



Frequently Asked Questions  
**Implementation of the Smokefree Air Act on the Capitol Complex**  
July 3, 2008

**Q1. Why was the law passed?**

A1. The Iowa Legislature passed the Smokefree Air Act to protect the public's health as well health of employees from the dangers of exposure to second-hand smoke.

**Q2. Where can I find a copy of the law? Where can I find a copy of the administrative rules?**

A2. The Iowa Department of Public Health has created a website that includes the law and a draft version of the administrative rules. The administrative rules provide guidance on how the provisions of the law will be carried out and enforced. To visit this website, go to [www.iowasmokefreeair.gov](http://www.iowasmokefreeair.gov).

**Q3. Is smokeless tobacco included in the new law?**

A3. The new Smokefree Air Act pertains only to smoking; however, DAS has administrative rules (11 Iowa Administrative Code 100.3) which prohibit use of tobacco products in all space in Capitol Complex buildings which are controlled by the executive branch, and on the grounds of the Capitol Complex. These rules were promulgated to implement Iowa Code chapter 142B, and an Executive Order signed in 1998.

**Q4. Is smoking banned on sidewalks, or only on sidewalks connected to State office buildings?**

A4. Smoking is banned on the sidewalks within the Capitol Complex grounds. As manager of the Capitol Complex, DAS has the authority to ban smoking on the entire property. For leased facilities, the landlord may be able to implement a property-wide ban also.

**Q5. The policy issued states, "For state property outside the Capitol Complex and for offices leased by the State of Iowa, the above will apply unless otherwise noticed by the employing department."**

**What does "otherwise noticed by the employing department" mean? Can a department other than DAS allow us to permit smoking outside of a state-owned or leased building?**

A5. The administrative rules promulgated by the Iowa Department of Public Health define the grounds of a public building, and further indicate that smoking is prohibited and a person shall not smoke in or on any of the following outdoor areas: the grounds of any public buildings owned, leased, or operated by or under the control of the state government or its political subdivisions, with some exceptions. Please visit [www.iowasmokefreeair.gov](http://www.iowasmokefreeair.gov) for further guidance.

**Q6. What about state-issued vehicles?**

A6. Smoking is not allowed in state-issued vehicles.

**Q7. We lease a number of offices in buildings throughout the state; will our leases need to make provisions for adhering to the new Code requirements and rules?**

A7. Yes; for all leases signed on or after July 1, 2008, we will need to provide in our lease that the landlord will comply with the bill provisions, i.e., that smoking will be prohibited in those areas in which state employees work, the entrance/exit areas, etc.

**Q8. What about events that are held on the Complex grounds?**

A8. The Capitol Complex rules will apply to any events held on the grounds.

**Q9. Who will be responsible for answering the “1-888” number?**

A9. The toll-free number posted across the state is managed by the Iowa Department of Public Health (IDPH). It is our understanding that IDPH intends to address the questions and complaints that are phoned in; if they cannot answer the question (they hope to be able to address the vast majority of them) they may refer the call to the appropriate department.

**Q10. Where do signs need to be posted in the buildings?**

A10. No smoking signs need to be posted at every entrance to a public building. “Entrance” means any doorway to an enclosed which is used by the public or employees for ingress/egress to or from any public place or place of employment. Signs should also be posted at all entries or exits to or from outdoor areas such as driveways, sidewalks, pathways, access roads, gates or dedicated points of entry.

**Q11. How will the smoke-free law be enforced?**

A11. The IDPH will maintain a system for receiving and investigating complaints. 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. However, IDPH may refer complaints regarding a violation of the law to designated law enforcement authorities.

**Q12. Where can I file a complaint?**

A12. Complaints may be reported on the Smokefree Air Act website – [www.IowaSmokefreeAir.gov](http://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, 321 E. 12th Street, Des Moines, IA 50319-0075.

**Q13. What are the penalties for an individual who violates the law?**

A13. A person who smokes in a non-smoking area may receive a citation and civil fine of \$50.00.

**Q14. What assistance is available if I want to quit smoking or for my employees who want to quit smoking?**

A14. The State of Iowa recognizes that employees may need assistance in stopping the use of tobacco products. The State offers the following information for assistance in the transition process:

SMOKING CESSATION PROGRAM – The State of Iowa offers smoking cessation program services available to employees only. These services may be obtained by calling 877-252-8411.

EMPLOYEE ASSISTANCE PROGRAM – The Employee Assistance Program (EAP) is a confidential program available to all employees and their families. The EAP may be contacted at 244-6090 or 1-800-EAP-IOWA (327-4692).

IOWA SMOKE FREE AIR WEBSITE –Iowa Department of Public Health’s website, [www.IowaSmokefreeAir.gov](http://www.IowaSmokefreeAir.gov) is a good resource regarding the smoking ban legislation, including information about smoking cessation programs. 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](http://www.quitlineiowa.org) for more information.