

<u>Category</u>	<u>Sub-Category</u>	<u>Comments</u>
641—153.2 Definitions.	"Ashtray"	comment on ashtrays in vehicles
641—153.2 Definitions.	"Entrance"	A lot of business owners are confused and, quite frankly, worried about what the final definition of "an exit and entrance" will be. Whether it will be the exit and entrance to the building or the exit and entrance to their parking lot. It is very unclear.
641—153.2 Definitions.	"Grounds of any public building"	Feels that since the parking lots at IDPH have been exempted to allow people to smoke, that "IDPH is excusing themselves from this mess and passing it back to the government"
641—153.2 Definitions.	"Grounds of any public building"	Would like a clearer definition when it comes to sidewalks, streets, etc. Also, what "adjacent" areas mean.
641—153.2 Definitions.	"Grounds of any public building"	Thinks this definition "creates the opportunity for more smoking areas than a narrow reading of the statute requires"
641—153.2 Definitions.	"Grounds of any public building"	The draft to allow smoking on hiking trails, campsites, lakes, beaches and rivers that are not adjacent to public buildings needs to be thrown out. Doesn't want to be exposed to secondhand smoke in those areas.
641—153.2 Definitions.	"Grounds of any public building"	If the law does not allow smoking "on the grounds of any public buildings owned, leased, or operated by or under the control of the state government or its political subdivisions..." then employees should not be allowed to smoke in their cars on the public grounds or leave the grounds during work hours (except unpaid lunch breaks)to smoke. (anonymous)
641—153.2 Definitions.	"Infiltrate"	Regarding infiltration...I do not believe the law is worded in such a difficult and subjective way as to allow this definition. A good number of Bingo Players at our Lodge go outside on breaks and obviously the "odor" of smoke is going to remain with them as they return to play Bingo. Further, by whose definition does the "odor" carried by a smoker cause health problems and how can any business smoking or non-smoking control that odor?
641—153.2 Definitions.	"Seating areas of outdoor...venues"	Clarify the difference between golf courses from other outdoor entertainment venues, such as parks and festivals. (Anonymous)
641—153.2 Definitions.	"Serving of food incidental to the consumption of alcoholic beverages"	loosen restrictions on adult establishments that are primarily bars
641—153.2 Definitions.	"Serving of food incidental to the consumption of alcoholic beverages"	use percentage of food sales to define a bar--established by audit
641—153.2 Definitions.	"Serving of food incidental to the consumption of alcoholic beverages"	change bar definition to "percentage of food served"
641—153.2 Definitions.	"Serving of food incidental to the consumption of alcoholic beverages"	general complaint--confusion about food service
641—153.2 Definitions.	"Serving of food incidental to the consumption of alcoholic beverages"	allow smoking on patios regardless of type of food served inside
641—153.2 Definitions.	"Serving of food incidental to the consumption of alcoholic beverages"	The small town bar has to quit preparing and selling food to allow smoking on the patio.

Category	Sub-Category	Comments
641—153.2 Definitions.	“Serving of food incidental to the consumption of alcoholic beverages”	"Whether or not an establishment sells food or not shouldn't make a difference and that everyone [bars and restaurants] should have no smoking in the outside service areas."
641—153.2 Definitions.	“Serving of food incidental to the consumption of alcoholic beverages”	Use percentage of food sales to determine this.
641—153.2 Definitions.	“Serving of food incidental to the consumption of alcoholic beverages”	"The difference between a restaurant and a bar is that more than 50% of the gross income from a restaurant is from the sale of food and the bar would be incidental to the restaurant...The fact that you now want to limit the type of food products and how they are served is clearly not within the purview of the statute written for Smokefree Air Act written by legislature...You are overstepping your bounds and making an illegal administrative definition in violation of the clear intent of the statute...The clear definition [of incidental] in the dictionary should control."
641—153.2 Definitions.	“Serving of food incidental to the consumption of alcoholic beverages”	Consider using percentage of food sales. Also consider using dram shop requirements and the annual audits conducted by dram shop carriers.
