

Minnesota Clean Indoor Air Act: FAQ

What is the Minnesota Clean Indoor Air Act?

This is our state law that regulates where indoor smoking is permitted in Minnesota. It was first passed in 1975. It was amended in 2002 and 2007.

What is the Freedom to Breathe Act?

The Freedom to Breathe Act is the popular name for a a group of amendments to the Minnesota Clean Indoor Air Act. These amendments were passed by the legislature in spring 2007 and took effect October 1, 2007. The changes eliminated loopholes that had permitted smoking in places where people work such as bars and restaurants. Smoking is prohibited in virtually all indoor workplaces and public places in Minnesota.

Where is smoking prohibited?

Smoking is prohibited in all places of employment where two or more people work, or volunteer to do what is normally paid work. Smoking is also prohibited in public places, on public transportation and at public meetings.

Indoor smoking is prohibited in:

- Bars and restaurants
- Private clubs (Elks, VFW, American Legion, etc.)
- Offices, stores and factories
- Public transportation (including taxis)
- Vehicles used for work (if more than one person is present)
- Home offices (with one or more on-site employees, or if used as a place to meet or deal with customers).

Where is smoking still allowed?

Indoor smoking is still allowed in:

- Private homes and vehicles (not in use as a place of employment)
- Hotel and motel guest rooms (if the hotel or motel permits smoking in designated guest rooms)
- Tobacco shops (only to sample tobacco products)
- Buildings on family farms (with no more than two non-family employees)
- Cabs of heavy commercial vehicles over 26,000 pounds
- Certain psychiatric settings and scientific studies
- Separately ventilated smoking rooms in nursing homes (adult residents are the only ones permitted to smoke)
- Cabs of farm vehicles and construction equipment
- Theatrical performances (by actors only as part of a performance)
- Traditional Native American ceremonies
- The disabled veterans rest camp in Washington County.

Does our state law cover smoking outdoors?

Minnesota's smoke-free law, the Minnesota Clean Indoor Air Act only regulates indoor smoking. It does not regulate smoking outdoors. Smoking that takes place outdoors is legal under our state law, even if the smoke drifts into a building through an open door or window.

Local governments retain the power to adopt stronger smoking laws. Currently there are no city or county smoking ordinances in Goodhue County. Goodhue County does have a policy restricting smoking to designated places on the grounds of county-owned buildings.

Business owners can establish a smoking policy for outdoor areas of their property such as an outdoor dining area at a restaurant. They can prohibit smoking on their property or limit smoking to designated outdoor places.

How is Minnesota's smoke-free law enforced in Goodhue County?

A violation of the new law is a petty misdemeanor with a fine of up to \$300. The Minnesota Department of Health (MDH) may levy administrative penalties up to \$10,000 per violation against businesses that violate the law. A bar or restaurant that violates the law may have its license suspended or revoked.

Goodhue County Public Health Service is responsible for enforcement of the new law in Goodhue County. To report a violation call Goodhue County Public Health Service (651) 385-6100 or (800) 950-2142.

What are the responsibilities of business owners?

Businesses must post "no smoking" signs at all entrances. Businesses must not provide smoking equipment such as ash trays or matches in indoor areas.

Proprietors must ask a person smoking in a prohibited area to stop smoking. If the person refuses to stop smoking, the proprietor must ask the person to leave. If the person refuses to leave the business, the proprietor should resolve the situation by calling local law enforcement for assistance with a disorderly person who is trespassing.

If the business is a bar or restaurant, the law prohibits serving food or beverages to a person who is smoking indoors in violation of the law.

Can people smoke on a covered deck or patio at a bar or restaurant?

Yes, **but**, a space that is covered by a roof and that has more than 50% of the total surface area of the walls covered by any material other than window screen, is classified under the law as an **indoor space** where smoking is **prohibited**. Garage doors and sliding patio doors always count as a covered wall even when they are open. Business owners are encouraged to call Goodhue County Public Health Service for free technical assistance before they begin to build any covered outdoor space intended as a smoking area.

Where can I get more information about the law?

Call Goodhue County Public Health Service, or use these on-line links:

[Link to Minnesota Department of Health Freedom to Breathe page.](#)

You can also visit www.freshairmn.org to learn more about the law, access resources to help your workplace go smoke-free, order free materials and learn about quit-smoking services available to all Minnesotans.