

Iowa Smokefree Air Act

— Tool Kit —



The purpose of this tool kit is to encourage members of the Partnership for a Tobacco-Free Cerro Gordo County, and other tobacco prevention advocates, to become involved in our community by writing and submitting letters to the editor to any of the newspapers in Cerro Gordo County.

*Support the Iowa Smokefree Air Act
Tobacco Prevention Grant 2008-09*

Dear Tobacco Prevention Advocates ~

Writing letters-to-the editor can be a rewarding experience. This is an opportunity for you to make sure your voice is heard. Below are some tools to help make your letter-writing experience as easy as possible. We encourage all tobacco prevention advocates to write a letter to their local newspaper.

By writing letters to the editor, we hope to educate county residents about the Iowa Smokefree Air Act and also to show our appreciation for having smoke-free restaurants, bars, etc.

Even if you can write a short letter saying how happy you are about having smoke-free public buildings, such as your favorite restaurant or bar that would be great!

At the end of this document is a 5-page Frequently Asked Questions document from the Iowa Department of Public Health, in case you need more details about the law.

Please notify me when you submit your letter so we can clip and save these important documents.

Thank you!

Michele

Michele Appelgate
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Cerro Gordo County Newspaper Editorial Submission Guidelines

Please follow these guidelines when submitting letters to the editor:

- Submit your letter in time to be published before June 30, 2009.
- Feel free to use any of the tobacco information provided in this tool kit.
- **Personal stories are very powerful.** If you have a personal story about tobacco, simply write to tell your story. Write with simple words (for a 6th grade audience). Keep the letter brief and to the point. The goal is to educate readers about the importance of tobacco prevention, without preaching. They need tips/suggestions/inspiration, not advice.
- Show your support for the Iowa Smokefree Air Act and how wonderful it is to have smoke-free establishments!
- All letters must be signed and should include your full address, e-mail address and a phone number for verification of authorship. You may send it by mail or submit by email.

The Globe Gazette (publishes daily) — 300 word limit.

300 N. Washington Ave.

Mason City, IA 50401

Attention: Letter to the Editor

Phone: 641-421-0524

May submit online: at www.globegazette.com (you will find it in the Opinion section)

The Pioneer Enterprise (formerly the Southern County News: publishes Thursdays)

P.O. Box 203

Rockwell, Iowa 50469

Attention: Letter to the Editor. Deadline is Monday at noon, the week before you want it in.

Phone: 641-923-2684 (this is at the Garner Leader where the paper is published)

Email: thepioneerent@netins.net

Clear Lake Mirror Reporter (publishes on Wednesdays)

12 N. 4th St

Clear Lake, IA 50428

Attention: Letter to the Editor. Deadline: Friday before 5 p.m.

Phone: 641-357-2131

Email: clreport@netins.net

Logos — NIACC college paper (publishes weekly when school is in session)

500 College Dr.

Mason City, IA 50401

Attention: Letter to the Editor.

Phone: (641) 422-4304

Email The Logos advisor: peterpau@niacc.edu

Smoke Free Iowa Talking Points: Enforcement

There is basically a 4-step process to handle potential violations:

1. Citizens who feel a business is violating the Smoke Free Air law can file complaints with the IDPH by calling toll free: 1-888-944-2247 or online at <http://www.iowasmokefreeair.gov/> There is a complaint form at the top of the page.
2. IDPH reviews each potential violation. They contact the person who made the complaint to verify the details of their complaint.
3. IDPH sends out a letter to the business that has been accused of a potential violation. The letter is educational in nature and encourages the business to comply with the new law. It provides details that explain the law.
4. IDPH contacts the local county tobacco partnership/ Public Health office. A local advocate is asked to make a personal visit to the business accused of the potential violation. The local advocate does not act as an enforcement representative, rather as a resource for more information.

Any future complaints against that same business will be followed-up with a visit by a law enforcement officer.

Multiple complaints against the same business could result in a fine and/ or revocation of a business license such as a liquor license.

Members of the media should call the Public Information Officer at IDPH if they want to know how many letters have been sent to local businesses.

