

minor are protected.

(c) In appointing a guardian ad litem pursuant to section 260.155, subdivision 4, clause (a), if the court finds that it is not in the best interests of the child, the court shall not appoint the party, or any agent or employee thereof, filing a petition pursuant to section 260.131.

Sec. 2. Minnesota Statutes 1974, Section 260.251, is amended by adding a subdivision to read:

Subd. 5. GUARDIAN AD LITEM FEES. In proceedings in which the court appoints a guardian ad litem pursuant to section 260.155, subdivision 4, clause (a), the court may inquire into the ability of the parents to pay for the guardian ad litem's services and, after giving the parents a reasonable opportunity to be heard, may order the parents to pay guardian fees.

Approved June 2, 1975.

CHAPTER 211—HF.No.79

[Coded]

An act regulating smoking at public places and in public meetings; providing a penalty.

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

Section 1. [144.411] **PUBLIC HEALTH; SMOKING; CLEAN INDOOR AIR ACT; CITATION.** Sections 1 to 7 may be cited as the Minnesota clean indoor air act.

Sec. 2. [144.412] **PUBLIC POLICY.** The purpose of this act is to protect the public health, comfort and environment by prohibiting smoking in public places and at public meetings except in designated smoking areas.

Sec. 3. [144.413] **DEFINITIONS.** Subdivision 1. As used in sections 1 to 6, the terms defined in this section have the meanings given them.

Subd. 2. "Public place" means any enclosed, indoor area used by the general public or serving as a place of work, including, but not limited to, restaurants, retail stores, offices and other commercial establishments, public conveyances, educational facilities, hospitals, nursing homes, auditoriums, arenas and meeting rooms, but excluding private, enclosed offices occupied exclusively by smokers even though such offices may be visited by nonsmokers.

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Subd. 3. "Public meeting" includes all meetings open to the public pursuant to Minnesota Statutes, Section 471.705, Subdivision 1.

Subd. 4. "Smoking" includes carrying a lighted cigar, cigarette, pipe, or any other lighted smoking equipment.

Sec. 4. [144.414] **PROHIBITIONS.** No person shall smoke in a public place or at a public meeting except in designated smoking areas. This prohibition does not apply in cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the place. Furthermore, this prohibition shall not apply to factories, warehouses and similar places of work not usually frequented by the general public, except that the department of labor and industry shall, in consultation with the state board of health, establish rules to restrict or prohibit smoking in those places of work where the close proximity of workers or the inadequacy of ventilation causes smoke pollution detrimental to the health and comfort of non-smoking employees.

Sec. 5. [144.415] **DESIGNATION OF SMOKING AREAS.** Smoking areas may be designated by proprietors or other persons in charge of public places, except in places in which smoking is prohibited by the fire marshal or by other law, ordinance or regulation.

Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent non-smoking areas. In the case of public places consisting of a single room, the provisions of this law shall be considered met if one side of the room is reserved and posted as a no-smoking area. No public place other than a bar shall be designated as a smoking area in its entirety. If a bar is designated as a smoking area in its entirety, this designation shall be posted conspicuously on all entrances normally used by the public.

Sec. 6. [144.416] **RESPONSIBILITIES OF PROPRIETORS.** The proprietor or other person in charge of a public place shall make reasonable efforts to prevent smoking in the public place by

- (a) posting appropriate signs;
- (b) arranging seating to provide a smoke-free area;
- (c) asking smokers to refrain from smoking upon request of a client or employee suffering discomfort from the smoke; or
- (d) any other means which may be appropriate.

Sec. 7. [144.417] **BOARD OF HEALTH, ENFORCEMENT, PENALTIES, Subdivision 1. RULES AND REGULATIONS.** The state board of health shall adopt rules and regulations necessary and reasonable to

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implement the provisions of this act, except as provided for in section 4.

The state board of health may, upon request, waive the provisions of this act if it determines there are compelling reasons to do so and a waiver will not significantly affect the health and comfort of nonsmokers.

Subd. 2. **PENALTIES.** Any person who violates section 4 is guilty of a petty misdemeanor.

Subd. 3. **INJUNCTION.** The state board of health, a local board of health, or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of section 6 of this act.

Approved June 2, 1975.

CHAPTER 212—H.F.No.80

[Coded]

An act relating to education; authorizing certain governing student associations of institutions of higher learning to expend money for the purpose of funding a legal counseling and services program.

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

Section 1. **[121.213] EDUCATION; AREA VOCATIONAL-TECHNICAL INSTITUTES; LEGAL SERVICES FOR STUDENTS.** Notwithstanding the provisions of Minnesota Statutes, Sections 8.06 and 136.11 or any rules or regulations adopted pursuant thereto, an area vocational-technical institute or community college student association governing student activities on campus may expend money for the purpose of funding a program to provide legal counseling and services for students. The money to be expended shall be from that portion of the area vocational-technical institute student senate funds or community college activity fund account allocated to the student association and derived solely from fees received from students.

Approved June 2, 1975.

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