PENALTIES

Individuals who smoke in nonsmoking areas and business operators who violate any provision of the Smokefree Air Act can be charged with a civil penalty.

- Individuals smoking in an area where smoking is prohibited will be charged a $50 civil penalty.

Businesses violating any provision of the Smokefree Air Act will be charged with the following civil penalties:

- 1st Violation = $100
- 2nd Violation = $200 (within one year)
- 3rd & Subsequent Offenses = $500 (within one year)

The Smokefree Air Act provides city, county and state government licensing agencies the authority to suspend or revoke a business's license for violations of the Smokefree Air Act.

SIGN REQUIREMENTS

The Smokefree Air Act requires businesses to post "no smoking" signs at every entrance that "clearly and conspicuously inform persons that they are entering an area where smoking is prohibited, including entrances to outdoor serving or seating areas and in all vehicles owned, leased, or provided by an employer."

All "no smoking" signs must contain the following elements:

1. The words "No Smoking" or the international "no smoking" symbol
2. The Smokefree Air Act Helpline: "1-888-944-2247"
3. The official Web site: "www.IowaSmokefreeAir.gov"
   - "No Smoking" signs should be at least 24 square inches in size (4"x6" for example)
   - Vehicle "No Smoking" signs should be at least 9 square inches in size (3"x3" for example)
   - Font type and size must be ligible

Signs which meet the requirements of the law can be downloaded from **www.IowaSmokefreeAir.gov**. These signs are suitable for posting indoors. Outdoor or custom signs should be ordered from the vendor of your choice.

INFORMATION FOR FOOD SERVICE ESTABLISHMENTS ABOUT IOWA'S SMOKEFREE AIR ACT

WHAT IS THE IOWA SMOKEFREE AIR ACT?

Signed by Governor Chet Culver on April 15 2008, the Smokefree Air Act protects the health of Iowans by prohibiting smoking in nearly all enclosed areas of workplaces, including restaurants and bars. The law, which goes into effect July 1, defines areas where smoking is prohibited, areas where smoking is not regulated, enforcement details, and penalties for violating the law.

WHAT IS AN "ENCLOSED AREA"?

The law defines an enclosed area as any space that is contained on all sides by walls or windows extending from the floor to ceiling. These may include: work areas, private offices, meeting rooms, employee lounges, hallways, restrooms, stairwells, and vehicles owned, leased, or provided by the employer.

ARE ANY OUTDOOR AREAS OF FOOD SERVICE ESTABLISHMENTS COVERED?

Smoking is not allowed in outdoor seating or serving areas of restaurants or in the designated seating areas of outdoor entertainment venues. Smoking is allowed in the outdoor seating and serving areas of bars.

FOR MORE INFORMATION ON THE SMOKEFREE AIR ACT:

Visit **www.IowaSmokefreeAir.gov**. There you'll find resources such as a frequently asked questions (FAQ) document, fact sheets on specific requirements of the law, links to the law and accompanying Administrative Rules, and a link where questions about the law can be submitted.

PENALTIES

Individuals who smoke in nonsmoking areas and business operators who violate any provision of the Smokefree Air Act can be charged with a civil penalty.

- Individuals smoking in an area where smoking is prohibited will be charged a $50 civil penalty.

Businesses violating any provision of the Smokefree Air Act will be charged with the following civil penalties:

- 1st Violation = $100
- 2nd Violation = $200 (within one year)
- 3rd & Subsequent Offenses = $500 (within one year)

The Smokefree Air Act provides city, county and state government licensing agencies the authority to suspend or revoke a business's license for violations of the Smokefree Air Act.

SIGN REQUIREMENTS

The Smokefree Air Act requires businesses to post "no smoking" signs at every entrance that "clearly and conspicuously inform persons that they are entering an area where smoking is prohibited, including entrances to outdoor serving or seating areas and in all vehicles owned, leased, or provided by an employer."

All "no smoking" signs must contain the following elements:

1. The words "No Smoking" or the international "no smoking" symbol
2. The Smokefree Air Act Helpline: "1-888-944-2247"
3. The official Web site: "www.IowaSmokefreeAir.gov"
   - "No Smoking" signs should be at least 24 square inches in size (4"x6" for example)
   - Vehicle "No Smoking" signs should be at least 9 square inches in size (3"x3" for example)
   - Font type and size must be ligible

Signs which meet the requirements of the law can be downloaded from **www.IowaSmokefreeAir.gov**. These signs are suitable for posting indoors. Outdoor or custom signs should be ordered from the vendor of your choice.

INFORMATION FOR FOOD SERVICE ESTABLISHMENTS ABOUT IOWA'S SMOKEFREE AIR ACT

WHAT IS THE IOWA SMOKEFREE AIR ACT?