Environmental Tobacco Smoke (secondhand smoke) Fact Sheet

- There is a relationship between tobacco exposure and human cancer incidence, according to the National Institutes of Health.
- Environmental Tobacco Smoke is known more commonly as secondhand smoke. It is classified as a Group A carcinogen (known to cause cancer in humans) under the EPA's carcinogen assessment guidelines.
- Exposure to secondhand smoke causes lung cancer and has been linked to an increased risk for heart disease in nonsmokers.
- Secondhand smoke causes about 3,000 lung cancer deaths annually among adult nonsmokers.
- Scientific studies have also estimated that secondhand smoke accounts for as many as 35,000 deaths from ischemic heart disease annually in the United States. More research is needed to know exactly how recent changes in secondhand smoke exposure may affect lung cancer rates among adult nonsmokers.
- Secondhand smoke causes serious respiratory problems in children, such as increased number and severity of asthma attacks and lower respiratory tract infections.
- Secondhand smoke increases the risk for sudden infant death syndrome (SIDS).
- Secondhand smoke increases the risk for middle ear infections for children.
- Smoke-free environments are the most effective method for reducing secondhand smoke.
- National *Healthy People 2010* objectives address this issue and seek optimal protection of nonsmokers through policies, regulations, and laws requiring smoke-free environments in all schools, work sites, and public places.



Partnership for a Tobacco Free Cerro Gordo County Background Information

Organized efforts to curb youth tobacco use in Cerro Gordo County began in the fall of 1999 when the Cerro Gordo County Department of Public Health and the Mason City YMCA Teen Leadership Group launched a comprehensive community-based counter-tobacco strategy.

As a result of that effort, the Cerro Gordo County Department of Public Health invited more community members and organizations to participate in this important effort. From that, the Partnership for a Tobacco Free Cerro Gordo County was formed. This partnership is funded by a grant from the Iowa Department of Public Health and works year-round to educate county residents, especially teenagers, of the dangers of tobacco use.

The Partnership for a Tobacco Free Cerro Gordo County is a unique partnership of community members, organizations, school officials, law enforcement and youth who work to promote activities that discourage tobacco use, while supporting tobacco-free environments.

The Partnership members are committed to the on-going effort of reducing tobacco use among our youth.

JEL: Just Eliminate Lies (from big tobacco companies).

- In 2002, the Partnership for a Tobacco Free Cerro Gordo County organized the first Cerro Gordo JEL Youth Rally: "Just Eliminate Lies" from Big Tobacco. JEL is a state-wide effort to educate youth while trying to curb tobacco use among youth.
- Many high school students in Cerro Gordo County are active members of JEL groups at their school.
- JEL is a public awareness effort to educate our young people about the lies being fed to them by large tobacco companies, which claim they are not trying to entice children to use tobacco products.

Other tobacco prevention efforts at the Cerro Gordo County Department of Public Health include:

- **Tobacco Free Grounds Policies:** Before the Iowa Smokefree Air Act was adopted in 2008, members of JEL and the Partnership for a Tobacco Free Cerro Gordo County were instrumental in educating students, school officials and school board members about the importance of adopting tobacco-free grounds policies. All schools in Cerro Gordo County adopted tobacco-free grounds policies before Iowa became a smoke-free state:
 - Mason City Community Schools — adopted during the 2004-05 school year
 - Newman Catholic Schools — adopted during the 2004-05 school year
 - Rockwell-Swaledale Schools — adopted during the 2005-06 school year
 - Ventura Community School District — effective at the start of the 2006-07 school year.

A special note should be made about two of our community partners that also adopted tobacco-free grounds policies:

- Mason City Aquatic Center: August 2004
- The Mason City YMCA and Rehabilitation Center: October 2005

For more information on tobacco prevention, visit the Cerro Gordo County Department of Public Health web site: www.cghealth.com

*Cerro Gordo County Department of Public Health
Revised 11/2008*

Iowa Smokefree Air Act
Frequently Asked Questions
Iowa Department of Public Health

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 (2008 Iowa Acts, House File 2212).

Why was the law passed?

The Iowa legislature passed the Smokefree Air Act to protect the public's health and the health of employees from the dangers of exposure to secondhand smoke.

