



SMOKEFREE AIR ACT

Bars

Overview

The Smokefree Air Act prohibits smoking in all enclosed areas within places of employment, including bars. Bars may allow smoking on unenclosed, outdoor patios.

Bar Definitions

- The Smokefree Air Act defines “bar” as an establishment where a customer may purchase alcoholic beverages and in which the serving of food is incidental to the consumption of those beverages.
- Incidental food service is defined as food preparation that is limited to the service of ice, pre-packaged snack foods, popcorn, peanuts, and the reheating of commercially prepared foods that do not require assembly, such as frozen pizza, pre-packaged sandwiches, or other prepackaged, ready-to-serve products.
- Typically, an establishment meeting the criteria of bar will not contain food preparation equipment, including but not limited to the following: roaster oven, deep fat fryer, flat top grill, or crock pot. A bar may contain a microwave or toaster oven to heat commercially prepared foods.
- An establishment that prepares food beyond the limited food service described in the definitions above is considered a restaurant for the purposes of the Smokefree Air Act.

Bar Restrictions

- Smoking is prohibited in all enclosed areas of a bar. These areas include serving areas, entrances, restrooms, hallways, and storage rooms.
- Smoking is not regulated in unenclosed outdoor patios or other outdoor areas of a bar.
- Nothing in the law prevents any owner or operator of a bar from declaring the entire property a nonsmoking place.

Duties of Proprietors

- Owners, operators, managers and persons having custody or control of a bar are required to take certain actions in order to comply with the Smokefree Air Act. These include:
 - Informing employees about the law
 - Not permitting smoking in any indoor area declared nonsmoking by the Smokefree Air Act
 - Posting no-smoking at every entrance to areas where smoking is prohibited
 - Removing all ashtrays from areas where smoking is prohibited(See the Fact Sheet titled, “*Duties of Proprietors*,” for more information.)

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).