

144.414 PROHIBITIONS.

Subdivision 1. **Public places, places of employment, public transportation, and public meetings.** Smoking shall not be permitted in and no person shall smoke in a public place, at a public meeting, in a place of employment, or in public transportation, except as provided in this section or section 144.4167.

Subd. 2. **Day care premises.** (a) Smoking is prohibited in a day care center licensed under Minnesota Rules, parts 9503.0005 to 9503.0175, or in a family home or in a group family day care provider home licensed under Minnesota Rules, parts 9502.0300 to 9502.0445, during its hours of operation. The proprietor of a family home or group family day care provider must disclose to parents or guardians of children cared for on the premises if the proprietor permits smoking outside of its hours of operation. Disclosure must include posting on the premises a conspicuous written notice and orally informing parents or guardians.

(b) For purposes of this subdivision, the definition of smoking includes the use of electronic cigarettes, including the inhaling and exhaling of vapor from any electronic delivery device as defined in section 609.685, subdivision 1.

Subd. 3. **Health care facilities and clinics.** (a) Smoking is prohibited in any area of a hospital, health care clinic, doctor's office, licensed residential facility for children, or other health care-related facility, except that a patient or resident in a nursing home, boarding care facility, or licensed residential facility for adults may smoke in a designated separate, enclosed room maintained in accordance with applicable state and federal laws.

(b) Except as provided in section 246.0141, smoking by patients in a locked psychiatric unit may be allowed in a separated well-ventilated area in the unit under a policy established by the administrator of the program that allows the treating physician to approve smoking if, in the opinion of the treating physician, the benefits to be gained in obtaining patient cooperation with treatment outweigh the negative impacts of smoking.

(c) For purposes of this subdivision, the definition of smoking includes the use of electronic cigarettes, including the inhaling and exhaling of vapor from any electronic delivery device as defined in section 609.685, subdivision 1.

Subd. 4. **Public transportation vehicles.** Smoking is prohibited in public transportation vehicles except that the driver of a public transportation vehicle may smoke when the vehicle is being used for personal use. For purposes of this subdivision, "personal use" means that the public transportation vehicle is being used by the driver for private purposes and no for-hire passengers are present. If a driver smokes under this subdivision, the driver must post a conspicuous sign inside the vehicle to inform passengers.

Subd. 5. **Electronic cigarettes.** (a) The use of electronic cigarettes, including the inhaling or exhaling of vapor from any electronic delivery device, as defined in section 609.685, subdivision 1, is prohibited in the following locations:

- (1) any building owned or operated by the state, home rule charter or statutory city, county, township, school district, or other political subdivision;
- (2) any facility owned by Minnesota State Colleges and Universities and the University of Minnesota;
- (3) any facility licensed by the commissioner of human services; or



(4) any facility licensed by the commissioner of health, but only if the facility is also subject to federal licensing requirements.

(b) Nothing in this subdivision shall prohibit political subdivisions or businesses from adopting more stringent prohibitions on the use of electronic cigarettes or electronic delivery devices.

History: 1975 c 211 s 4; 1977 c 305 s 45; 1984 c 654 art 2 s 113; 1987 c 399 s 2; 1992 c 576 s 2; 1993 c 14 s 1; 1995 c 165 s 2; 1999 c 245 art 2 s 25; 1Sp2003 c 14 art 7 s 41; 2007 c 82 s 8; 2014 c 291 art 6 s 4-6



144.416 RESPONSIBILITIES OF PROPRIETORS.

(a) The proprietor or other person, firm, limited liability company, corporation, or other entity that owns, leases, manages, operates, or otherwise controls the use of a public place, public transportation, place of employment, or public meeting shall make reasonable efforts to prevent smoking in the public place, public transportation, place of employment, or public meeting by:

(1) posting appropriate signs or by any other means which may be appropriate; and

(2) asking any person who smokes in an area where smoking is prohibited to refrain from smoking and, if the person does not refrain from smoking after being asked to do so, asking the person to leave. If the person refuses to leave, the proprietor, person, or entity in charge shall handle the situation consistent with lawful methods for handling other persons acting in a disorderly manner or as a trespasser.

(b) The proprietor or other person or entity in charge of a public place, public meeting, public transportation, or place of employment must not provide smoking equipment, including ashtrays or matches, in areas where smoking is prohibited. Nothing in this section prohibits the proprietor or other person or entity in charge from taking more stringent measures than those under sections 144.414 to 144.417 to protect individuals from secondhand smoke or from involuntary exposure to aerosol or vapor from electronic delivery devices. The proprietor or other person or entity in charge of a restaurant or bar may not serve an individual who is in violation of sections 144.411 to 144.417.

