



Electronic cigarettes and the Minnesota Clean Indoor Air Act

Background

The Minnesota Clean Indoor Air Act (MCIAA) is a state law that describes where smoking is prohibited, outlines the responsibilities of employers, managers, and other persons in charge and lists exemptions that affect their workplaces and facilities.

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.

For more information on the MCIAA provisions related to tobacco smoking, please see the “Freedom to Breathe – General Info” fact sheet.

Definition of “smoking”

“Smoking” means inhaling or exhaling smoke from a lighted tobacco product or any other lighted plant product intended for inhalation. Carrying a lighted tobacco product or lighted plant product is also considered smoking.

In facilities outlined by the legislature (see Affected areas) the definition of smoking includes inhaling and exhaling of vapor from electronic cigarettes or any other electronic delivery device as defined in Minnesota Statutes, section 609.685, subdivision 1.

Affected areas

In the following areas, the use of electronic cigarettes is subject to smoking restrictions and prohibitions:

- Licensed day care, including family home daycare during hours of operation
- Health care facilities and clinics

- Buildings owned or operated by the state of Minnesota
- Buildings owned or operated by cities, counties, townships, and other political subdivisions
- Facilities owned by Minnesota State Colleges and Universities and the University of Minnesota
- Buildings and vehicles owned or operated by public school districts
- Facilities licensed by Minnesota Department of Human Services
- Facilities that are licensed by the Minnesota Department of Health and also subject to federal licensing requirements

Permitted electronic cigarette use*

The law does not prohibit use of electronic cigarettes in the following locations or circumstances:

- Bars, restaurants, and private clubs
- Private office and industrial workplaces
- Private places, such as private homes, residences or automobiles, except home daycare during open hours
- Hotels and motels
- Retail stores
- Private educational facilities
- Patients of licensed residential healthcare facilities in designated separate, enclosed areas that meet applicable regulations
- Patients in a locked psychiatric unit in a separated well-ventilated area, as approved by the treating physician

**Local government ordinances or building policies may be more restrictive than the MCIAA.*

Outdoor use of electronic cigarettes

The MCIAA does not prohibit the use of electronic cigarettes outdoors, regardless of distance from building openings such as doors and windows.

Compliance and enforcement

MDH has compliance authority over the MCIAA and may delegate compliance activities to local units of government. MDH, a local board of health, or any affected person can request a court order directing a repeat MCIAA violator to stop.

Local government ordinances

Local governments retain the authority to adopt and enforce more stringent measures related to the use of electronic cigarettes.

Retaliation prohibited

An employer, manager or other person in charge cannot fire, refuse to hire, penalize, discriminate or retaliate against an employee, applicant, or customer who exercises any right provided under the MCIAA.

For more information

Contact the Minnesota Department of Health to receive a copy of the MCIAA, or to receive additional educational materials please visit the MDH website at:

<http://www.health.state.mn.us/freedomtobreathe>