



# SMOKEFREE AIR ACT

## *Duties of Proprietors*

### *Overview*

**Owners, operators, managers and persons having custody or control of a business are required to take certain actions in order to comply with the Smokefree Air Act.**

### *Notifying Employees*

- The Smokefree Air Act requires proprietors to inform all existing and prospective employees\* of the prohibitions described in the Smokefree Air Act.

\* "Employee" is any person who is employed by an employer in consideration for direct or indirect monetary wages or profit, or any person who provides services to an employer on a voluntary basis.

### *Posting of Signs*

- Proprietors are required to post “no smoking” signs at every entrance\* to an indoor or outdoor nonsmoking area.
- Additionally, the Smokefree Air Act requires proprietors to post “no smoking” signs in vehicles (owned, leased, or provided by the employer) which are visible from the vehicle’s exterior.

“Entrance” is any doorway to an enclosed area used by the public or employees for ingress and includes the commonly understood points of entry to an outdoor area such as a driveway, sidewalk, pathway, access road, gate, or dedicated point of entry, but not including a street, road, highway, or sidewalk in the public right-of-way.

(See Fact Sheet titled “Sign Requirements”)

### *Removal of Ashtrays*

- The Smokefree Air Act requires proprietors to remove all ashtrays\* from public places where smoking is prohibited.

\*“Ashtray” is defined as “any receptacle...that is used for extinguishing or disposing of any lighted...tobacco product...However, “*ashtray*” shall not include any receptacle located outdoors and on the perimeter of any public place, the perimeter of the grounds of any public building, the perimeter of school grounds, or the perimeter of any other outdoor space subject to the prohibitions” of the Smokefree Air Act.

### *Notifying Customers in Violation*

A proprietor must inform any individual smoking in a place where smoking is prohibited that the individual is violating the Smokefree Air Act and must request that the individual stop smoking immediately.

- If the individual refuses to stop smoking, the proprietor may discontinue service to that individual.
- If the individual refuses to stop smoking, the proprietor may request that the individual leave the area where smoking is prohibited.
- If the individual refuses to leave the area proprietor may notify the state or local law enforcement agency with jurisdiction over the area where smoking is prohibited.

**NOTE:** The information provided in this document is not intended to be legal advice. Please consult state statutes or contact an attorney for additional information about the Smokefree Air Act (Iowa Code 142D).



# SMOKEFREE AIR ACT

## *Sign Requirements*

### *Overview*

**The Smokefree Air Act requires businesses, and state, county and city governments to post “no smoking” signs at every entrance to places where smoking is prohibited.**

### *Contents & Dimensions*

To meet the sign requirements in the Smokefree Air Act, all “no smoking” signs should conform to the following:

- Signs must contain:
  1. The words “no smoking” or the international “no smoking” symbol
  2. The Smokefree Helpline: “1-888-944-2247”
  3. The official Web site: “www.IowaSmokefreeAir.gov”
- “No smoking” signs must be at least 24 square inches in size (e.g., 3” x 8” or 4” x 6”, etc.)
- Vehic le “no smoking” signs must be at least 9 square inches in size (e.g., 3” x 3”, etc.)
- Font type and size must be legible.

### *Posting of Signs*

The Smokefree Air Act requires the posting of “no smoking” signs to inform persons they are entering a nonsmoking place. Signs must be posted in the following locations:

- At every entrance\* to a public place, place of employment, area declared a nonsmoking place, and outdoor areas where smoking is prohibited.

\* Entrance means any doorway to an enclosed area used by the public or employees for ingress and includes the commonly understood points of entry to an outdoor area such as a driveway, sidewalk, pathway, access road, gate, or dedicated point of entry, but not including a street, road, highway, or sidewalk in the public right-of-way.
- Every vehicle that constitutes a public place, place of employment, or vehicle designated nonsmoking. Signs have to be visible from the exterior of the vehicle.

