

# Smoking in Heavy Commercial Vehicles and in Farm Vehicles and Construction Equipment

How the Minnesota Clean Indoor Air Act applies to Heavy Commercial, Farm and Construction Vehicles

## 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 heavy commercial vehicles, and farm vehicles and construction equipment.

## Permitted smoking

Smoking is permitted at all times 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.

## No smoking in terminals

Smoking is not allowed anywhere within indoor areas of terminals, loading docks or garages for heavy commercial vehicles, even if bay doors or garage doors are open. The FTB provisions do not prohibit outdoor smoking, regardless of distance from building openings, such as doors and windows.

## Responsibilities of proprietors

Employers and facility managers continue to play an important role in controlling smoking at their place of work. In general, they are required to:

- Make reasonable efforts to prevent indoor smoking
- 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 the premises
- 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.

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



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**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](http://www.health.state.mn.us/freedomtobreathe)

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