

House File 2212 - Enrolled

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1 1 HOUSE FILE 2212
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1 4 AN ACT
1 5 CREATING A SMOKEFREE AIR ACT AND PROVIDING PENALTIES.
1 6
1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 8
1 9 Section 1. NEW SECTION. 142D.1 TITLE == FINDINGS ==
1 10 PURPOSE.
1 11 1. This chapter shall be known and may be cited as the
1 12 "Smokefree Air Act".
1 13 2. The general assembly finds that environmental tobacco
1 14 smoke causes and exacerbates disease in nonsmoking adults and
1 15 children. These findings are sufficient to warrant measures
1 16 that regulate smoking in public places, places of employment,
1 17 and outdoor areas in order to protect the public health and
1 18 the health of employees.
1 19 3. The purpose of this chapter is to reduce the level of
1 20 exposure by the general public and employees to environmental
1 21 tobacco smoke in order to improve the public health of Iowans.
1 22 Sec. 2. NEW SECTION. 142D.2 DEFINITIONS.
1 23 As used in this chapter, unless the context otherwise
1 24 requires:
1 25 1. "Bar" means an establishment where one may purchase
1 26 alcoholic beverages as defined in section 123.3, for
1 27 consumption on the premises and in which the serving of food
1 28 is only incidental to the consumption of those beverages.
1 29 2. "Business" means a sole proprietorship, partnership,
1 30 joint venture, corporation, association, or other business
1 31 entity, either for-profit or not-for-profit, including retail
1 32 establishments where goods or services are sold; professional
1 33 corporations and other entities where legal, medical, dental,
1 34 engineering, architectural, or other professional services are
1 35 delivered; and private clubs.
2 1 3. "Common area" means a reception area, waiting room,
2 2 lobby, hallway, restroom, elevator, stairway or stairwell, the
2 3 common use area of a multiunit residential property, or other
2 4 area to which the public is invited or in which the public is
2 5 permitted.
2 6 4. "Employee" means a person who is employed by an
2 7 employer in consideration for direct or indirect monetary
2 8 wages or profit, or a person who provides services to an
2 9 employer on a voluntary basis.
2 10 5. "Employer" means a person including a sole
2 11 proprietorship, partnership, joint venture, corporation,
2 12 association, or other business entity whether for-profit or
2 13 not-for-profit, including state government and its political

2 14 subdivisions, that employs the services of one or more
2 15 individuals as employees.

2 16 6. "Enclosed area" means all space between a floor and
2 17 ceiling that is contained on all sides by solid walls or
2 18 windows, exclusive of doorways, which extend from the floor to
2 19 the ceiling.

2 20 7. "Farm tractor" means farm tractor as defined in section
2 21 321.1.

2 22 8. "Farm truck" means a single-unit truck, truck=tractor,
2 23 tractor, semitrailer, or trailer used by a farmer to transport
2 24 agricultural, horticultural, dairy, or other farm products,
2 25 including livestock, produced or finished by the farmer, or to
2 26 transport any other personal property owned by the farmer,
2 27 from the farm to market, and to transport property and
2 28 supplies to the farm of the farmer.

2 29 9. "Farmer" means any of the following:

2 30 a. A person who files schedule F as part of the person's
2 31 annual form 1040 or form 1041 filing with the United States
2 32 internal revenue service, or an employee of such person while
2 33 the employee is actively engaged in farming.

2 34 b. A person who holds an equity position in or who is
2 35 employed by a business association holding agricultural land
3 1 where the business association is any of the following:

3 2 (1) A family farm corporation, authorized farm
3 3 corporation, family farm limited partnership, limited
3 4 partnership, family farm limited liability company, authorized
3 5 limited liability company, family trust, or authorized trust,
3 6 as provided in chapter 9H.

3 7 (2) A limited liability partnership as defined in section
3 8 486A.101.

3 9 c. A natural person related to the person actively engaged
3 10 in farming as provided in paragraph "a" or "b" when the person
3 11 is actively engaged in farming. The natural person must be
3 12 related as spouse, parent, grandparent, lineal ascendant of a
3 13 grandparent or a grandparent's spouse, other lineal descendant
3 14 of a grandparent or a grandparent's spouse, or a person acting
3 15 in a fiduciary capacity for persons so related.

3 16 For purposes of this subsection: "actively engaged in
3 17 farming" means participating in physical labor on a regular,
3 18 continuous, and substantial basis, or making day-to-day
3 19 management decisions, where such participation or decision
3 20 making is directly related to raising and harvesting crops for
3 21 feed, food, seed, or fiber, or to the care and feeding of
3 22 livestock.