Signed by Governor Chet Culver on April 15 2008, the Smokefree Air Act protects the health of Iowans by prohibiting smoking in nearly all enclosed areas of workplaces, including restaurants and bars. The law, which goes into effect July 1, defines areas where smoking is prohibited, areas where smoking is not regulated, enforcement details, and penalties for violating the law.

WHAT IS AN "ENCLOSED AREA"?

The law defines an enclosed area as any space that is contained on all sides by walls or windows extending from the floor to ceiling. These may include: work areas, private offices, meeting rooms, employee lounges, hallways, restrooms, stairwells, and vehicles owned, leased, or provided by the employer.

ARE ANY OUTDOOR AREAS OF FOOD SERVICE ESTABLISHMENTS COVERED?

Smoking is not allowed in outdoor seating or serving areas of restaurants or in the designated seating areas of outdoor entertainment venues. Smoking is allowed in the outdoor seating and serving areas of bars.

FOR MORE INFORMATION ON THE SMOKEFREE AIR ACT:

Visit **www.IowaSmokefreeAir.gov**. There you'll find resources such as a frequently asked questions (FAQ) document, fact sheets on specific requirements of the law, links to the law and accompanying Administrative Rules, and a link where questions about the law can be submitted.

THE DEFINITION OF A BAR VERSUS A RESTAURANT

- The Smokefree Air Act defines "bar" "as an establishment where one may purchase alcoholic beverages, as defined in Iowa Code section 123.3, for consumption on the premises and in which the serving of food is only 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: ovens, deep fat fryers, a 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 above is considered a restaurant for the purposes of the Smokefree Air Act.
- The Smokefree Air Act prohibits smoking in all outdoor seating or serving areas of a restaurant. This includes all outdoor patios, tables, and other areas where customers are seated and consume food and beverages.
- Smoking is allowed on unenclosed outdoor patios and seating areas of a bar.
- Nothing in the law prevents any proprietor of a restaurant or bar from making the entire premises, including outdoor seating and serving areas, smokefree.

THE DUTIES OF PROPRIETORS

Owners, operators, and managers of bars, restaurants and other food service establishments are required to take certain actions in order to comply with the Smokefree Air Act.

- Employers have a responsibility to inform all current employees and all prospective employees upon application for employment about the requirements of the law.
- All ashtrays must be removed from areas where smoking is prohibited.
- No-smoking signs which meet the requirements of the law must be clearly posted at all entrances to areas where smoking is prohibited. This includes the designated seating areas of outdoor entertainment venues.
- A proprietor must inform any individual smoking in a place where smoking is prohibited that the individual is violating the Smokefree Air Act and request that the individual stop smoking immediately.
    a. If the individual refuses to stop smoking, the proprietor should discontinue service to that individual.
    b. If the individual refuses to stop smoking, the proprietor may request that the individual leave the area where smoking is prohibited.
    c. If the individual refuses to leave the area where smoking is prohibited, the proprietor may contact their local law enforcement agency.

FOR COMPLETE DETAILS, VISIT WWW.IOWASMOKEFREEAIR.GOV.
QUESTIONS? GIVE US A CALL AT 1-888-944-2247.

THE DEFINITION OF A BAR VERSUS A RESTAURANT

- The Smokefree Air Act defines "bar" "as an establishment where one may purchase alcoholic beverages, as defined in Iowa Code section 123.3, for consumption on the premises and in which the serving of food is only 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: ovens, deep fat fryers, a 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 above is considered a restaurant for the purposes of the Smokefree Air Act.
- The Smokefree Air Act prohibits smoking in all outdoor seating or serving areas of a restaurant. This includes all outdoor patios, tables, and other areas where customers are seated and consume food and beverages.
- Smoking is allowed on unenclosed outdoor patios and seating areas of a bar.
- Nothing in the law prevents any proprietor of a restaurant or bar from making the entire premises, including outdoor seating and serving areas, smokefree.

THE DUTIES OF PROPRIETORS

Owners, operators, and managers of bars, restaurants and other food service establishments are required to take certain actions in order to comply with the Smokefree Air Act.

- Employers have a responsibility to inform all current employees and all prospective employees upon application for employment about the requirements of the law.
- All ashtrays must be removed from areas where smoking is prohibited.
- No-smoking signs which meet the requirements of the law must be clearly posted at all entrances to areas where smoking is prohibited. This includes the designated seating areas of outdoor entertainment venues.
- A proprietor must inform any individual smoking in a place where smoking is prohibited that the individual is violating the Smokefree Air Act and request that the individual stop smoking immediately.
    a. If the individual refuses to stop smoking, the proprietor should discontinue service to that individual.
    b. If the individual refuses to stop smoking, the proprietor may request that the individual leave the area where smoking is prohibited.
    c. If the individual refuses to leave the area where smoking is prohibited, the proprietor may contact their local law enforcement agency.

FOR COMPLETE DETAILS, VISIT WWW.IOWASMOKEFREEAIR.GOV.
QUESTIONS? GIVE US A CALL AT 1-888-944-2247.