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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **4008**

05/13/2016 Authored by Freiberg, Kahn, Halverson, Liebling, Simonson 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 the use of tobacco, tobacco-related devices, and
1.3 electronic cigarettes in sports stadiums; amending Minnesota Statutes 2014,
1.4 sections 144.412; 144.413, by adding a subdivision; 144.417, subdivision 2;
1.5 proposing coding for new law in Minnesota Statutes, chapter 144.

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

1.7 Section 1. Minnesota Statutes 2014, section 144.412, is amended to read:

1.8 **144.412 PUBLIC POLICY.**

1.9 The ~~purpose~~ purposes of sections 144.411 to 144.417 ~~is~~ are to:

1.10 (1) protect employees and the general public from the hazards of secondhand smoke
1.11 by eliminating smoking in public places, places of employment, public transportation, and
1.12 at public meetings; and

1.13 (2) protect children from the harms of normalization of tobacco use by prohibiting
1.14 the use of tobacco and electronic cigarettes in certain areas.

1.15 Sec. 2. Minnesota Statutes 2014, section 144.413, is amended by adding a subdivision
1.16 to read:

1.17 Subd. 6. **Sports stadium.** "Sports stadium" means a facility or ballpark where a
1.18 Minnesota-based professional sports team plays its home games. Sports stadium includes
1.19 all enclosed, partially enclosed, and open spaces at the stadium, including playing fields,
1.20 dugouts, bullpens, training rooms, locker rooms, team bench areas, spectator seating areas,
1.21 pedestrian walkways, bathrooms, dining areas, vendor areas, offices, and recreational
1.22 areas. Sports stadium does not include surface parking lots at or adjacent to the stadium.

2.1 Sec. 3. [144.4162] USE OF TOBACCO AND ELECTRONIC CIGARETTES IN
2.2 SPORTS STADIUMS PROHIBITED.

2.3 (a) The use of tobacco or a tobacco-related device in a sports stadium is prohibited.

2.4 (b) The use of electronic cigarettes, including the inhaling or exhaling of vapor from
2.5 any electronic delivery device, in a sports stadium is prohibited.

2.6 (c) For purposes of this section, "electronic delivery device," "tobacco," and
2.7 "tobacco-related device" have the meanings given in section 609.685, subdivision 1.

2.8 Sec. 4. Minnesota Statutes 2014, section 144.417, subdivision 2, is amended to read:

2.9 Subd. 2. **Violations.** (a) Any proprietor, person, or entity that owns, leases,
2.10 manages, operates, or otherwise controls the use of an area in which smoking or the use
2.11 of electronic cigarettes, tobacco, or a tobacco-related device is prohibited under sections
2.12 144.414 to 144.417, and that knowingly fails to comply with sections 144.414 to 144.417,
2.13 is guilty of a petty misdemeanor.

2.14 (b) Any person who smokes or uses electronic cigarettes, tobacco, or a
2.15 tobacco-related device in an area where smoking, the use of electronic cigarettes, tobacco
2.16 use, or the use of a tobacco-related device is prohibited or restricted under sections
2.17 144.414 to 144.417 is guilty of a petty misdemeanor.

2.18 (c) A proprietor, person, or entity in charge of a public place, public meeting, place
2.19 of employment, sports stadium, or public transportation must not retaliate or take adverse
2.20 action against an employee or anyone else who, in good faith, reports a violation of sections
2.21 144.414 to 144.417 to the proprietor or person in charge of the public place, public meeting,
2.22 place of employment, sports stadium, or public transportation, or to the commissioner of
2.23 health or other designee responsible for enforcing sections 144.414 to 144.417.

2.24 (d) No person or employer shall discharge, refuse to hire, penalize, discriminate
2.25 against, or in any manner retaliate against any employee, applicant for employment, or
2.26 customer because the employee, applicant, or customer exercises any right to ~~a smoke-free~~
2.27 an environment free of smoke, tobacco, or electronic cigarettes provided by sections
2.28 144.414 to 144.417 or other law.