3 23 10. "Health care provider location" means an office or
3 24 institution providing care or treatment of disease, whether
3 25 physical, mental, or emotional, or other medical,
3 26 physiological, or psychological conditions, including but not
3 27 limited to a hospital as defined in section 135B.1, a
3 28 long-term care facility, an adult day services program as
3 29 defined in section 231D.1, clinics, laboratories, and the
3 30 locations of professionals regulated pursuant to Title IV,
3 31 subtitle III, and includes all enclosed areas of the location
3 32 including waiting rooms, hallways, other common areas, private
3 33 rooms, semiprivate rooms, and wards within the location.

3 34 11. "Implement of husbandry" means implement of husbandry
3 35 as defined in section 321.1.

4 1 12. "Long-term care facility" means a health care facility
4 2 as defined in section 135C.1, an elder group home as defined
4 3 in section 231B.1, or an assisted living program as defined in
4 4 section 231C.2.

4 5 13. "Place of employment" means an area under the control
4 6 of an employer and includes all areas that an employee
4 7 frequents during the course of employment or volunteering,
4 8 including but not limited to work areas, private offices,
4 9 conference and meeting rooms, classrooms, auditoriums,
4 10 employee lounges and cafeterias, hallways, medical facilities,
4 11 restrooms, elevators, stairways and stairwells, and vehicles
4 12 owned, leased, or provided by the employer unless otherwise
4 13 provided under this chapter. "Place of employment" does not
4 14 include a private residence, unless the private residence is
4 15 used as a child care facility, a child care home, or as a
4 16 health care provider location.

4 17 14. "Political subdivision" means a city, county,
4 18 township, or school district.

4 19 15. "Private club" means an organization, whether or not
4 20 incorporated, that is the owner, lessee, or occupant of a
4 21 location used exclusively for club purposes at all times and
4 22 that meets all of the following criteria:

4 23 a. Is operated solely for a recreational, fraternal,
4 24 social, patriotic, political, benevolent, or athletic purpose,
4 25 but not for pecuniary gain.

4 26 b. Sells alcoholic beverages only as incidental to its
4 27 operation.

4 28 c. Is managed by a board of directors, executive
4 29 committee, or similar body chosen by the members.

4 30 d. Has established bylaws or another document to govern
4 31 its activities.

4 32 e. Has been granted an exemption from the payment of
4 33 federal income tax as a club pursuant to 26 U.S.C. } 501.

4 34 16. "Public place" means an enclosed area to which the
4 35 public is invited or in which the public is permitted,
5 1 including common areas, and including but not limited to all
5 2 of the following:

5 3 a. Financial institutions.

5 4 b. Restaurants.

5 5 c. Bars.

5 6 d. Public and private educational facilities.

5 7 e. Health care provider locations.

5 8 f. Hotels and motels.

5 9 g. Laundromats.

5 10 h. Public transportation facilities and conveyances under
5 11 the authority of the state or its political subdivisions,
5 12 including buses and taxicabs, and including the ticketing,
5 13 boarding, and waiting areas of these facilities.

5 14 i. Aquariums, galleries, libraries, and museums.

5 15 j. Retail food production and marketing establishments.

5 16 k. Retail service establishments.

5 17 l. Retail stores.

5 18 m. Shopping malls.

5 19 n. Entertainment venues including but not limited to
5 20 theaters; concert halls; auditoriums and other facilities
5 21 primarily used for exhibiting motion pictures, stage
5 22 performances, lectures, musical recitals, and other similar

5 23 performances; bingo facilities; and indoor arenas including
5 24 sports arenas.

5 25 o. Polling places.

5 26 p. Convention facilities and meeting rooms.

5 27 q. Public buildings and vehicles owned, leased, or
5 28 operated by or under the control of the state government or
5 29 its political subdivisions and including the entirety of the
5 30 private residence of any state employee any portion of which
5 31 is open to the public.

5 32 r. Service lines.

5 33 s. Private clubs only when being used for a function to
5 34 which the general public is invited.

5 35 t. Private residences only when used as a child care
6 1 facility, a child care home, or health care provider location.

6 2 u. Child care facilities and child care homes.

6 3 v. Gambling structures, excursion gambling boats, and
6 4 racetrack enclosures.

