

2014 Legislative Spotlight: Overview

A Summary of the New Regulations

On May 21, 2014, Governor Mark Dayton signed into law new regulations to better protect the lives of all Minnesotans. Included within this [new legislation](#) are additions to the Minnesota Clean Indoor Air Act and our state's retail licensing regulations to address the sale and use of electronic cigarettes, as well as new regulations to protect children from exposure to secondhand smoke in the foster care environment. A summary of these new regulations follows.

Minnesota Clean Indoor Air Act

The Minnesota Clean Indoor Air Act (MCIAA), which generally prohibits the smoking of tobacco and other plant products in indoor public places and indoor places of employment, was amended to regulate or prohibit the use of electronic cigarettes in:

- **Licensed Day Care Facilities**
 - Prohibited during the hours of operation.
- **Health Care Facilities**
 - Covering hospitals, health care clinics, doctors' offices, licensed residential facilities, or other health-care related facilities.
- **Governments Buildings**
 - Buildings owned or operated by the State of Minnesota, any city, county, township, school district, or any other political subdivision.
- **Public Universities**
 - Facilities owned by the Minnesota State Colleges and Universities System (MnSCU) and the University of Minnesota.
- **DHS-Licensed Facilities**
 - The Department of Human Services licenses and regulates a number of [programs and services](#).
- **MDH-Licensed Facilities**
 - But, the use of electronic cigarettes is prohibited only if the facility is also subject to federal licensing regulations.

Retail Licensing Regulations

Minnesota laws that regulate the retail sale of tobacco and tobacco-related devices were amended to address "electronic delivery devices" – more commonly known as electronic cigarettes or e-cigarettes.

- **License Required**
 - A local license is required to sell electronic delivery devices and nicotine delivery products.

- **Penalties**
 - For licensees and/or employees who sell electronic cigarettes to minors or commit other violations.
- **Compliance Checks**
 - At least one unannounced compliance check a year wherever electronic cigarettes are sold.
- **Open Displays Prohibited**
 - Clerk assistance is generally required in order to purchase electronic cigarettes.
- **Vending Machines**
 - Electronic cigarettes may not generally be sold in vending machines.
- **Ineligible Locations**
 - “Moveable places of business” are ineligible for retail licenses, beginning:
 - August 1, 2014, for contracts entered into after May 1, 2014; or
 - January 1, 2015, for contracts in effect on May 1, 2014.
- **Child Resistant Packaging**
 - Beginning January 1, 2015, the liquid (more commonly known as “juice” or “e-juice”) used in electronic cigarettes must be sold in child resistant packaging.

Smoke-Free Foster Care

Child placement agencies will have a duty to ensure that children in foster care are protected from the effects of secondhand smoke in:

- A licensed foster home or any enclosed space connected to the home (such as a garage, porch, deck, or similar space);
- A motor vehicle while a foster child is being transported; and
- Outdoor areas on the foster home premises when a foster child is present and is exposed to secondhand smoke.

The required home study must include a plan for maintaining a smoke-free environment. If a foster parent is unable to provide a smoke-free environment, the agency must reassess whether the placement is in the child’s best interest.

Effective Date

Except where specifically noted above, these new regulations are effective **July 1, 2014**.

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