When does the Smokefree Air Act take effect?

The law went into effect on July 1, 2008.

Where can I find a copy of the law and the administrative rules?

At the Smokefree Air Act Web site: www.IowaSmokefreeAir.gov. The administrative rules provide guidance on how the provisions of the law will be carried out and enforced.

Does the Smokefree Air Act ban smoking?

No. The law prohibits smoking in certain areas.

Where is smoking prohibited?

Smoking is prohibited in all enclosed public places and workplaces and in some outdoor areas.

In which outdoor areas is smoking prohibited?

Smoking is not allowed in outdoor sports arenas, stadiums, amphitheaters, and in the designated seating areas of outdoor festivals or other outdoor entertainment venues where the public gathers to witness entertainment events. Smoking is also prohibited in the outdoor seating or serving areas of restaurants; public transportation stations, platforms and shelters; school grounds; and the grounds of public buildings.

What are some examples of public places and places of employment affected by the law?

The law prohibits smoking in all enclosed areas in places of employment. Examples include: restaurants, bars, public and private educational facilities, factories, warehouses, office buildings and shopping malls. Enclosed areas include: work areas, private offices, conference and meeting rooms, classrooms, auditoriums, employee lounges and cafeterias, hallways, restrooms, elevators, stairways and stairwells, and vehicles owned, leased, or provided by the employer. A private residence used as a child care facility, a child care home, or as a health care provider location also must be smoke free.

Can employees smoke in a designated break room or in an outdoor area?

Smoking is not allowed in enclosed areas within places of employment, including break rooms. Smoking is allowed in outdoor areas not required to be smoke free by the Smokefree Air Act.

Do all bars and restaurants have to be smoke free?

Yes. Smoking is prohibited in all enclosed areas of bars, nightclubs, lounges, adult entertainment establishments, cabarets, restaurants, coffee shops, sandwich shops, fast-food restaurants, and cafeterias.

How do I know if my business is considered a “bar” or a “restaurant?”

A bar is defined in the law as an establishment where the serving of food is “incidental” to the consumption of alcoholic beverages. Food preparation in a bar is limited to the service of pre-packaged snack foods and popcorn and the reheating of commercially prepared foods that do not require assembly, such as frozen pizzas, pre-packaged sandwiches, or other prepackaged, ready-to-serve products.

An establishment which prepares food on site is considered a restaurant for the purposes of the Smokefree Air Act, even if that establishment has a liquor license.

I own a bar and do not allow smoking on my patio. Does the law allow me to keep my patio smoke free even though the law says that smoking may be allowed?

Yes. An owner, operator, manager, or other person having control of an area may declare the entire area as a non-smoking area.

Is smoking allowed in a cigar bar?

Smoking is prohibited in all enclosed areas of bars, which includes the enclosed areas of a cigar bar. Establishments which are defined as bars under the Smokefree Air Act may allow cigar smoking only on unenclosed outdoor patios.

Establishments which are defined as tobacco retailers under Smokefree Air Act may allow smoking in enclosed areas. In order for a cigar bar to be classified as a tobacco retailer, at least 80 percent of the cigar bar’s gross revenues must come from the sale of tobacco products and accessories, with no more than 20 percent of sales coming from the sale of alcohol or other products.

At what distance from an entrance is outside smoking allowed?

Provided that you are not on the grounds of a school/educational facility or near the entrance to a publically-owned building (i.e., owned by the state, county, or city), then the law does not specify a distance that smoking is or is not allowed from the entrances to buildings.

Is smoking allowed in a private residence?

Smoking is allowed in a private home except when that home is used as a child care facility, a child care home, or as a health care provider location.

Is smoking allowed in multi-unit apartment buildings?

Smoking is not allowed in enclosed common areas of apartment buildings. The areas include (but are not limited to): reception areas, lobbies, hallways, laundries, elevators, stairways or stairwells, or other areas to which the public is invited or in which the public is permitted. Smoking is not regulated in private apartments within a multi-unit apartment building.

Is smoking allowed when children or minors are present?

The law does not address smoking when children or minors are present except when a private residence is a child care facility or child care home.