6 5 17. "Restaurant" means eating establishments, including
6 6 private and public school cafeterias, which offer food to the
6 7 public, guests, or employees, including the kitchen and
6 8 catering facilities in which food is prepared on the premises
6 9 for serving elsewhere, and including a bar area within a
6 10 restaurant.

6 11 18. "Retail tobacco store" means a retail store utilized
6 12 primarily for the sale of tobacco products and accessories and
6 13 in which the sale of other products is incidental to the sale
6 14 of tobacco products.

6 15 19. "Service line" means an indoor line in which one or
6 16 more individuals are waiting for or receiving service of any
6 17 kind, whether or not the service involves the exchange of
6 18 money.

6 19 20. "Shopping mall" means an enclosed public walkway or
6 20 hall area that serves to connect retail or professional
6 21 establishments.

6 22 21. "Smoking" means inhaling, exhaling, burning, or
6 23 carrying any lighted cigar, cigarette, pipe, or other tobacco
6 24 product in any manner or in any form. "Smoking" does not
6 25 include smoking that is associated with a recognized religious
6 26 ceremony, ritual, or activity, including but not limited to
6 27 burning of incense.

6 28 22. "Sports arena" means a sports pavilion, stadium,
6 29 gymnasium, health spa, boxing arena, swimming pool, roller or
6 30 ice rink, bowling alley, or other similar place where members
6 31 of the general public assemble to engage in physical exercise,
6 32 participate in athletic competition, or witness sports or
6 33 other events.

6 34 Sec. 3. NEW SECTION. 142D.3 PROHIBITION OF SMOKING ==
6 35 PUBLIC PLACES, PLACES OF EMPLOYMENT, AND OUTDOOR AREAS.

7 1 1. Smoking is prohibited and a person shall not smoke in
7 2 any of the following:

7 3 a. Public places.

7 4 b. All enclosed areas within places of employment
7 5 including but not limited to work areas, private offices,
7 6 conference and meeting rooms, classrooms, auditoriums,
7 7 employee lounges and cafeterias, hallways, medical facilities,
7 8 restrooms, elevators, stairways and stairwells, and vehicles
7 9 owned, leased, or provided by the employer unless otherwise

7 10 provided under this chapter.

7 11 2. In addition to the prohibitions specified in subsection
7 12 1, smoking is prohibited and a person shall not smoke in or on
7 13 any of the following outdoor areas:

7 14 a. The seating areas of outdoor sports arenas, stadiums,
7 15 amphitheaters and other entertainment venues where members of
7 16 the general public assemble to witness entertainment events.

7 17 b. Outdoor seating or serving areas of restaurants.

7 18 c. Public transit stations, platforms, and shelters under
7 19 the authority of the state or its political subdivisions.

7 20 d. School grounds, including parking lots, athletic
7 21 fields, playgrounds, tennis courts, and any other outdoor area
7 22 under the control of a public or private educational facility,
7 23 including inside any vehicle located on such school grounds.

7 24 e. The grounds of any public buildings owned, leased, or
7 25 operated by or under the control of the state government or
7 26 its political subdivisions, including the grounds of a private
7 27 residence of any state employee any portion of which is open
7 28 to the public with the following exceptions:

7 29 (1) This paragraph shall not apply to the Iowa state
7 30 fairgrounds, or fairgrounds as defined in section 174.1.

7 31 (2) This paragraph shall not apply to institutions
7 32 administered by the department of corrections, except that
7 33 smoking on the grounds shall be limited to designated smoking
7 34 areas.

7 35 (3) This paragraph shall not apply to facilities of the
8 1 Iowa national guard as defined in section 29A.1, except that
8 2 smoking on the grounds shall be limited to designated smoking
8 3 areas.

8 4 **Sec. 4. NEW SECTION. 142D.4 AREAS WHERE SMOKING NOT**
8 5 **REGULATED.**

8 6 **Notwithstanding any provision of this chapter to the**
8 7 **contrary, the following areas are exempt from the prohibitions**
8 8 **of section 142D.3:**

8 9 1. Private residences, unless used as a child care
8 10 facility, child care home, or a health care provider location.

8 11 2. Hotel and motel rooms that are rented to guests and are
8 12 designated as smoking rooms; provided that not more than
8 13 twenty percent of the rooms of a hotel or motel rented to
8 14 guests are designated as smoking rooms, all smoking rooms on
8 15 the same floor are contiguous, and smoke from smoking rooms
8 16 does not infiltrate into areas in which smoking is otherwise
8 17 prohibited under this chapter. The status of smoking and
8 18 nonsmoking rooms shall not be changed, except to provide
8 19 additional nonsmoking rooms.

