

IOWA SMOKE FREE AIR ACT

Implications for Iowa Schools¹

<u>LOCATION</u>	<u>SMOKING PROHIBITED</u>	
	<u>YES</u>	<u>NO</u>
Enclosed School Buildings	X ²	
School Vehicles	X	
Grounds of School Buildings	X ³	
Enclosed Places of Employment	X	
All Outdoor Areas including ...	X	
Parking Lots	X	
Sports Arenas/Stadiums	X	
Private Vehicles in School Parking Lots	X	

Duties of School

1. Place clear, conspicuous signs at every entrance to areas where smoking is prohibited and in all school vehicles.
2. Remove ash trays from places where smoking is prohibited.
3. Notify employees and applicants for employment of the provisions of the law.

Penalties

1. Smoker: \$50.00
2. Owner/Operator of area where smoking is prohibited:
 - a. First offense: \$100.00
 - b. Second offense within one year: \$200.00
 - c. Third and subsequent offenses within one year: \$500.00

Sign Design

1. 24 square inches minimum (3" x 8" or 4" x 6").
2. Contain all of the following:
 - a. The words "no smoking" or the international no smoking symbol.
 - b. Telephone number of Department of Public Health for reporting violations – 1-888-944-2247.
 - c. www.iowaSmokeFreeAir.gov.

¹ School means school districts, accredited nonpublic schools, area education agencies, and community colleges.

² Includes buildings owned, leased, and controlled by the School.

³ Smoking is prohibited on the "grounds" of public buildings, which are those areas "used in connection with the building."

Frequently Asked Questions (FAQs)
IOWA SMOKEFREE AIR ACT
(Iowa Code Chapter 142D)

1. Smoking is prohibited in public places which by definition includes public buildings and is also prohibited on the grounds of any public building. The law does not say anything about smoking on public rights-of-way. Can people smoke in their private car on a public street, or as they walk on a public sidewalk?
Smoking is not prohibited on the public sidewalk. It is unclear whether a school can, by local policy, prohibit smoking on the public sidewalks. Smoking is prohibited on all sidewalks that directly lead up to a school building. In addition, smoking is prohibited on school parking lots, and schools have no discretion to allow smoking on the parking lot by students, staff, or visitors. Smoking is allowed in private vehicles that are parked on the street.
2. Is any property owned by a school not covered by the law?
No. All school grounds, parking lots, athletic fields, playgrounds, tennis courts, and other outdoor areas are included in the smoking ban. All buildings owned or leased by a school, including the bus barn, administrative building, and other structures not used for student instruction, are included in the smoking ban.
3. How does the law apply to the construction of public improvements and the contractors who build them?
The construction site is a place of employment. If the construction site becomes an enclosed area (enclosed areas are defined as including floor, ceiling and solid walls), smoking will be prohibited.

Both schools and the contractors have responsibilities. The school's responsibilities stem from its role as a public entity as well as an employer. The contractor is an employer. Both the school and the contractor are responsible for complying with the Act.
4. Does the smoking ban apply to private vehicles in School parking lots?
Yes.
5. Is smoking banned from School vehicles, no matter where located?
Yes.
6. Does the law apply to leased property?
Yes, if the property is publicly owned or is leased by a public entity.
7. Does the ban only apply to smoking or does the ban include all tobacco products?
The Act applies to tobacco smoke; it does not address rolling a cigarette or smokeless tobacco products. However, a local school board may pass a resolution to have a tobacco-free campus.
8. Where are the No Smoking signs to be placed?
Buildings, grounds: At each entrance.
School vehicles (including all school buses): The sign must be "clear and conspicuous from the exterior of the vehicle."
9. Where can schools obtain No Smoking signs?
Signs can be downloaded free of charge from <http://www.iowasmokefreeair.gov>.

Window clings that comply with the size and content requirements can be ordered from the American Lung Association of Iowa at <http://www.lungia.org/tobacco/sfsign.cfm>.

More permanent signs can be ordered at a fee from Iowa Prison Industries at http://www.iaprisonind.com/html/prodserv/signs/signs_nosmoking.asp.

10. What must a school do if a person on school grounds violates the law?
The school must first inform the person that s/he is not allowed to smoke on school grounds (including in the person's own vehicle if it is parked in a school parking lot). The school must then request that the person cease smoking immediately.
If the person refuses to quit smoking, the school may request that the person leave school grounds.
If the person refuses to leave, the school is to notify local law enforcement.
11. What state agency governs this law?
The Iowa Department of Public Health, which has developed a web site to address various issues regarding the law: <http://www.iowasmokefreeair.gov>.