

# Smokefree Air Act

## Frequently Asked Questions from Employers

James H. Gilliam

BrownWinick

666 Grand Avenue, Suite 2000

Des Moines, IA 50309-2510

Telephone: 515-242-2446

Facsimile: 515-323-8546

E-mail: [gilliam@brownwinick.com](mailto:gilliam@brownwinick.com)

When does it become effective?

July 1, 2008

What is the purpose of the statute?

“The purpose of this chapter is to reduce the level of exposure by the general public and employees to environmental tobacco smoke in order to improve the public health of Iowans.”

**What is prohibited?**

Smoking is prohibited in “all enclosed areas within places of employment” and in any “public place.”

What is the definition of  
“enclosed area”?

“All spaces between a floor and ceiling that is contained on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to the ceiling.”

What is the definition of “place of employment”?

“An area under the control of an employer and includes all areas that an employee frequents during the course of employment or volunteering.”

Does the statute provide  
examples?

“Work areas, private offices, conference and meeting rooms, classrooms, auditoriums, employee lounges and cafeterias, hallways, medical facilities, restrooms, elevators, stairways and stairwells, and vehicles owned, leased or provided by the employer.”

Are any vehicles exempt from  
the smoking ban?

- Limousines under private hire
- Vehicles owned, leased or provided by a private employer that are for the sole use of the driver and are not used by more than one person in the course of employment as a driver or passenger
- Cabs of motor trucks or truck tractors if no nonsmoking employees are present.

What is the definition of “public place”?

“An enclosed area to which the public is invited...or permitted, including common areas...”

What is a “common area”?

- Reception areas
- Waiting rooms
- Lobbies
- Hallways
- Restrooms
- Elevators
- Stairways
- Stairwells

Is there any workplace where  
smoking is permitted?

- Outdoor areas that are places of employment
- Designated hotel/motel smoking rooms
- Retail tobacco stores

Is an employer required to set  
aside a smoking area for  
employees?

No. An employer may declare the entire workplace a nonsmoking place.

Is an employer required to  
declare the entire workplace  
nonsmoking?

No. However, smoking areas must be outdoors and not in a “public place.”

What notice requirements are placed on an employer?

- Smoking prohibitions must be communicated to all existing and prospective employees
- Entrances must have no smoking signs posted
- Vehicles must have no smoking signs posted visible from vehicle exterior.
- Ashtrays must be removed

What type of sign is required?

- No smoking sign
- International no smoking symbol
- Must contain complaint telephone number
- Must contain DPH website

Does the statute create new rights for employees?

Yes. The statute prohibits retaliation against employees who complain under the chapter; subject to civil penalties of \$2,000-\$10,000

How is the statute enforced?

- DPH enforcement/inspection
- Private legal action
- Injunctive relief
- Civil penalties
- Loss of permit/license

What civil penalties can be assessed against employers?

- First violation - \$100.00
- Second violation - \$200.00
- Third and successive violations - \$500.00