

# Smoking as Part of Theatrical Productions

How the Minnesota Clean Indoor Air Act affects Smoking by Actors & Actresses in Theatrical Productions

## 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 theatrical productions.

## Smoking prohibited

Theatrical productions are public events that are held in public places. As such, members of the public and employees, with the exception of actors and actresses in theatrical productions, are prohibited from smoking within all *indoor areas* where a theatrical production is taking place. The FTB provisions do not regulate outdoor smoking.

## Smoking by actors & actresses

Actors and actresses are permitted to smoke as part of a theatrical performance only when notice is provided as follows:

1. Theater patrons must be notified in advance that smoking will take place as part of the theatrical production: and,
2. Performance programs must include a written notice that smoking will occur as part of the theatrical production.

## 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.

## Responsibilities of proprietors

Employers, managers and other persons in charge continue to play an important role in controlling smoking. In general, they are required to:

- Post "No Smoking" signs at all building entrances
- 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 in smoking-prohibited 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.



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### **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)

### **Minnesota Department of Health**

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