History: 1975 c 211 s 6; 2007 c 82 s 9; 1Sp2019 c 9 art 11 s 28



ORDINANCE

Board of Ramsey County Commissioners

Presented By: Commissioner Ortega Date: September 22, 2015 No. B2015-302

Attention: Public Health

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WHEREAS, The Minnesota Clean Indoor Air Act (MCIAA - Minn. State Sections 144.411 – 144.417) is the State law that describes where smoking is prohibited, outlines responsibilities of employers, manager, and other persons in charge, and lists exemptions; and

WHEREAS, In 2014, the Minnesota Legislature amended the MCIAA to restrict the use of electronic cigarettes in certain places and also include use of electronic cigarettes within the definition of smoking for certain types of facilities; and

WHEREAS, The MCIAA does not prohibit political subdivisions from adopting more stringent prohibitions on the use of electronic cigarettes or electronic delivery devices; and

WHEREAS, There have been a number of changes in the products available to smokers, including e-cigarette products, which deliver nicotine in a vapor, usually with various flavorings; and

WHEREAS, Studies and surveys at the national and state level have found that, while use of tobacco products by middle and high school age youth has leveled or declined, the use of e-cigarettes by that population has substantially increased; and

WHEREAS, Scientific research has shown some adverse health effects associated with the vapor from e-cigarettes, and there is not clear evidence that the use of e-cigarettes is beneficial as a smoking cessation tool; and

WHEREAS, Regulation of e-cigarettes can reduce confusion in establishments in which smoking is prohibited; and

WHEREAS, The Saint Paul – Ramsey County Community Health Services Advisory Committee, which advises and assists the Ramsey County Board with its public health responsibilities, has recommended that the Ramsey County Board of Commissioners adopt an ordinance to restrict the use of e-cigarettes; and

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Toni Carter	X		
Blake Huffman	X		
Mary Jo McGuire	X		
Rafael Ortega	X		
Victoria Reinhardt	X		
Janice Rettman		X	
Jim McDonough	X		

Jim McDonough, Chair

By: 

Janet Guthire
Acting Chief Clerk – County Board



ORDINANCE

Board of Ramsey County Commissioners

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WHEREAS, Section 5.02 of the Ramsey County Home Rule Charter requires that every proposed ordinance and amendment receive two full readings: the first at the time the amendment is presented and the second at the time of the public hearing; and

WHEREAS, Section 5.02 of the Ramsey County Home Rule Charter further provides that the full reading may be waived if a copy of the ordinance or amendment is supplied to each member of the County Board prior to its introduction; and

WHEREAS, On August 4, 2015 the Ramsey County Board of commissioners waived the first reading of the proposed Ramsey County Clean Indoor Air Ordinance; and

WHEREAS, On September 8, 2015 the Ramsey County Board of commissioners waived the second reading of the proposed Ramsey County Clean Indoor Air Ordinance;

NOW THEREFORE BE IT ORDAINED, The Ramsey County Board of Commissioners hereby approves the Ramsey County Clean Indoor Air Ordinance:

1.00 This ordinance shall be known as the "Ramsey County Clean Indoor Air Ordinance"

2.00 Purpose and Authority

2.01 It is the purpose and intent of this Ordinance to protect the health, safety, and general welfare of the people of Ramsey County. The principal objectives of this Ordinance are:

- A. To protect the health, safety and welfare of the people of Ramsey County from the adverse effects of secondhand smoke by better ensuring their ability to breathe air that is uncontaminated by secondhand smoke and vapor produced by electronic delivery devices (more commonly known as e-cigarettes); and
- B. To affirm that the right to breathe has priority over allowing people to smoke or use electronic delivery devices.; and

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Toni Carter	X		
Blake Huffman	X		
Mary Jo McGuire	X		
Rafael Ortega	X		
Victoria Reinhardt	X		
Janice Rettman		X	
Jim McDonough	X		

Jim McDonough, Chair

By: 

Janet Guthire
Acting Chief Clerk – County Board



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- C. To prevent secondhand smoke and vapor exposure and its adverse health effects on employees, patrons, and the general public while in public indoor areas and places of employment; and
 - D. To protect, in particular, the health of vulnerable populations including children, the elderly, and those with chronic health conditions; and
 - E. To maintain consistency in enforcement of clean air in public indoor areas, and in the use of products that simulate combustible tobacco products.

2.02 This Ordinance is adopted pursuant to powers granted under Minnesota Statutes Sections 144.414, subd. 5(b), 144.417, subd. 4(a), and Chapters 145A and 375, and subsequent recodifications and/or amendments, the Home Rule Charter for Ramsey County, and other applicable legislation, as may be adopted from time to time.

3.00 Jurisdiction

3.01 This ordinance applies throughout all of Ramsey County.

3.02 Nothing in this ordinance shall prevent other local levels of government, within Ramsey County, from adopting more restrictive measures to protect citizens from second-hand smoke.

3.03 Nothing in this ordinance authorizes smoking in any location where smoking is restricted by other applicable laws.

4.00 Definitions

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply.