What are some examples of areas where smoking is allowed?

There are specific public places where smoking will be allowed, including: up to 20 percent of rooms in a hotel or motel, retail tobacco stores, private clubs with no employees, most outdoor areas of employment, limousines under private hire and private vehicles, farm tractors, and the gaming floor of casinos.

The law also allows smoking at the Iowa State Fairgrounds, the Iowa Veteran’s Home, and the facilities of the Iowa National Guard.

Do “no smoking” signs have to be posted?

Yes. Signs must be posted at every entrance to a public place and place of employment where smoking is not allowed, and at every entrance to outdoor areas where smoking is not allowed. Signs also must be posted in publically-owned vehicles and in vehicles owned, leased or provided by an employer if more than one person rides in that vehicle either as a driver or a passenger. Vehicle signs must be placed where they can be visible from the exterior of the vehicle.

What are the signage requirements?

The signs need to clearly display three items: (1) the international “no smoking” symbol OR the words “No Smoking,” (2) the Smokefree Air Act Web site, www.IowaSmokefreeAir.gov, and the (3) Smokefree Air Act Helpline 1-888-944-2247. Signs are required to be at least 24 square inches in size (e.g., 4” x 6” or 3” x 8”) and the type must be in a legible font.

The above sign requirements are the same regardless of where the sign is placed.

Where can I get the required signs?

Signs which meet the requirements of the law can be downloaded from the Smokefree Air Act Web site, www.IowaSmokefreeAir.gov. Customized signs or signs suitable for outdoor use should be ordered from private vendors.

What if my business was smoke-free before the law went into effect? Can’t I just use the no-smoking signs I had posted before July 1?

No. See answer to questions #19 and #20.

How will the smoke free law be enforced?

The primary goal of the enforcement process is to achieve voluntary compliance by educating the public and business owners about the requirements of the law. The Iowa Department of Public Health (IDPH) will maintain a system for receiving and investigating complaints. However, IDPH may refer complaints regarding a violation of the law to designated law enforcement authorities.

Where can I file a complaint?

Complaints may be reported on the Smokefree Air Act Web site, www.IowaSmokefreeAir.gov, by calling the Smokefree Air Act Helpline 1-888-944-2247, or by mailing a written complaint to

the Iowa Department of Public Health, Lucas State Office Building, Des Moines, IA 50319-0075.

What happens when the Iowa Department of Public Health receives a complaint?

IDPH will contact the individual who filed the complaint to further investigate the details of the complaint. Once it has been determined that a complainant is credible, IDPH will issue a first “notice of potential violation” letter to the owner of the facility or business owner about which the complaint was filed. The notice of violation is not a legal notice. The notice will provide information to the business owner about the reported violation, provide information about what needs to be done to come into compliance with the Smokefree Air Act, and provide contacts for further information and assistance.

If IDPH receives a second verified complaint regarding the same facility or business within 12 months, IDPH will issue a second notice of potential violation to the business owner and will coordinate a compliance check of that business by a law enforcement official. The law enforcement official may issue a citation based upon the results of their compliance check. For subsequent complaints within one year, IDPH will issue a notice of potential violation letter and may coordinate additional compliance checks by law enforcement.

What are the penalties for an individual who violates the law?

A person who smokes in a non-smoking area may receive a citation and civil fine of \$50 from a law enforcement official.

What are the penalties for a business that violates the law?

A business that violates the law may receive a civil fine of \$100 for a first offense, up to \$200 for a second offense (within a year), and up to \$500 for the third and subsequent offense (within a year).

In addition, violations of the Smokefree Air Act may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

What are my responsibilities as an employer or business owner?

An employer, business owner or manager must not permit smoking in areas where smoking is prohibited by the Smokefree Air Act. To meet this responsibility, an employer must:

- Post signs that meet the requirements of the law at every entrance to a non-smoking area
- Place signs that meet the requirements of the law in every employer-owned vehicle, if more than one person rides in that vehicle either as a driver or a passenger
- Inform all employees about the provisions of the Smokefree Air Act
- Remove all ashtrays from areas where smoking is prohibited

As a business owner, what do I do if I observe someone smoking in my establishment?