8 20 3. Retail tobacco stores, provided that smoke from these
8 21 locations does not infiltrate into areas in which smoking is
8 22 otherwise prohibited under this chapter.

8 23 4. Private and semiprivate rooms in long-term care
8 24 facilities, occupied by one or more individuals, all of whom
8 25 are smokers and have requested in writing to be placed in a
8 26 room where smoking is permitted, provided that smoke from
8 27 these locations does not infiltrate into areas in which
8 28 smoking is otherwise prohibited under this chapter.

8 29 5. Private clubs that have no employees, except when being
8 30 used for a function to which the general public is invited,
8 31 provided that smoke from these locations does not infiltrate

8 32 into areas in which smoking is otherwise prohibited under this
8 33 chapter. This exemption shall not apply to any entity that is
8 34 established for the purpose of avoiding compliance with this
8 35 chapter.

9 1 6. Outdoor areas that are places of employment except
9 2 those areas where smoking is prohibited pursuant to section
9 3 142D.3, subsection 2.

9 4 7. Limousines under private hire; vehicles owned, leased,
9 5 or provided by a private employer that are for the sole use of
9 6 the driver and are not used by more than one person in the
9 7 course of employment either as a driver or passenger;
9 8 privately owned vehicles not otherwise defined as a place of
9 9 employment or public place; and cabs of motor trucks or truck
9 10 tractors if no nonsmoking employees are present.

9 11 8. An enclosed area within a place of employment or public
9 12 place that provides a smoking cessation program or a medical
9 13 or scientific research or therapy program, if smoking is an
9 14 integral part of the program.

9 15 9. Farm tractors, farm trucks, and implements of husbandry
9 16 when being used for their intended purposes.

9 17 10. Only the gaming floor of a premises licensed pursuant
9 18 to chapter 99F exclusive of any bar or restaurant located
9 19 within the gaming floor which is an enclosed area and subject
9 20 to the prohibitions of section 142D.3.

9 21 11. The Iowa veterans home.

9 22 Sec. 5. NEW SECTION. 142D.5 DECLARATION OF AREA AS
9 23 NONSMOKING.

9 24 1. Notwithstanding any provision of this chapter to the
9 25 contrary, an owner, operator, manager, or other person having
9 26 custody or control of an area otherwise exempt from the
9 27 prohibitions of section 142D.3 may declare the entire area as
9 28 a nonsmoking place.

9 29 2. Smoking shall be prohibited in any location of an area
9 30 declared a nonsmoking place under this section if a sign is
9 31 posted conforming to the provisions of section 142D.6.

9 32 Sec. 6. NEW SECTION. 142D.6 NOTICE OF NONSMOKING
9 33 REQUIREMENTS == POSTING OF SIGNS.

9 34 1. Notice of the provisions of this chapter shall be
9 35 provided to all applicants for a business license in this
10 1 state, to all law enforcement agencies, and to any business
10 2 required to be registered with the office of the secretary of
10 3 state.

10 4 2. All employers subject to the prohibitions of this
10 5 chapter shall communicate to all existing employees and to all
10 6 prospective employees upon application for employment the
10 7 smoking prohibitions prescribed in this chapter.

10 8 3. The owner, operator, manager, or other person having
10 9 custody or control of a public place, place of employment,
10 10 area declared a nonsmoking place pursuant to section 142D.5,
10 11 or outdoor area where smoking is prohibited under this chapter
10 12 shall clearly and conspicuously post in and at every entrance
10 13 to the public place, place of employment, area declared a
10 14 nonsmoking place pursuant to section 142D.5, or outdoor area,
10 15 "no smoking" signs or the international "no smoking" symbol.
10 16 Additionally, a "no smoking" sign or the international "no
10 17 smoking" symbol shall be placed in every vehicle that
10 18 constitutes a public place, place of employment, or area

10 19 declared a nonsmoking place pursuant to section 142D.5 under
10 20 this chapter, visible from the exterior of the vehicle. All
10 21 signs shall contain the telephone number for reporting
10 22 complaints and the internet site of the department of public
10 23 health. The owner, operator, manager, or other person having
10 24 custody or control of the public place, place of employment,
10 25 area declared a nonsmoking place pursuant to section 142D.5,
10 26 or outdoor area may use the sample signs provided on the
10 27 department of public health's internet site, or may use
10 28 another sign if the contents of the sign comply with the
10 29 requirements of this subsection.

