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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1253

02/25/2015 Authored by Uglem, Halverson, Lillie, Persell, Freiberg and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to health; prohibiting use of electronic delivery devices in certain
1.3 places; allowing sampling of vapor from electronic delivery devices; amending
1.4 Minnesota Statutes 2014, sections 144.413, subdivision 4; 144.4167, subdivision
1.5 4.

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

1.7 Section 1. Minnesota Statutes 2014, section 144.413, subdivision 4, is amended to read:

1.8 Subd. 4. **Smoking.** "Smoking" means inhaling or exhaling smoke from any lighted
1.9 or heated cigar, cigarette, pipe, or any other ~~lighted~~ tobacco or plant product, or inhaling
1.10 or exhaling aerosol or vapor from any electronic delivery device, as defined in section
1.11 609.685. Smoking also includes ~~carrying~~ holding a lighted or heated cigar, cigarette,
1.12 pipe, or any other ~~lighted~~ tobacco or plant product intended for inhalation or holding an
1.13 activated electronic delivery device intended for inhalation.

1.14 Sec. 2. Minnesota Statutes 2014, section 144.4167, subdivision 4, is amended to read:

1.15 Subd. 4. **Tobacco products shop.** (a) Sections 144.414 to 144.417 do not prohibit
1.16 the lighting of tobacco or the use of an electronic delivery device, as defined in section
1.17 609.685, in a tobacco products shop by a customer only or potential customer for the
1.18 specific, limited purpose of sampling tobacco products or electronic delivery devices,
1.19 except as specified in paragraph (b). For the purposes of this subdivision, a tobacco
1.20 products shop is ~~a~~ an adult-only retail establishment with an entrance door opening directly
1.21 to the outside that derives more than 90 percent of its gross revenue from the sale of: loose
1.22 tobacco, plants, ~~or~~ herbs ~~and~~ cigars, cigarettes, pipes, ~~and~~ other smoking devices for
1.23 burning tobacco and related smoking accessories, and electronic delivery devices, in which
1.24 the sale of other products is merely incidental. "Tobacco products shop" does not include

2.1 a tobacco or electronic delivery device department or section of any individual business
2.2 establishment with any type of liquor, food, or restaurant license. No person under the age
2.3 of 18 shall be present at or permitted to enter a tobacco products shop at any time.

2.4 (b) No customer, potential customer, or any other person may light any tobacco or
2.5 activate or otherwise use any electronic delivery device in a tobacco products shop unless
2.6 that tobacco or electronic delivery device is provided directly to the customer or potential
2.7 customer by the retailer at the time, at no cost to the customer or potential customer
2.8 without expectation of payment for the specific purpose of sampling.