The owner or person in control of the business should inform the individual who is smoking that they are in violation of the Smokefree Air Act and ask the individual to stop smoking immediately. If the individual refuses to stop smoking, then they should be asked to leave the area where smoking is prohibited. If the individual refuses to leave, local law enforcement officials may be contacted.

The law says that smoking is prohibited on the grounds of any public building. What does that mean?

“Grounds of any public building” means an outdoor area that is used in connection with the building. This could mean a sidewalk immediately adjacent to a building; a sitting or standing area immediately adjacent to the building; a patio or a deck; a courtyard; a swimming pool; a beach, or any other outdoor area designated as non-smoking. **This applies only to public buildings owned, leased, or operated by or under the control of the state government or its political subdivisions.**

Q30. Can you still smoke at a public campground or on a public lake in your boat?

Smoking is allowed on hiking trails, at campsites or campfires, and on lakes, rivers or other bodies of water. However, nothing prohibits any owner, operator, manager, or other person having custody or control of a public campground from declaring the entire area or property a non-smoking place.

How are golf courses affected by the law?

The course of play of a golf course is not required to be smoke free. However, nothing prohibits any owner, operator, manager, or other person having custody or control of a golf course from declaring the entire area or property a non-smoking place

The law says that smoke can't “infiltrate” into some areas designated as smoke-free. What does “infiltrate” mean?

“Infiltrate” means that tobacco smoke permeates an enclosed area by passing through a wall, ceiling, floor, window, door, or ventilation system to the extent that an individual in that area can smell the tobacco smoke.

There are four areas where secondhand smoke is prohibited from infiltrating into an area where smoking is prohibited by the law: 1) Smoke from hotel/motel rooms where smoking is allowed; 2) Retail tobacco stores; 3) Smoking-allowed rooms at long-term care facilities; and 4) Private clubs that have no employees (except when being used for a function to which the general public is invited).

How does the Smokefree Air Act apply to federal buildings and vehicles?

The law does not apply to federally-owned buildings, grounds, or vehicles.

What assistance is available if I want to quit smoking or for my employees who want to quit smoking?

Quitline Iowa provides free smoking cessation services to all Iowans. The Quitline will work with you to set up a quit plan and help you with coaching after you quit. You may also qualify for a free, 2-week course of nicotine patches or gum.

Call 1-800-QUIT-NOW (1-800-784-8669) or visit www.quitlineiowa.org for more information.

How are daycares/child care facilities impacted by the law?

Smoking is prohibited in any enclosed areas of a daycare or child care facility, including those in private residences and vehicles used to transport children. The law does not provide any exemptions for when children may not be present.

In addition, the Iowa Department of Human Services (DHS) child care center rules state:
Item 1. Chapter 109.10(11)

Smoking. Smoking and the use of tobacco products shall be prohibited at all times in the center and every vehicle used to transport the children. Smoking and the use of tobacco products shall be prohibited in the outdoor play area during hours of operation.

Post nonsmoking signs at all entrances of the child care center and in every vehicle used to transport the children. All signs shall include the telephone number for reporting complaints, and the Internet address of the Department of Public Health (www.iowasmokefreeair.gov).

Item 2. Chapter 110

Smoking and the use of tobacco products shall be prohibited at all times in the home, and in any vehicle in which children receiving care in the home are transported. Smoking and the use of tobacco products shall be prohibited in the outdoor play area during the hours of operation.

Post nonsmoking signs at every entrance of the child care home and in every vehicle used to transport the children. All signs shall include the telephone number for reporting complaints and the Internet address of the Department of Public Health (www.iowasmokefreeair.gov).

Does the law allow smoking anywhere at the Iowa State Fairgrounds?

“Fairgrounds” as defined in Iowa Code section 174.1 are exempt from the law. However, smoking is still prohibited within all enclosed areas on the fairgrounds, the outdoor seating or serving areas of restaurants, and the designated seating areas of any outdoor entertainment venues. Please see our fact sheet for “Outdoor Entertainment Events” posted at <http://www.iowasmokefreeair.gov/resource.aspx>.

Source: Iowa Department of Public Health
Updated: August 25, 2008