10 30 4. The owner, operator, manager, or other person having
10 31 custody or control of a public place, place of employment,
10 32 area declared a nonsmoking place pursuant to section 142D.5,
10 33 or outdoor area where smoking is prohibited under this chapter
10 34 shall remove all ashtrays from these locations.

10 35 Sec. 7. NEW SECTION. 142D.7 NONRETALIATION == NONWAIVER
11 1 OF RIGHTS.

11 2 1. A person or employer shall not discharge, refuse to
11 3 employ, or in any manner retaliate against an employee,
11 4 applicant for employment, or customer because that employee,
11 5 applicant, or customer exercises any rights afforded under
11 6 this chapter, registers a complaint, or attempts to prosecute
11 7 a violation of this chapter.

11 8 2. An employee who works in a location where an employer
11 9 allows smoking does not waive or surrender any legal rights
11 10 the employee may have against the employer or any other
11 11 person.

11 12 Sec. 8. NEW SECTION. 142D.8 ENFORCEMENT.

11 13 1. This chapter shall be enforced by the department of
11 14 public health or the department's designee. The department of
11 15 public health shall adopt rules to administer this chapter,
11 16 including rules regarding enforcement. The department of
11 17 public health shall provide information regarding the
11 18 provisions of this chapter and related compliance issues to
11 19 employers, owners, operators, managers, and other persons
11 20 having custody or control of a public place, place of
11 21 employment, area declared a nonsmoking place pursuant to
11 22 section 142D.5, or outdoor area where smoking is prohibited,
11 23 and the general public via the department's internet site.
11 24 The internet site shall include sample signage and the
11 25 telephone number for reporting complaints. Judicial
11 26 magistrates shall hear and determine violations of this
11 27 chapter.

11 28 2. If a public place is subject to any state or political
11 29 subdivision inspection process or is under contract with the
11 30 state or a political subdivision, the person performing the
11 31 inspection shall assess compliance with the requirements of
11 32 this chapter and shall report any violations to the department
11 33 of public health or the department's designee.

11 34 3. An owner, operator, manager, or other person having
11 35 custody or control of a public place, place of employment,
12 1 area declared a nonsmoking place pursuant to section 142D.5,
12 2 or outdoor area regulated under this chapter shall inform
12 3 persons violating this chapter of the provisions of this
12 4 chapter.

12 5 4. An employee or private citizen may bring a legal action

12 6 to enforce this chapter. Any person may register a complaint
12 7 under this chapter by filing a complaint with the department
12 8 of public health or the department's designee.

12 9 5. In addition to the remedies provided in this section,
12 10 the department of public health or the department's designee
12 11 or any other person aggrieved by the failure of the owner,
12 12 operator, manager, or other person having custody or control
12 13 of a public place, place of employment, area declared a
12 14 nonsmoking place pursuant to section 142D.5, or outdoor area
12 15 regulated by this chapter to comply with this chapter may seek
12 16 injunctive relief to enforce this chapter.

12 17 Sec. 9. NEW SECTION. 142D.9 CIVIL PENALTIES.

12 18 1. A person who smokes in an area where smoking is
12 19 prohibited pursuant to this chapter shall pay a civil penalty
12 20 pursuant to section 805.8C, subsection 3, paragraph "a", for
12 21 each violation.

12 22 2. A person who owns, operates, manages, or otherwise has
12 23 custody or control of a public place, place of employment,
12 24 area declared a nonsmoking place pursuant to section 142D.5,
12 25 or outdoor area regulated under this chapter and who fails to
12 26 comply with this chapter shall pay a civil penalty as follows:

12 27 a. For a first violation, a monetary penalty not to exceed
12 28 one hundred dollars.

12 29 b. For a second violation within one year, a monetary
12 30 penalty not to exceed two hundred dollars.

12 31 c. For each violation in excess of a second violation
12 32 within one year, a monetary penalty not to exceed five hundred
12 33 dollars for each additional violation.

12 34 3. An employer who discharges or in any manner
12 35 discriminates against an employee because the employee has
13 1 made a complaint or has provided information or instituted a
13 2 legal action under this chapter shall pay a civil penalty of
13 3 not less than two thousand dollars and not more than ten
13 4 thousand dollars for each violation.