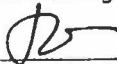
4.01 "Department" means Saint Paul-Ramsey County Public Health.

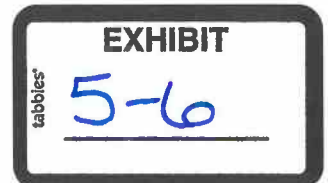
4.02 "Electronic delivery device" means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that

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	YEA	NAY	OTHER
Toni Carter	X		
Blake Huffman	X		
Mary Jo McGuire	X		
Rafael Ortega	X		
Victoria Reinhardt	X		
Janice Rettman		X	
Jim McDonough	X		

Jim McDonough, Chair

By: 
Janet Guthrie
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can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose.

- 4.03 “Minnesota Clean Indoor Air Act”** means Minnesota Statutes Sections 144.411 to 144.417, as amended from time to time.
- 4.04 “Smoking”** shall mean inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product, or inhaling or exhaling vapor from any electronic delivery device, an activity which is commonly known as “vaping”. Smoking shall include possessing or carrying a lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco product or plant product intended for inhalation.
- 4.05 “Use.”** The inhaling or exhaling of vapor from any electronic delivery device. Use shall also mean carrying an electronic delivery device that is turned on or otherwise activated.
- 5.00 Prohibition**
- 5.01** The use of any electronic delivery device is prohibited anywhere smoking is prohibited by the Minnesota Clean Indoor Air Act.
- 5.02** Except as provided in Section 5.03, to ensure that tobacco smoke or vapor from electronic delivery devices does not enter public places and places of employment and that persons entering such places are not exposed involuntarily to tobacco smoke or vapor from electronic delivery devices, smoking and the use of electronic delivery devices are prohibited within twenty-five (25) feet of entrances, exits, open windows and ventilation intakes of public places and places of work. This prohibition does not apply to entrances and exits that are

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Toni Carter	X		
Blake Huffman	X		
Mary Jo McGuire	X		
Rafael Ortega	X		
Victoria Reinhardt	X		
Janice Rettman		X	
Jim McDonough	X		

Jim McDonough, Chair

By: 
Janet Guthire
Acting Chief Clerk – County Board



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used solely in the event of an emergency and are appropriately signed for that purpose.

5.03 Exceptions: The prohibitions in this section do not apply to the following places or situations:

- A. The proprietor of an outdoor dining area or outdoor bar area of a restaurant may designate for smoking outdoor seating capacity of the restaurant provided this location is appropriately signed as a smoking area, and the area is not immediately adjacent to a building entrance.
- B. Situations where members of the public that are passing through on an outdoor street, alley, or sidewalk where smoking is prohibited by this Ordinance while en route to another location.

6.00 Enforcement

6.01 Petty Misdemeanor. Any person who violates this ordinance, or who shall permit such a violation to exist on the premises under their control, or who shall fail to take action to abate the existence of the violation within the specified time period when ordered or notified to do so, shall be guilty of a petty misdemeanor, and upon conviction thereof shall be punished therefore, as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

6.02 Equitable Relief. In the event of a violation or a threat of violation of this ordinance, the County Attorney may take appropriate action to enforce this ordinance, including application for injunctive relief, action to compel performance, or other appropriate action in court, if necessary, to prevent, restrain, correct, or abate such violations or threatened violations.

6.03 Penalties. Failure to comply with this ordinance shall be a basis for adverse action under Minnesota Statutes, section 340A.415.

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Toni Carter	X		
Blake Huffman	X		
Mary Jo McGuire	X		
Rafael Ortega	X		
Victoria Reinhardt	X		
Janice Rettman		X	
Jim McDonough	X		

Jim McDonough, Chair

By: 
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6.04 Citations. Whenever any representative of the Department, or any other person authorized to issue citations for the violation of law, discovers a violation of this ordinance, a citation may be issued to the person alleged to have committed the violation. The citation shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or impliedly authorized to accept such issuance.

7.00 Severability and Savings Clause. If any portion of this ordinance, or its application to any circumstances, is held invalid, the remaining provisions shall be considered severable, and shall be given effect to the maximum extent possible.

8.00 Previous Ordinance: Upon the Effective Date of this Ordinance, The Ramsey County Smoke Free Restaurant Ordinance, 2004-342, adopted September 14, 2004, effective March 31, 2005, is repealed.

9.00 Effective Date: This Ordinance shall be effective upon passage by the County Board and its publication in accordance with law.

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Toni Carter	X		
Blake Huffman	X		
Mary Jo McGuire	X		
Rafael Ortega	X		
Victoria Reinhardt	X		
Janice Rettman		X	
Jim McDonough	X		

Jim McDonough, Chair

By: 

Janet Guthrie

Acting Chief Clerk – County Board

EXHIBIT

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