



# SMOKEFREE AIR ACT

## Local Government

### Overview

The Smokefree Air Act and its supporting administrative rules directly involve county and city governments, townships, or school districts (political subdivisions) in specific areas.

### Grounds of Public Buildings

- The Smokefree Air Act prohibits smoking on the grounds\* of any public buildings\*\* owned, leased, or operated by or under the control of political subdivisions.”

\* “Grounds” are outdoor areas of a public building that are used in connection with the building, including but not limited to a sidewalk or driveway immediately adjacent to the building, but not including a sidewalk in the public right-of-way; a sitting or standing area immediately adjacent to the building; a patio; a deck; a curtilage or courtyard; a swimming or wading pool; a beach; or any other outdoor area as designated by the person having custody or control of the public building. A person having custody or control of a public building may exclude from the designated grounds of any public building the following: a parking lot, the course of play at a golf course, a hiking trail, locations of an individual campsite or campfire, or a lake, river, or other body of water. (See the Fact Sheet titled “Grounds of Public Buildings.”)

\*\* “Public building” is an enclosed area owned, leased, or operated by or under the control of the state government or its political subdivisions.

- The Smokefree Air Act prohibits smoking on “school grounds.” (See the Fact Sheet titled “Educational Facilities.”)

### Posting of Signs

- Political subdivisions are required to post “no smoking” signs at every entrance\* to an indoor or outdoor nonsmoking area on public-owned properties.
- Additionally, the Smokefree Air Act requires political subdivisions to post “no smoking” signs in government vehicles. The signs must be 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.

### Ashtrays

- The Smokefree Air Act requires political subdivisions to remove all ashtrays\* from public places where smoking is prohibited.

\* An “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.

### Employee Notification

- The Smokefree Air Act requires political subdivisions to inform all existing and prospective employees of the requirements of the Smokefree Air Act.

### Business Licensee Notification

- “Notice of the provisions of the Smokefree Air Act shall be provided to all applicants for a business license in this state.” There is no stipulation as to how this notification is to be carried out.
- IDPH has provided the Web site, [www.iowaSmokefreeAir.gov](http://www.iowaSmokefreeAir.gov) to assist political subdivisions in fulfilling this requirement.

**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).

## *Inspection Processes*

- The Smokefree Air Act requires political subdivisions which perform inspections to “assess compliance with the requirements” of the Smokefree Air Act, and to “report any violations to the department of public health.”
- IDPH-Division of Tobacco Use Prevention & Control will work with and provide local authorities with educational materials to assist with this assessment.
- The Smokefree Air Act does not apply to federal inspections conducted by political subdivisions.

## *Enforcement*

- The department may refer complaints regarding a violation(s) of the Smokefree Air Act to the law enforcement authorities of the state or of the political subdivision of the state in which the alleged violation occurred.
- Magistrates shall hear and determine violations of this chapter.
- Civil penalties paid shall be deposited in the general fund of the respective city or county.  
(See the Fact Sheet titled “Law Enforcement Requirements.”)

## *Leases*

- The Smokefree Air Act requires lease agreements entered into by political subdivisions after July 1, 2008, to comply with the provisions of the Smokefree Air Act.

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