



# SMOKEFREE AIR ACT

## Law Enforcement Agencies

### Overview

The Smokefree Air Act specifies certain prohibitions against smoking and provides for penalties for violating the law. The Iowa Dept. of Public Health and its designees are responsible for enforcing the Smokefree Air Act.

### Authority to Designate

- The Smokefree Air Act provides the Iowa Department of Public Health (IDPH) with the authority to designate an entity, or entities, to assist in enforcement of the law. IDPH has designated all state and local law enforcement agencies to assist with enforcement of the Smokefree Air Act.
- The Alcoholic Beverages Division (ABD) has been designated as the agency to manage the law enforcement inspection and reporting system for enforcement of the Smokefree Air Act.

### Enforcement Against a Business

- The Smokefree Air Act does not allow a law enforcement officer to directly issue a citation to a business for violating the Smokefree Air Act.
- The law enforcement officer's duty is to **inspect** and **report** any violations.
- If a Smokefree Air Act violation is observed during an incident outside an IDPH-initiated site visit, IDPH encourages the involved officer to report that violation to 1-888-944-2247 or [www.iowaSmokefreeAir.gov](http://www.iowaSmokefreeAir.gov).
- ABD will notify law enforcement agencies of IDPH requests to conduct an inspection visit. Agencies will receive a payment of \$100 for each inspection visit they complete. ABD will process payments based upon receipt of an inspection report. Attached is a copy of the [inspection checklist/report](#) that details violations of the Smokefree Air Act:
- IDPH will contact the appropriate City or County Attorney to request prosecution of civil penalties against businesses determined to be in violation.

### Enforcement Against an Individual

- A law enforcement officer may issue a citation to individuals smoking in areas where smoking is prohibited pursuant to Iowa Code chapter 142D.9(1).
  - See *Compendium of Scheduled Violations & Scheduled Fines* (July 2008), page 26, under the "smoking" heading
- A law enforcement officer has broad discretion as to whether to issue a citation to an individual smoking in an area where smoking is prohibited.

### Civil Penalties

- An individual who smokes in an area where smoking is prohibited is subject to a civil penalty of \$50 for each violation [Iowa Code chapter 142D.9(1)].
- Businesses in violation of the law are subject to the following civil penalties: First violation: up to \$100; Second violation (within 12 months): up to \$200; Third and subsequent violations (within 12 months): up to \$500.
- Proceeds from civil penalties will be deposited in the general fund of the respective city or county involved in the enforcement action.

**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).