641—153.2 Definitions.	“Serving of food incidental to the consumption of alcoholic beverages”	Smoking in a beer garden that serves a frozen pizza is different than one that serves a fresh hamburger - "to try and say these are two different scenarios is prejudicial and biased"
641—153.2 Definitions.	“Serving of food incidental to the consumption of alcoholic beverages”	Department should not be allowed to retrospectively modify the definition of incidental as it pertains to food sales in bars. Wants the definition revised to exclude bars that provide a limited food service defined as food sales totaling 33% or less of total consumable sales.
641—153.2 Definitions.	“Serving of food incidental to the consumption of alcoholic beverages”	Would like to see the definition of a bar based on the percentage of alcohol sales vs. food sales.
641—153.2 Definitions.	“Serving of food incidental to the consumption of alcoholic beverages”	"Be a little more fair to the bars that serve more than frozen pizzas."
641—153.2 Definitions.	“Serving of food incidental to the consumption of alcoholic beverages”	Wants the same definition of "incidental" used for tobacco stores to be used for defining bars/restaurants; meaning an 80/20 percentage and not specific food items.
641—153.2 Definitions.	“Serving of food incidental to the consumption of alcoholic beverages”	Do some food preparation at my bar and under current rule will go bankrupt if a smoking area cannot be provided.
641—153.2 Definitions.	“Serving of food incidental to the consumption of alcoholic beverages”	Bars that sell a little lunch should not be made smokefree in outdoor areas where it is not a dining area.
641—153.2 Definitions.	“Serving of food incidental to the consumption of alcoholic beverages”	"How can you possibly say that because my business sells more than incidental food sales I am not a bar, but a restaurant? By all other definitions our facility is a bar because we do over 70% in alcohol sales."
641—153.2 Definitions.	“Serving of food incidental to the consumption of alcoholic beverages”	does not think that you can consider a bar a restaurant simply because they cook food on site. (no name, only an email address provided)

<u>Category</u>	<u>Sub-Category</u>	<u>Comments</u>
641—153.2 Definitions.	"Serving of food incidental to the consumption of alcoholic beverages"	Thinks bars that serve less than 10% of their total sales as food should be considered a restaurant. (no address)
641—153.2 Definitions.	"Serving of food incidental to the consumption of alcoholic beverages"	The fact that we offer great food at our bar, as opposed to bags of chips and frozen pizzas, further penalizes us by classifying us as a "restaurant" and making our patio a place where no smoking is going to be allowed.
641—153.2 Definitions.	"Serving of food incidental to the consumption of alcoholic beverages"	If bars with burgers are to be considered restaurants for purposes of enforcing this law, their licensing should be changed to reflect this. (anonymous)
641—153.2 Definitions.	"Serving of food incidental to the consumption of alcoholic beverages"	"Regardless that a bar needs a restaurant license to serve a hamburger does not make it a restaurant."
641—153.2 Definitions.	"Serving of food incidental to the consumption of alcoholic beverages"	Opposes this definition as written; "bars that serve prepared food should be able to use the outside areas and be able to provide seating as a service to their patrons."
641—153.2 Definitions.	"Serving of food incidental to the consumption of alcoholic beverages"	Concerned about the definition of restaurants vs. bars and how it will affect profits
641—153.2 Definitions.	"Serving of food incidental to the consumption of alcoholic beverages"	I support the implementation of the Rules as they stand and I look for no weakening of the law in, especially in terms of defining bars versus restaurants.
641—153.2 Definitions.	"Serving of food incidental to the consumption of alcoholic beverages"	"The rules have gone further than intended on patios and decks."
641—153.2 Definitions.	"Serving of food incidental to the consumption of alcoholic beverages"	I believe the use of the word "incidental", as far as sales are concerned, is not an accurate use of the word. I don't know who made the definition between the restaurant and the bar, as far as the difference. I believe that it should be at least a sales consideration, rather than the make-food-from-fresh definition.
641—153.2 Definitions.	"Serving of food incidental to the consumption of alcoholic beverages"	"please rethink the patio rules."
641—153.2 Definitions.	"Serving of food incidental to the consumption of alcoholic beverages"	The rules...use two different definitions for incidental with the very clear intent of imposing a smoking ban in places where the legislature never intended to impose one.
