

Smoking and Farming Operations

How the Minnesota Clean Indoor Air Act applies to Farming Businesses

Background

The Freedom to Breathe (FTB) provisions amended the Minnesota Clean Indoor Air Act (MCIAA) to further protect employees and the public from the health hazards of secondhand smoke. The FTB amendments became effective October 1, 2007.

The MCIAA describes where smoking is prohibited, outlines the responsibilities of employers, managers and other persons in charge and list exemptions that affect their workplaces and facilities. This fact sheet explains how the law applies to farming operations.

Smoking permitted in family farm buildings

Smoking is permitted at all times within indoor areas of farm buildings, such as home offices, garages and barns, if **all** of the following criteria are met:

1. The business is engaged in farming, as defined in Minnesota Statutes, section 500.24, Subdivision 2, paragraph (a).
2. The farm meets *one* of the following definitions provided in Minnesota Statutes, section 500.24, Subd.2:
 - a) Family Farm, paragraph (b),
 - b) Family Farm Corporation, paragraph (c),
 - c) Family Farm Partnership, paragraph (j), or
 - d) Family Farm Limited Liability Company, paragraph (l).
3. The Family Farm employs no more than 2 *non-family* persons.

Smoking permitted in farm vehicles

Smoking is permitted in cabs of vehicles registered with the Minnesota Department of Transportation under the following categories: heavy commercial vehicles with a total gross weight of greater than

26,000 pounds, farm trucks, implements of husbandry and special mobile equipment.

Farm buildings where smoking is prohibited

Smoking is not allowed anywhere within *indoor areas* of farm buildings that are not part of family farms as previously described.

Definition of “indoor area”

“Indoor Area” means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes [wall space] constituting the perimeter of the area, whether temporary or permanent. A [standard] window screen is not considered a wall.

Outdoor smoking

The FTB provisions do not prohibit outdoor smoking, regardless of distance from building openings such as doors and windows.

Responsibilities of farm managers

Farm employers play an important role in controlling smoking at their place of work. In general, they are required to:

- Post “No Smoking” signs
- Ask persons who smoke in prohibited areas to refrain from smoking and to leave if they refuse to do so
- Use lawful methods consistent with handling disorderly persons or trespassers for any person who refuses to comply after being asked to leave
- Refrain from providing ashtrays and other smoking equipment

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.



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In addition to the compliance authority provided to MDH, local law enforcement has the authority to issue petty misdemeanor citations to proprietors or individuals who knowingly fail to comply with the MCIAA.

Local government ordinances

Local governments retain the authority to adopt and enforce more stringent measures to protect individuals from secondhand smoke.

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 to a smoke-free environment 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:

www.health.state.mn.us/freedomtobreathe

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