

Smoking by Scientific Study Participants

How the Minnesota Clean Indoor Air Act affects Smoking Studies

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 scientific studies related to the health effects of smoking.

Permitted smoking

Indoor smoking by participants in scientific studies may be allowed *only* if all of the following criteria are met:

1. The scientific study must be peer reviewed and related to the health effects of smoking
2. A policy must be established by the administrator of the program to minimize exposure of nonsmokers to smoke
3. The smoking policy must be submitted, in writing, to the Commissioner of Health for approval and must be approved, in writing, by the Commissioner before indoor smoking is allowed
4. Smoking may only be allowed in a designated, separated room ventilated at a rate of 60 cubic feet per minute per person
5. A sign must be posted at each entrance to the study facility that states: "Smoking is prohibited, except in designated areas"
6. A sign must be posted at the entrance to each designated smoking room that displays the international smoking-permitted symbol or states: "Smoking Permitted".

Outdoor smoking

The FTB provisions do not prohibit outdoor smoking, 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.

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.

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.

Local government ordinances

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

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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