641—153.4 Areas where smoking not regulated.	"Hotel and motel"	objects to language from HF2212 that was copied into rules about no-smoking hotel/motel rooms
641—153.4 Areas where smoking not regulated.	Not Applicable	Add the following as a new section under 641-153.4: "Designated outdoor areas of publically owned nursing facility pursuant to resident rights set forth in 42 C.F.R. 483.15(b).
641—153.5 Duties of employers...	153.5(1) d. Post signs...public place...	misunderstood--thought signs must be 24 inches square, not 24 square inches
641—153.5 Duties of employers...	153.5(1) d. Post signs...public place...	believe the 24x24 size requirement is overzealous and that some consideration should be given to the fact that not every door would have a nearby surface large enough on which to post a massive sign.
641—153.5 Duties of employers...	153.5(1) e. Place...signs in every vehicle...	Would like to see the vehicle signs be reevaluated; thinks the sticker "will be just as effective even if it is just a tad smaller"

<u>Category</u>	<u>Sub-Category</u>	<u>Comments</u>
641—153.5 Duties of employers...	153.5(1) e. Place...signs in every vehicle...	would like to see a smaller sign required for use in motor vehicles. 4" x 6" will take up alot of dashboard space in a passenger vehicle. 12 square inches for a passenger vehicle, or pickup truck not transporting the general public but used by employees, would be a good size. Vehicles used for transporation of people, buses, taxi, etc. should be required to have a larger sign.
641—153.5 Duties of employers...	153.5(1) e. Place...signs in every vehicle...	Sign for inside vehicles should be a bit smaller than the one required for posting at public entrances. A sign of 24 square inches would be very difficult to post inside a vehicle. Perhaps a smaller decal on the door windows of the vehicle would be a better solution.
641—153.5 Duties of employers...	153.5(1) e. Place...signs in every vehicle...	think the size of the no smoking sign for vehicles should be reconsidered/downsized. 24 square inches for a building is fine, but is too large for vehicles and will result non compliance. a 3"x4" or 4"x4" would accomplish the same result.
641—153.5 Duties of employers...	153.5(1) e. Place...signs in every vehicle...	allow the no smoking signs in vehicles to be smaller, say 2.5" by 4.5".
641—153.5 Duties of employers...	153.5(1) e. Place...signs in every vehicle...	Wants vehicle signs to be smaller.
641—153.5 Duties of employers...	153.5(1) e. Place...signs in every vehicle...	surface area requirements for the car signs seem excessive. Most cars don't have 24 square inches of available space for a sticker or sign. (anonymous)
641—153.5 Duties of employers...	153.5(1) e. Place...signs in every vehicle...	Minimum 4"x6" sign size is too large and is an impediment to visibility. Requests consideration be given to downsizing the required sign for display in/on a motor vehicle.
641—153.5 Duties of employers...	153.5(1) e. Place...signs in every vehicle...	clarify that vehicles exempted from prohibition are not required to display signage
641—153.5 Duties of employers...	153.5(1) e. Place...signs in every vehicle...	make vehicle signs "six square inches"
641—153.5 Duties of employers...	153.5(1) e. Place...signs in every vehicle...	sees "a problem" with vehicle signs required to be 24 square inches
641—153.5 Duties of employers...	153.5(1) e. Place...signs in every vehicle...	misunderstand that signs must be 24 inches square and not 24 square inches
641—153.5 Duties of employers...	153.5(1) e. Place...signs in every vehicle...	in vehicles "the size of the sign is prohibitive" (anonymous comment)
641—153.5 Duties of employers...	153.5(1) e. Place...signs in every vehicle...	Reduce the size of the vehicle "no smoking" signs to 8 square inches.
641—153.5 Duties of employers...	153.5(1) e. Place...signs in every vehicle...	"I disagree with placing a 24 square inch sign in vehicles."
641—153.5 Duties of employers...	153.5(4) An employer...shall inform any individual smoking...	it is beyond 'the rule making powers" to suggest that employers make "requests for stopping smoking" or "to refuse service" or "to notify local law enforcement agencies"

<u>Category</u>	<u>Sub-Category</u>	<u>Comments</u>
641—153.5 Duties of employers...	153.5(4) An employer...shall inform any individual smoking...	"You have added further rules and regulations not contemplated by the statute nor are you authorized to require those...To add these requirements is illegal, outside your administrative authority, and beyond your rule-making powers."
