

## Minnesota Clean Indoor Air Act

The Minnesota Clean Indoor Air Act (MCIAA) prohibits smoking in many indoor places ([Minn. Stat. §§ 144.411 to 144.417](#)). The legislation was enacted in 1975 in an effort to protect public health, comfort, and the environment by prohibiting smoking around children and ill or injured persons. The MCIAA was amended by the Freedom to Breathe Act of 2007 ([Laws 2007, ch. 82](#)), which substantially expanded the prohibition on smoking to nearly all indoor areas to provide protection from secondhand smoke. The MCIAA was further amended in 2014 to prohibit the use of electronic cigarettes in certain settings.

### *Where is smoking prohibited?*

The MCIAA prohibits smoking in public places, at public meetings, in places of employment, and in public transportation. Places of employment are indoor areas where two or more persons perform services, whether or not the persons are paid. Public places and places of employment include the following:

- Arenas
- Auditoriums
- Banquet facilities
- Bars and other food or liquor establishments
- Bowling establishments
- Common areas of rental apartment buildings
- Employee cafeterias
- Factories
- Libraries
- Lounges
- Museums
- Offices
- Restaurants
- Retail stores and other commercial establishments
- Theaters
- Vehicles used for work purposes during the hours of operation if more than one person is present
- Warehouses

Smoking is also specifically prohibited in day care centers, in day care homes during their hours of operation, in certain health care facilities and clinics, and in public transportation vehicles, with certain exceptions. In addition, all tobacco products are prohibited in public schools, except for tobacco lit by an adult as part of a traditional Indian spiritual or cultural ceremony.

### *Where is smoking permitted?*

Smoking is permitted in the following places:

- A family home or group family day care provider home, outside of its hours of operation
- Public transportation vehicles when they are being used for personal use
- Specified rooms in residential health care facilities
- Separated, well-ventilated areas of locked psychiatric units
- Specified areas for use in peer-reviewed scientific studies related to smoking
- Private residences and automobiles when not used as a place of employment
- Hotel and motel guest rooms
- Tobacco products shops for the purpose of sampling products
- Heavy commercial vehicles
- Farm vehicles and construction equipment

- Buildings on family farms
- A disabled veterans' rest camp in Washington County

Smoking is permitted by Native Americans as part of a traditional Native American spiritual or cultural ceremony and by actors as part of a theatrical performance. The MCIAA also permits smoking outside, unless it is limited or prohibited by local government.

***How is the use of electronic cigarettes treated under the MCIAA?***

The MCIAA's definition of smoking does not include the use of electronic cigarettes, so the act does not broadly prohibit the use of electronic cigarettes in public places, at public meetings, at places of employment, or in public transportation. The use of electronic cigarettes is prohibited in day care centers; family home and group family day care provider homes during their hours of operation; health care facilities and clinics, with certain exceptions; any building owned or operated by the state or a political subdivision; any facility owned by a public college or university; any facility licensed by the commissioner of human services, or licensed by the commissioner of health if also governed by federal licensing requirements; and public schools.

***What are the responsibilities of proprietors?***

Proprietors or other people or entities who control the use of a public place, public transportation, place of employment, or a public meeting must make reasonable efforts to prevent smoking inside of these places, including:

- posting signs or employing other appropriate means of prohibiting smoking;
- asking smokers to refrain from smoking;
- asking smokers who do not refrain from smoking to leave the premises;
- handling smokers who refuse to leave in a manner consistent with other persons acting in a disorderly manner or as a trespasser;
- not providing ashtrays or matches in areas where smoking is prohibited; and
- in a restaurant or bar, not serving an individual who smokes in an area where it is prohibited.

***Who enforces the Minnesota Clean Indoor Air Act?***

The Department of Health (MDH) enforces the MCIAA and can delegate enforcement to community health boards. MDH can use the enforcement procedures in the Health Enforcement Consolidation Act to ensure compliance with the MCIAA, including issuing fines of up to \$10,000 against proprietors for violations. Also, peace officers can cite proprietors and individuals who violate the MCIAA. It is a petty misdemeanor to smoke, or to permit someone to smoke, in an area where smoking is prohibited or restricted by the MCIAA.

***Can local governments enact stricter ordinances?***

The MCIAA authorizes local units of government to enact and enforce more stringent measures than those provided in the MCIAA to protect individuals from secondhand smoke, including limiting or prohibiting smoking in outdoor areas.

**For more information:** Contact legislative analyst Elisabeth Klarqvist at 651-296-5043. Additional information is also available from the Minnesota Department of Health at <http://www.health.state.mn.us/divs/eh/indoorair/mciaa/ftb/index.html>.

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