



AMENDMENT SUMMARY

HF 2212

Smoke Free Air Act

Senate Amendment H-8054

Status of Bill: House Calendar with Senate Amendment
Committee: Passed House 56-44; amended and passed Senate 29-21
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THE SENATE AMENDMENT H-8054 TO HF 2212

1. H-8054 strikes these exemptions

- Casinos / Tracks: HF 2212 exempts any property, including hotel and motel rooms, owned or operated by an entity licensed under chapter 99D (pari-mutuel wagering) or 99F (gambling boats and racetracks).
- Veterans Organizations: HF 2212 exempts incorporated and acting posts or chapters of veterans' organizations operating under a Congressional charter, except for a function to which the general public is invited. Among other entities, this includes the American Legion, American Veterans (AMVETS), Veterans of Foreign Wars (VFW), and Vietnam Veterans of America.
- Iowa Veterans Home. HF 2212 exempts the Iowa Veterans Home.

2. H-8054 adds these new exemptions

- Fairgrounds: H-8054 exempts the state fairgrounds -- and county, district and agricultural society fairgrounds as defined in Section 174.1, which includes land and buildings.
- Farm tractors, farm trucks, and implements of husbandry used for their intended purposes:
 - H-8054 defines farm tractors the same as Section 321.1, which are vehicles designed and used primarily as implements for drawing plows, mowing machines, and other implements of husbandry.
 - H-8054 defines farm trucks as a single-unit truck, truck-tractor, tractor, semitrailer, or trailer used by a farmer to transport any farm products produced or finished by the farmer, or to transport any other personal property owned by the farmer to market, and property and supplies to the farm.
 - H-8054 defines implement of husbandry the same as Section 321.1, which are vehicles or special mobile equipment designed and used exclusively for ag operations, except incidentally; all-terrain vehicles used off-highway, except incidentally; fence-line feeders, and vehicles used exclusively to apply plant food materials, organic ag limestone, or ag chemicals. All self-propelled implement of husbandry must be operated at 35 mph or less.
 - H-8054 defines a farmer as one who files schedule F on federal taxes, or an employee while engaged in farming -- including one holding equity in or employed by a family farm corporation, authorized farm corporation, family farm limited partnership, limited partnership, family farm limited liability company, authorized limited liability company, family trust, or authorized trust, or a limited liability partnership as defined in section 486A.101, which has filed a statement of qualification with the Secretary of State and not filed a similar statement in any other jurisdiction. This also includes lineal ascendants or descendants of one actively engaged in farming.
- National Guard Facilities: H-8054 exempts Iowa National Guard facilities, except that smoking on the grounds shall be limited to designated areas. Section 29A.1 defines facilities as the land and buildings.
- Correctional Facilities: H-8054 exempts institutions administered by the Department of Corrections, except that smoking on the grounds shall be limited to designated areas.

3. H-8054 strikes all applications of the 10 foot rule.

- HF 2212 requires that for public places and places of employment, smoking be prohibited within 10 feet of operable windows, or ventilation systems.
- HF 2212 requires that for outdoor events, designated smoking areas must be in perimeter areas at least 10 feet from any seating or concession stands. H-8054 prohibits smoking in seating areas.
- HF 2212 requires that for school grounds, smoking be prohibited in the perimeter area a least 10 feet beyond the school grounds to which the public is invited or permitted.

4. H-8054 strikes all references to “places of public assembly”.

- HF 2212 defines a public place as including public buildings and “places of public assembly” associated with those public buildings, such as the surrounding grounds.
- HF 2212 also prohibits smoking on the grounds of any public buildings and “places of public assembly” associated with those public buildings, such as the surrounding grounds.

5. H-8054 clarifies enforcement.

- HF 2212 refers to enforcement actions, penalties, and licensure actions against one who owns, manages, operates, or otherwise has custody or control of a public place or place of employment. H-8054 adds “outdoor areas regulated by this chapter”.
- HF 2212 places civil penalty revenues into the state general fund, unless the Department of Public Health (DPH) designates the local board of health to enforce this chapter, in which case these revenues go into the county general fund. H-8045 changes the language to DPH designating a local authority, in which case these revenues go into the city or county general fund.

AMENDMENTS TO THE SENATE AMENDMENT H-8054

H-8056 by Bailey (D-Hamilton) and Dolecheck (R-Ringgold) – Exemption During Specified Times: Exempts establishments that only invites or admits those 21 or older at a specified time, if it is a regular, single, consecutive period of time and is conspicuously posted on all major entrances.

H-8057 by Bailey (D-Hamilton), Windschitl (R-Harrison), et al. - Exempts Iowa Veterans Home: As originally passed by the House, the bill exempted the Iowa Veterans Home. H-8054 strikes the exemption and this amendment puts it back.

H-8071 by Bailey (D-Hamilton) and Windschitl (R-Harrison) – Contingency Veterans Group Exemption: As originally passed by the House, the bill exempts Congressionally chartered veterans groups. The Senate amendment strikes this exemption. This amendment states that if any law exempts casinos or racetracks licensed under chapters 99D or 99F from the smoking ban, then the premises on which a qualified veterans organization conducts a card game tournament under Section 99B.7B (annual game nights) shall also be exempt during the time in which the card game tournament is being conducted.

H-8079 by Smith (D-Marshall) and Bailey (D-Hamilton) - Exempts Veterans Home Delays Effective Date: As originally passed by the House, the bill exempted the Iowa Veterans Home. H-8054 strikes the exemption and H-8079 puts it back. In addition, H-8079 delays the bill’s effective date from July 1, 2008 to January 1, 2009

H-8084 by Bailey (D-Hamilton), et. -- Exempts some restaurants, bars, hotels or motels, and clubs: Exempts a restaurant, bar, hotel or motel, club, casino or racetrack that has a beer, wine, or alcoholic beverage license for on premise consumption, subject to the following:

1. If alcoholic beverage license holder is a casino or racetrack, then the exemption applies to any restaurants or bars located within the premises, the wagering area, or the gaming floor.
2. If alcoholic beverage license holder is a hotel or motel, then the exemption applies only to the portion of the premises that is a bar or restaurant.

3. The restaurant, bar, hotel or motel, club, casino or racetrack allows smoking only at a specified when only those 21 or older are invited or admitted; the specified time is a regular, single, consecutive period of time; and is conspicuously posted on all major entrances.

"Club" means any nonprofit corporation or association of individuals, which is the owner, lessee, or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not operated for a profit other than such profits as would accrue to the entire membership.

"Hotel" or "motel" means premises licensed by the department of inspections and appeals and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty or more sleeping rooms.