641—153.8 Complaints and Enforcement.	153.8(2) Enforcement against a person who smokes in an area...	"I would like Public Health to have the burden of enforcing this law and leave Law Enforcement to tend to the duties they already have."
641—153.8 Complaints and Enforcement.	153.8(2) Enforcement against a person who smokes in an area...	Make it clear in the rules that if you are going to use 28E agreements and enforcement under 153.8(2), there should be no physical arrests as violation is clearly a civil violation and only a citation "shall" be issued. This provision should be clearly noted to comply with the legislation.
641—153.8 Complaints and Enforcement.	153.8(5) Contents of the complaint.	People should be able to make a complaint without having to leave their name. (anonymous comment)
641—153.8 Complaints and Enforcement.	153.8(5) Contents of the complaint.	Regarding Anonymity of the complainants in copies of the complaints provided upon request by the alleged entity. The IDPH maintains that to uphold the "Integrity" of its complaint system they must redact the name and address of individuals alleging facts that the IDPH has used as basis for letters of "alleged" violation, local law enforcement inspections and in some cases actions against business' licenses. The mere fact that the complainant may allege activities or facts anonymously only leads to repeated reports of facts which are inaccurate and libelous in their nature. The very integrity that is purported to be protected is in fact lost by allowing the practice to continue. Iowa HF 2212 had no allowance provided for an anonymous system of complaints. Would the IDPH please review and release un-redacted copies of all complaints upon request by affected parties?
641—153.8 Complaints and Enforcement.	153.8(8) Notice of violation.	remove law enforcement from the process (anonymous comment)
641—153.8 Complaints and Enforcement.	153.8(8) Notice of violation.	The local Sheriff's Office is issuing warnings to businesses violation the law. According to the rules, IDPH needs to be present to send a letter after a formal complaint.
641—153.8 Complaints and Enforcement.	153.8(8) Notice of violation.	There is no process in the Iowa Department of Public Health Rules about an owner, who has been accused of something, having any input into the determination, whether or not they should be receiving letters. And basically the statute says the violations must be decided by a judicial magistrate as opposed to the Iowa Department of Public Health, so I think if you're going to be doing a process, you should be defining it better than what it is right now in the Rules.
641—153.8 Complaints and Enforcement.	153.8(8) Notice of violation.	Rules say "notice of violation" but notification letters say "notice of potential violation."

<u>Category</u>	<u>Sub-Category</u>	<u>Comments</u>
641—153.8 Complaints and Enforcement.	153.8(8) Notice of violation.	The Rules should be specifying something about inspection rights if the Iowa Department of Public Health or some other agency wants to have rights to come onto the property and inspect the various rooms where ashtrays are supposed to be removed, or other notices are supposed to be provided.
641—153.8 Complaints and Enforcement.	Not Applicable	rules should "make it clear" that [IDPH] will "use 28E agreements" and that "there should be no physical arrests."
General Opinion or Comment	Not Applicable	use rules to "pro-actively answer questions [from] employers", clarify signage requirement for employer-owned vehicles which are exempt
General Opinion or Comment	Not Applicable	"rules are clear, concise, and in the best interest of the general public."
General Opinion or Comment	Not Applicable	"rules are unclear" about whether smoking is allowed "in a store parking lot, outside the door of a bar, on a lake...on a sidewalk?"
General Opinion or Comment	Not Applicable	[the Rules] "are changing the intent of the law"
General Opinion or Comment	Not Applicable	"the rules waited until 24 hours before it went into law to really tell us what it is." (anonymous comment)
General Opinion or Comment	Not Applicable	"The new rules go too far."
General Opinion or Comment	Not Applicable	"I am opposed to any change in the rules that would weaken or change the intent of the law. I support swift and efficient implementation of the rules."
General Opinion or Comment	Not Applicable	"I strongly support...the rules implementing the law as proposed. I am opposed to any change in the rules that would weaken or change the intent of the law. I support swift and efficient implementation of the rules."
General Opinion or Comment	Not Applicable	"I strongly support...the rules implementing the law as proposed. I am opposed to any change in the rules that would weaken or change the intent of the law. I support swift and efficient implementation of the rules."