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# SMOKEFREE AIR ACT

## Bars

### Overview

**The Smokefree Air Act prohibits smoking in all enclosed areas within places of employment, including bars. Bars may allow smoking on unenclosed, outdoor patios.**

### Bar Definitions

- The Smokefree Air Act defines “bar” as an establishment where a customer may purchase alcoholic beverages and in which the serving of food is incidental to the consumption of those beverages.
- Incidental food service is defined as food preparation that is limited to the service of ice, pre-packaged snack foods, popcorn, peanuts, and the reheating of commercially prepared foods that do not require assembly, such as frozen pizza, pre-packaged sandwiches, or other prepackaged, ready-to-serve products.
- Typically, an establishment meeting the criteria of bar will not contain food preparation equipment, including but not limited to the following: roaster oven, deep fat fryer, flat top grill, or crock pot. A bar may contain a microwave or toaster oven to heat commercially prepared foods.
- An establishment that prepares food beyond the limited food service described in the definitions above is considered a restaurant for the purposes of the Smokefree Air Act.

### Bar Restrictions

- Smoking is prohibited in all enclosed areas of a bar. These areas include serving areas, entrances, restrooms, hallways, and storage rooms.
- Smoking is not regulated in unenclosed outdoor patios or other outdoor areas of a bar.
- Nothing in the law prevents any owner or operator of a bar from declaring the entire property a nonsmoking place.

### Duties of Proprietors

- Owners, operators, managers and persons having custody or control of a bar are required to take certain actions in order to comply with the Smokefree Air Act. These include:
    - Informing employees about the law
    - Not permitting smoking in any indoor area declared nonsmoking by the Smokefree Air Act
    - Posting no-smoking at every entrance to areas where smoking is prohibited
    - Removing all ashtrays from areas where smoking is prohibited
- (See the Fact Sheet titled, “*Duties of Proprietors*,” for more information.)

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# SMOKEFREE AIR ACT

## *Restaurants*

### *Overview*

The Smokefree Air Act prohibits smoking in all enclosed areas within places of employment, including restaurants. Smoking is also prohibited in the outdoor seating or serving areas of restaurants.

### *Restaurant Definitions*

- The Smokefree Air Act defines "restaurant" as eating establishments... which offer food to the public, guests, or employees, including the kitchen and catering facilities in which food is prepared on the premises for serving elsewhere, and including a bar area within a restaurant
- The Smokefree Air Act defines "bar" as an establishment in which the serving of food is incidental to the consumption of alcoholic beverages. Incidental food service is limited to the service of pre-packaged snack foods, popcorn, the reheating of commercially prepared foods that do not require assembly. (See the Fact Sheet titled, "Bars.")
- A food service establishment, with or without a liquor license, that prepares food beyond the limited food preparation described in the definition of a bar is considered a restaurant for the purposes of the Smokefree Air Act.

### *Restaurant Restrictions*

- Smoking is prohibited in all enclosed areas of a restaurant. These areas include dining areas, entrance areas, restrooms, hallways, stairways, storage rooms, and kitchens.
- Smoking is prohibited in all outdoor seating or serving areas of restaurant. These areas include all outdoor places where customers are seated or served food or beverages.
- Smoking is not prohibited in a defined outdoor area of a restaurant, such as a patio or a portion of a patio, provided that there is no seating in such area and no restaurant employee serves food or beverages to a patron in such area.

### *Duties of Proprietors*

- Owners, operators, managers and persons having custody or control of a restaurant are required to take certain actions in order to comply with the Smokefree Air Act. These include:
  - Not permitting smoking in any indoor area declared nonsmoking by the Smokefree Air Act
  - Posting no-smoking at every entrance to areas where smoking is prohibited
  - Removing all ashtrays from areas where smoking is prohibited(See the Fact Sheet titled, "Duties of Proprietors," for more information.)

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# SMOKEFREE AIR ACT

## *Outdoor Areas*

### *Overview*

The Smokefree Air Act regulates smoking in specified outdoor areas. Unless the law specifies that smoking is completely regulated in an area, the law does not specify a distance where smoking is regulated from the entrances to buildings.

