



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).