smoking-area-in-its-entirety--if-a-bar-has-within-its~~
10 ~~premises-a-nonsmoking-area,--this-designation-shall-be-posted~~
11 ~~on-all-entrances-normally-used-by-the-public.~~

12 Sec. 3. Section 142B.2, subsection 4, Code 2005, is
13 amended to read as follows:

14 4. Notwithstanding subsection 1 of this section, smoking
15 is prohibited in all restaurants, in all bars, and on
16 elevators.

17 EXPLANATION

18 This bill prohibits smoking in all restaurants and bars.
19 The bill defines a "public place" in the smoking prohibitions
20 chapter (Code chapter 142B) to include all restaurants and
21 bars, regardless of seating capacity or square feet of floor
22 space. The bill makes inapplicable the provisions of the
23 chapter relating to designation of smoking areas in public
24 places and prohibits smoking in all restaurants and bars.
25 Under Code chapter 142B, a person who smokes in a prohibited
26 area is subject to payment of a scheduled fine of \$25.
27 Additionally, Code section 142B.2 requires the department of
28 inspections and appeals to inspect facilities that the
29 department inspects for compliance with Code chapter 142B.

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