13 5 4. In addition to the penalties established in this
13 6 section, violation of this chapter by a person who owns,
13 7 operates, manages, or who otherwise has custody or control of
13 8 a public place, place of employment, area declared a
13 9 nonsmoking place pursuant to section 142D.5, or outdoor area
13 10 regulated under this chapter may result in the suspension or
13 11 revocation of any permit or license issued to the person for
13 12 the premises on which the violation occurred.

13 13 5. Violation of this chapter constitutes a public nuisance
13 14 which may be abated by the department of public health or the
13 15 department's designee by restraining order, preliminary or
13 16 permanent injunction, or other means provided by law, and the
13 17 entity abating the public nuisance may take action to recover
13 18 the costs of such abatement.

13 19 6. Each day on which a violation of this chapter occurs is
13 20 considered a separate and distinct violation.

13 21 7. Civil penalties paid pursuant to this chapter shall be
13 22 deposited in the general fund of the state, unless a local
13 23 authority as designated by the department in administrative
13 24 rules is involved in the enforcement, in which case the civil
13 25 penalties paid shall be deposited in the general fund of the
13 26 respective city or county.

13 27 Sec. 10. Section 135.1, unnumbered paragraph 1, Code 2007,

13 28 is amended to read as follows:

13 29 For the purposes of chapter 155 and Title IV, subtitle 2,
13 30 excluding chapters ~~142B~~, 145B, and 146, unless otherwise
13 31 defined:

13 32 Sec. 11. Section 135.11, subsection 14, Code Supplement
13 33 2007, is amended to read as follows:

13 34 14. Establish, publish, and enforce rules not inconsistent
13 35 with law for the enforcement of the provisions of chapters 125
14 1 and 155, and Title IV, subtitle 2, excluding chapters ~~142B~~,
14 2 145B, and 146 and for the enforcement of the various laws, the
14 3 administration and supervision of which are imposed upon the
14 4 department.

14 5 Sec. 12. Section 237A.3A, subsection 5, Code 2007, is
14 6 amended by striking the subsection.

14 7 Sec. 13. NEW SECTION. 237A.3B SMOKING PROHIBITED.

14 8 Smoking, as defined in section 142D.2, shall not be
14 9 permitted in a child care facility or child care home.

14 10 Sec. 14. Section 331.427, subsection 1, unnumbered
14 11 paragraph 1, Code Supplement 2007, is amended to read as
14 12 follows:

14 13 Except as otherwise provided by state law, county revenues
14 14 from taxes and other sources for general county services shall
14 15 be credited to the general fund of the county, including
14 16 revenues received under sections 9I.11, 101A.3, 101A.7,
14 17 123.36, 123.143, ~~142B.6~~, 142D.9, 176A.8, 321.105, 321.152,
14 18 321G.7, 321I.8, section 331.554, subsection 6, sections
14 19 341A.20, 364.3, 368.21, 423A.7, 428A.8, 433.15, 434.19,
14 20 445.57, 453A.35, 458A.21, 483A.12, 533.329, 556B.1, 583.6,
14 21 602.8108, 904.908, and 906.17, and the following:

14 22 Sec. 15. Section 805.8C, subsection 3, paragraph a, Code
14 23 Supplement 2007, is amended to read as follows:

14 24 **a. For violations of ~~section 142B.6~~ described in section**
14 25 **142D.9, subsection 1, the scheduled fine is ~~twenty-five~~ fifty**
14 26 **dollars, and is a civil penalty, and the criminal penalty**
14 27 **surcharge under section 911.1 shall not be added to the**
14 28 **penalty, and the court costs pursuant to section 805.9,**
14 29 **subsection 6, shall not be imposed. If the civil penalty**
14 30 **assessed for a violation of ~~section 142B.6~~**
14 31 **142D.9, subsection 1, is not paid in a timely manner, a**
14 32 **citation shall be issued for the violation in the manner**
14 33 **provided in section 804.1. However, a person under age**
14 34 **eighteen shall not be detained in a secure facility for**
14 35 **failure to pay the civil penalty. The complainant shall not**
15 1 **be charged a filing fee.**

15 2 Sec. 16. Chapter 142B, Code 2007, is repealed.

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PATRICK J. MURPHY
Speaker of the House

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JOHN P. KIBBIE
President of the Senate

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15 14 I hereby certify that this bill originated in the House and

15 15 is known as House File 2212, Eighty=second General Assembly.

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MARK BRANDSGARD

15 20

Chief Clerk of the House

15 21 Approved _____, 2008

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15 24

15 25 CHESTER J. CULVER

15 26 Governor