



Minnesota Laws on Tobacco Product Use in Public and Charter Schools

This document describes key state laws regulating the use and possession of tobacco products, including electronic nicotine delivery devices, in Minnesota schools. Local laws and school district policies can, and frequently do, include additional restrictions that would apply to these products on school property and at school-sponsored events. However, because of differences among local regulations, these restrictions are not included below.

Minn. Stat. §§ 144.411 - 144.417 – Minnesota Clean Indoor Air Act

Tobacco Products Prohibited in Public Schools

[*Minn. Stat. § 144.4165*](#), which is part of the Minnesota Clean Indoor Air Act (MCIAA), states that “no person shall at any time smoke, chew, or otherwise ingest tobacco or a tobacco product, or inhale or exhale vapor from an electronic delivery device” in public elementary, middle and high schools. This provision also prohibits the possession of these tobacco products by those under the age of 18.

General Prohibitions

In addition to the MCIAA’s broader restrictions on smoking combustible tobacco products, [*Minn. Stat. § 144.414, sub. 5*](#) also prohibits the use of electronic delivery devices in any “building owned or operated by the state, home rule charter or statutory city, county, township, school district, or other political subdivision,” as well as any facility owned by the Minnesota State Colleges and Universities and the University of Minnesota systems. This means that the use of such products is prohibited in most publicly-owned buildings in the state, including public schools.

The MCIAA does not include outdoor areas on school property. Tobacco-free grounds policies that restrict tobacco use outdoors on school grounds are covered and enforced through the adoption of individual school district policies.

Minn. Stat. § 124E.03 – Charter Schools

While Minnesota charter schools are not subject to all of the regulations that govern public schools, [*Minn. Stat. § 124E.03, subd. 2*](#) states that charter schools must “meet all federal, state, and local health and safety requirements applicable to school districts.” The use of tobacco products, including electronic delivery devices, would be considered an applicable health and safety requirement and therefore prohibited in charter schools.

Minn. Stat. § 609.685 – Sale of Tobacco to Children

Youth Use and Possession of Tobacco

In addition to the restrictions specific to schools, state law also includes a general prohibition on the use and possession of tobacco products, including electronic delivery devices, by anyone under the age of 18. See [*Minn. Stat. § 609.685, subd. 3*](#). While Minnesota state laws pertaining to tobacco in schools do not explicitly include private schools, this restriction should help to eliminate that potential regulatory gap. However, it is important to remember that, absent a local tobacco 21 law, this restriction only applies to individuals under the age of 18, so many high school seniors would not be covered.

Minn. Stat. Chap. 128C – High School League

Use of Tobacco Products by Students Participating in High School Competitions

The Minnesota State High School League's (MSHSL) Student Eligibility Bylaws prohibit students from using or possessing tobacco products, including electronic delivery devices, at any time. Violators are not eligible to participate in extracurricular activities sponsored by the Minnesota State High School League MSHSL. See <http://www.mshsl.org/mshsl/Publications/code/handbook/200%20Bylaws.pdf>.

For additional questions or clarification about restrictions on tobacco products, including electronic delivery devices, in Minnesota schools, please feel free to contact the Public Health Law Center at (651) 290-7506.