

Freedom to Breathe in Lodging Establishments

How the Minnesota Clean Indoor Air Act applies to Hotels, Motels and other Lodging Establishments

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 lodging establishments.

Smoking permitted in guest sleeping rooms only

The FTB provisions do not prohibit smoking within individual sleeping rooms of lodging establishments rented to one or more guests.

Smoking is prohibited in all other indoor areas of lodging establishments, including, but not limited to, restaurants, bars, lounges, lobbies, entrances, hallways, laundry rooms, meeting rooms, banquet halls, game rooms, exercise rooms and indoor swimming pool areas.

Outdoor smoking

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

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.

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.

Sign posting requirements

If smoking is allowed in any guest sleeping room of a lodging facility, a sign stating, “Smoking is prohibited, except in designated areas,” or a similar statement, must be posted on or immediately inside of each building entrance.

In addition, a sign must be posted on the outside of each smoking-permitted guest sleeping room that displays the international smoking-permitted symbol or states: “Smoking Permitted,” or both.

If an *establishment’s policy* prohibits smoking within the entirety of the building (including guest sleeping rooms), a sign must be posted at each building entrance that displays the international no-smoking symbol or states: “No Smoking is permitted in this entire establishment” or “No Smoking.”



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Responsibilities of proprietors

Employers and facility managers continue to play an important role in controlling smoking in their place of business. 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
- Refuse to serve noncompliant persons

Going smoke-free

The MCIAA restricts smoking in all indoor areas of hotels and motels other than guest sleeping rooms; however, the proprietor may establish and enforce a more restrictive policy for the property, including guest sleeping rooms or outdoor areas.

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.

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, to file a smoking complaint against an employer or facility manager, or to request a copy of the act in another format. Additional educational materials are available on secondhand smoke at: www.health.state.mn.us/freedomtobreathe

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