### *Entertainment Venues*

- Smoking is not allowed in the designated seating areas (permanent or temporary) of outdoor entertainment venues where members of the general public assemble to witness entertainment events, including but not limited to:

- Sports arenas
- Stadiums
- Amphitheatres
- Standing-room only
- Chairs, seats, & bleachers
- Festival-style seating

### *Seating or Serving Areas of Restaurants*

- Smoking is prohibited in all outdoor seating or serving areas of restaurant. These areas include all outdoor places where customers are seated and served food or beverages.
- Smoking is not prohibited in a defined outdoor area of a restaurant, such as a patio or a portion of a patio, provided that there is no seating in such area and no restaurant employee serves food or beverages to a patron in such area.

### *Public Grounds*

- The Smokefree Air Act prohibits smoking on the grounds of state and local government buildings.
- The person having custody or control of the grounds of the public building should define the outdoor areas used in connection with that building and properly post the outdoor entrances with “no smoking” signs as required by the Smokefree Air Act.
- Outdoor areas of a public building that are not used in connection with that building are not regulated by the Smokefree Air Act.

### *School Grounds*

- Smoking is prohibited on school grounds, including parking lots, athletic fields, playgrounds, tennis courts, and any other outdoor area under the control of a school.
- Smoking is prohibited inside any vehicle located on school grounds.
- The Smokefree Air Act requires schools to remove all ashtrays from public places where smoking is prohibited.

### *Public Transit Stations*

- The Smokefree Air Act prohibits smoking on public transit stations, platforms, and shelters under the control of state and local governments

*For more information, please see fact sheets for the above listed areas.*

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# SMOKEFREE AIR ACT

## *Outdoor Entertainment Events*

### *Overview*

The Smokefree Air Act prohibits smoking in permanent and temporary seating areas of outdoor entertainment events.

### *Outdoor Venues*

- Smoking is not allowed in the designated seating areas of outdoor entertainment venues, including but not limited to:
  - Sports Arenas
  - Stadiums
  - Amphitheatres

### *Definition of Seating Areas*

- “Seating areas of outdoor sports arenas, stadiums, amphitheaters, or other entertainment venues” means areas designated by the owner, operator, manager, or other person having custody or control of the area to be used primarily to witness entertainment events and shall include, but not be limited to, all chairs, seats, and bleachers whether permanent or temporary; standing room only; general admission or festival style seating areas; and any other areas where individuals congregate to witness entertainment events.”

### *Events on Public Grounds*

- The Smokefree Air Act requires that the grounds of all public buildings be nonsmoking. Entertainment events held on the grounds of public buildings most also prohibit smoking in all enclosed and outdoor areas (See the Fact Sheet titled “*Grounds of Public Buildings*” for additional information).

### *Signage Requirements*

- Signage which meets the requirements of the law must be posted at the entrances to designated seating areas of outdoor entertainment events (See the Fact Sheet titled “*Signage*” for additional information).

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# SMOKEFREE AIR ACT

## Public Parks

### Overview

The Smokefree Air Act restricts smoking in certain areas of state, county and city parks and recreational facilities. The Smokefree Air Act does not apply to Federal parks.

### Indoor Areas

- Smoking is prohibited in all enclosed buildings or shelters on park property.
- Smoking is not regulated in private residences located on park property, unless any portion of the private residence is open to the public.

### Outdoor Areas

- Smoking is prohibited on the grounds\* of public buildings\*\* located within parks.  
\* "Grounds" are defined as "an outdoor area of a public building that is used in connection with the building...or any other outdoor area as designated by the person having custody or control of the public building." (See the Fact Sheet titled "Grounds of Public Buildings.")  
\*\* "Public building" is an enclosed area owned, leased, or operated by or under the control of the state government or its political subdivisions.
- Outdoor areas where smoking may be allowed include: a parking lot, the course of play at a golf course, a hiking trail, locations of an individual campsite or campfire, or a lake, river, or other body of water, or
- Nothing in the law prohibits any person having custody or control of the park from declaring the entire area or property a nonsmoking place.

### Posting Of Signs

- "No smoking" signs which meet the requirements of the Smokefree Air Act must be clearly posted at every entrance to an enclosed building or shelter and at "commonly understood points of entry and exit to and from an outdoor area." (See the Fact Sheet titled, "Signage.")

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