General Opinion or Comment	Not Applicable	I strongly support...the rules implementing the law as proposed. I am opposed to any change in the rules that would weaken or change the intent of the law. I support swift and efficient implementation of the rules."
General Opinion or Comment	Not Applicable	"I strongly support...the rules implementing the law. I am opposed to any change in the rules that would weaken or change the intent of the law."
General Opinion or Comment	Not Applicable	Define what a "public building" is, or consider defining a public building as, "any structure creating an enclosed area."
General Opinion or Comment	Not Applicable	"The rules are too much and too confusing" (anonymous comment)
General Opinion or Comment	Not Applicable	"The Administrative Rules created by IDPH goes far beyond the law passed by the legislature"
General Opinion or Comment	Not Applicable	Wants rules modified that will let their business survive.

<u>Category</u>	<u>Sub-Category</u>	<u>Comments</u>
General Opinion or Comment	Not Applicable	"Totally in favor of the law and rules prohibiting smoking."
General Opinion or Comment	Not Applicable	Current administrative rules are well written and have been well received. Strongly supports the rules implementing the law as proposed by the IDPH. Opposed to any change in the rules that would weaken or change the intent of the law.
General Opinion or Comment	Not Applicable	"I love the no smoking rule."
General Opinion or Comment	Not Applicable	Rules read just like the law that was passed, vague, and ignorant. Rules left the question of inforced [sp.] completely in the dark.
General Opinion or Comment	Not Applicable	Strongly supports the Smoke Free Air Act and the rules implementing the law as proposed by the IDPH. Opposed to any change in the rules that would weaken or change the intent of the law. Support swift and efficient implementation of the rules. (anonymous)
General Opinion or Comment	Not Applicable	"The administrative rules for the Iowa Smoke-free Air Act are fantastic! I believe they were written well and have been received well in the area (Central Iowa). Do not weaken the rules. I support swift and efficient implementation of the current rules."
General Opinion or Comment	Not Applicable	Current administrative rules for the Iowa Smoke-free Air Act are well written and have been well received. Opposed to any change in the rules that would weaken or change the intent of the law.
General Opinion or Comment	Not Applicable	American Lung Association feels that the current administrative rules for the Iowa Smoke-free Air Act are well written and have been well received. The ALA strongly supports the Smoke Free Air Act and the rules implementing the law as proposed by the IDPH. The ALA is opposed to any change in the rules that would weaken or change the intent of the law.
General Opinion or Comment	Not Applicable	Strongly supports the Smoke Free Air Act and the rules implementing the law as proposed by the IDPH. Opposed to any change in the rules that would weaken or change the intent of the law. Support swift and efficient implementation of the rules.
General Opinion or Comment	Not Applicable	Strongly supports the Smoke Free Air Act and the rules implementing the law as proposed by the IDPH. Opposed to any change in the rules that would weaken or change the intent of the law. Support swift and efficient implementation of the rules.
General Opinion or Comment	Not Applicable	In favor of the rules for the no smoking.

<u>Category</u>	<u>Sub-Category</u>	<u>Comments</u>
General Opinion or Comment	Not Applicable	Strongly supports the Smoke Free Air Act and the rules implementing the law as proposed by the IDPH. Opposed to any change in the rules that would weaken or change the intent of the law. Support swift and efficient implementation of the rules.
General Opinion or Comment	Not Applicable	Strongly supports the Smoke Free Air Act and the rules implementing the law as proposed by the IDPH. Opposed to any change in the rules that would weaken or change the intent of the law. Support swift and efficient implementation of the rules. (anonymous)
General Opinion or Comment	Not Applicable	"I strongly support the Iowa Smoke-free Air Act and am opposed to any change in the implementation rules that would weaken it."
General Opinion or Comment	Not Applicable	Strongly supports the Smoke Free Air Act and the rules implementing the law as proposed by the IDPH. Opposed to any change in the rules that would weaken or change the intent of the law. Support swift and efficient implementation of the rules.
General Opinion or Comment	Not Applicable	Support the rules as they are written.
General Opinion or Comment	Not Applicable	Wants clarification about residential centers and where the residents can/cannot use tobacco.
