

**SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION**

**S.F. No. 2998**

(SENATE AUTHORS: KUNESH)

DATE  
03/20/2023

D-PG  
2119 Introduction and first reading  
Referred to Education Policy

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to education; allowing smudging in public schools; amending Minnesota  
1.3 Statutes 2022, section 144.4165; proposing coding for new law in Minnesota  
1.4 Statutes, chapter 121A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **121A.08** SMUDGING PERMITTED.

1.7 An American Indian student or staff member may use tobacco, sage, sweetgrass, and  
1.8 cedar to conduct individual or group smudging in a public school. The process for conducting  
1.9 smudging is determined by the building or site administrator. Smudging must be conducted  
1.10 under the direct supervision of an appropriate staff member, as determined by the building  
1.11 or site administrator.

1.12 Sec. 2. Minnesota Statutes 2022, section 144.4165, is amended to read:

1.13 **144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.**

1.14 (a) No person shall at any time smoke, chew, or otherwise ingest tobacco, or carry or  
1.15 use an activated electronic delivery device as defined in section 609.685, subdivision 1, in  
1.16 a public school, as defined in section 120A.05, subdivisions 9, 11, and 13, or in a charter  
1.17 school governed by chapter 124E. This prohibition extends to all facilities, whether owned,  
1.18 rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or  
1.19 controls.

1.20 (b) Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of  
1.21 a traditional Indian spiritual or cultural ceremony. An American Indian student may carry  
1.22 a medicine pouch containing loose tobacco intended as observance of traditional spiritual

- 2.1 or cultural practices. For purposes of this section, an Indian is a person who is a member
- 2.2 of an Indian tribe as defined in section 260.755, subdivision 12.