



# Minnesota Clean Indoor Air Act

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The Minnesota Clean Indoor Air Act (MCIAA) prohibits smoking in indoor public places, public meetings, places of employment, and public transportation. ([Minn. Stat. §§ 144.411 to 144.417](#)) The act also permits smoking in certain indoor settings and situations. The MCIAA was enacted in 1975 and significantly amended in 2007 and 2019.

## The MCIAA prohibits smoking in certain indoor settings.

The MCIAA prohibits smoking in public places, at public meetings, in places of employment, and in public transportation. Smoking is defined as inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or other lighted or heated product that contains nicotine, tobacco, marijuana, or other plant and is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device. Places of employment are indoor areas where two or more persons perform services, whether or not the persons are paid. Public places are any enclosed, indoor area used by the general public. 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 and electronic delivery devices are prohibited in public schools and charter schools, except for tobacco lit by an adult as part of a traditional Indian spiritual or cultural ceremony.

The MCIAA does not regulate smoking in outdoor settings. Local units of government may have ordinances that restrict smoking in certain outdoor locations.

## The MCIAA permits smoking in certain indoor locations and situations.

Smoking is permitted in the following places:

- Family home or group family day care provider homes, outside of their hours of operation
- Public transportation vehicles when they are being used for personal use
- Specified rooms in residential health care facilities, for smoking by patients or residents
- Separated, well-ventilated areas of locked psychiatric units, for smoking by patients
- 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 participants in peer-reviewed scientific studies related to smoking, by Native Americans as part of a traditional Native American spiritual or cultural ceremony, and by actors as part of a theatrical performance.

### **The use of electronic delivery devices is regulated by the MCIAA in the same manner as the smoking of cigarettes, cigars, pipes, and other similar products.**

The MCIAA's definition of smoking includes carrying or using activated electronic delivery devices, so the act prohibits the carrying or use of electronic delivery devices in indoor public places, public meetings, places of employment, and public transportation.

### **Proprietors have certain responsibilities to prevent smoking in indoor public places, public transportation, places of employment, and public meetings.**

Proprietors or other people or entities who control the use of an indoor 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.

### **The Minnesota Department of Health and community health boards enforce the MCIAA, and certain violations are a petty misdemeanor.**

The Minnesota Department of Health (MDH) enforces the MCIAA and can delegate enforcement to community health boards. MDH may 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 may 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.

### **Local governments may enforce stricter ordinances than the MCIAA.**

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 or involuntary exposure to aerosol or vapor from electronic delivery devices.



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