



SMOKEFREE AIR ACT

Private Clubs

Overview

The Smokefree Air Act defines and places smoking restrictions on enclosed areas of private clubs. Smoking is not regulated in outdoor areas of private clubs.

Definition

- The Smokefree Air Act allows smoking in qualified private clubs. Smoking is prohibited in private clubs that do not qualify for the exemption.
- A “private club” is defined as an organization that is the occupant of a location used fully for club purposes at all times and meets all of the following criteria:
 - Is operated solely for recreational, fraternal, social, patriotic, political, benevolent, or athletic purposes but not for financial gain.
 - Sells alcoholic beverages only as incidental to its operation.
 - Is managed by a board of directors, executive committee, or similar body chosen by the members.
 - Has established bylaws or another document to govern its activities.
 - Has been granted an exemption from payment of federal income tax as a club pursuant to 26 U.S.C.} 501.
 - Has no employees* - except when the private club being used for a function where the general public is invited. (Smoke from these locations cannot drift into areas where smoking is prohibited.)
* "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, or a person who provides services to an employer on a voluntary basis.

Other Restrictions

- Smoking is not allowed in a private club when the general public is invited into the establishment.
- The private club exemption shall not apply to any entity that is established for the purposes of avoiding compliance with the Smokefree Air Act.

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).