General Opinion or Comment	Not Applicable	Strongly supports the Smoke Free Air Act and the rules implementing the law as proposed by the IDPH. Opposed to any change in the rules that would weaken or change the intent of the law. Support swift and efficient implementation of the rules.
General Opinion or Comment	Not Applicable	Strongly supports the Smoke Free Air Act and the rules implementing the law as proposed by the IDPH. Opposed to any change in the rules that would weaken or change the intent of the law. Support swift and efficient implementation of the rules.
General Opinion or Comment	Not Applicable	Strongly supports the Smoke Free Air Act and the rules implementing the law as proposed by the IDPH. Opposed to any change in the rules that would weaken or change the intent of the law. Support swift and efficient implementation of the rules.
General Opinion or Comment	Not Applicable	Believe the rules committee did an excellent job of interpreting the law. No changes please.
General Opinion or Comment	Not Applicable	Strongly supports the Smoke Free Air Act and the rules implementing the law as proposed by the IDPH. Opposed to any change in the rules that would weaken or change the intent of the law. Support swift and efficient implementation of the rules.

<u>Category</u>	<u>Sub-Category</u>	<u>Comments</u>
General Opinion or Comment	Not Applicable	Strongly supports the Smoke Free Air Act and the rules implementing the law as proposed by the IDPH. Opposed to any change in the rules that would weaken or change the intent of the law. Support swift and efficient implementation of the rules.
General Opinion or Comment	Not Applicable	Strongly supports the Smoke Free Air Act and the rules implementing the law as proposed by the IDPH. Opposed to any change in the rules that would weaken or change the intent of the law. Support swift and efficient implementation of the rules.
General Opinion or Comment	Not Applicable	Strongly supports the Smoke Free Air Act and the rules implementing the law as proposed by the IDPH. Opposed to any change in the rules that would weaken or change the intent of the law. Support swift and efficient implementation of the rules.
General Opinion or Comment	Not Applicable	Strongly supports the Smoke Free Air Act and the rules implementing the law as proposed by the IDPH. Opposed to any change in the rules that would weaken or change the intent of the law. Support swift and efficient implementation of the rules.
General Opinion or Comment	Not Applicable	Rules are biased and unfair
General Opinion or Comment	Not Applicable	Would like to encourage the Iowa Department of Public Health to keep the proposed Rules the same and not to weaken those Rules, as well.
General Opinion or Comment	Not Applicable	There are many businesses and people who want to comply with the law are very confused about those Administrative Rules.
General Opinion or Comment	Not Applicable	Strongly support the Smoke Free Air Act and the Rules implementing the law, because we believe no one should have to choose between their job and their health. We think it's important to continue the protection for Iowa's workers and we urge you to approve the Rules as they stand.
General Opinion or Comment	Not Applicable	Would like you to keep the Rules as they are. We're in support of the current Rules and believe that this is the most effective way to make sure that we have adequate enforcement and compliance.
General Opinion or Comment	Not Applicable	I strongly support the Smoke Free Air Act and the rules implementing the law, as proposed by the Iowa Department of Public Health. I'm opposed to any change in the Rules that would weaken or change the intent of the law. I support swift and efficient implementation of the rules. Thank you.
General Opinion or Comment	Not Applicable	I'm happy with the Rules as they are.

<u>Category</u>	<u>Sub-Category</u>	<u>Comments</u>
General Opinion or Comment	Not Applicable	These rules go a great distance in allowing us to prove how unhealthy tobacco use is to our youth; rules provide that evidence to allow us to continue to educate our youth against the use of tobacco.
General Opinion or Comment	Not Applicable	I think as much as there may still be some controversy over the statute, there's uniform agreement that we should have a set of rules that's as clear as possible, is easy to follow as possible. And where possible that it also reduces the cost of compliance, consistent with the intent and goal of the statute.
General Opinion or Comment	Not Applicable	If you're going to make this a contested case proceeding, that should be clarified in the Rules. Inspection rights need to be clarified.
General Opinion or Comment	Not Applicable	The Rules are probably not specific enough.
General Opinion or Comment	Not Applicable	I'd like to support the Rules as written.
General Opinion or Comment	Not Applicable	rules were not the intention of the legislators
General Opinion or Comment	Not Applicable	need more clarity on outdoor areas