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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3818

March 5, 2008

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The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act
1.2 relating to health; making changes to the smoking ban by adding definitions and
1.3 an exception and requiring posted signs; amending Minnesota Statutes 2006,
1.4 section 144.413, by adding subdivisions; Minnesota Statutes 2007 Supplement,
1.5 section 144.4167, by adding subdivisions.

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

1.7 Section 1. Minnesota Statutes 2006, section 144.413, is amended by adding a
1.8 subdivision to read:

1.9 Subd. 9. **Cigarette.** "Cigarette" means any product that contains nicotine, is
1.10 intended to be burned or heated under ordinary conditions of use, and consists of or
1.11 contains (1) any roll of tobacco wrapped in paper or in any substance not containing
1.12 tobacco; or (2) tobacco, in any form, that is functional in the product, which, because of its
1.13 appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely
1.14 to be offered to, or purchased by, consumers as a cigarette; or (3) any roll of tobacco
1.15 wrapped in any substance containing tobacco which, because of its appearance, the type
1.16 of tobacco used in the filler, or its packaging or labeling, is likely to be offered to, or
1.17 purchased by, consumers as a cigarette described in clause (1) of this definition. The
1.18 term "cigarette" includes "roll-your-own."

1.19 Sec. 2. Minnesota Statutes 2006, section 144.413, is amended by adding a subdivision
1.20 to read:

1.21 Subd. 10. **Roll-your-own.** "Roll-your-own" means any tobacco which, because of
1.22 its appearance, type, packaging, or labeling is suitable for use and likely to be offered to,
1.23 or purchased by, consumers as tobacco for making cigarettes.

2.1 Sec. 3. Minnesota Statutes 2007 Supplement, section 144.4167, is amended by adding
2.2 a subdivision to read:

2.3 Subd. 10. **VFW, American Legion post, and other private facilities.** Sections
2.4 144.414 to 144.417 do not prohibit smoking in private clubs, such as VFW clubs,
2.5 American Legion posts, bingo halls, and country clubs, provided the facility ensures or
2.6 has reason to believe that no person under the age of 18 years is present during an event
2.7 when smoking is permitted. A private club means an organization that has criteria for
2.8 admission and membership control over the organization's operations and use of facilities
2.9 by nonmembers.

2.10 Sec. 4. Minnesota Statutes 2007 Supplement, section 144.4167, is amended by adding
2.11 a subdivision to read:

2.12 Subd. 11. **Ventilation systems in facilities.** Sections 144.414 to 144.417 do not
2.13 prohibit smoking in separate and enclosed rooms inside VFW clubs, American Legion
2.14 posts, and other private facilities with an HVAC ventilation system.

2.15 Sec. 5. Minnesota Statutes 2007 Supplement, section 144.4167, is amended by adding
2.16 a subdivision to read:

2.17 Subd. 12. **Signs.** Every public place or adult-only facility where smoking is
2.18 permitted throughout the entire premises shall have displayed conspicuously one sign at
2.19 every entrance to the public place or adult-only facility that bears the words "Smoking
2.20 Permitted" or the international "Smoking Permitted" symbol. Every public place that has
2.21 designated separate areas where smoking is permitted shall have displayed conspicuously
2.22 one sign at every entrance to the public place that bears the words "No Smoking in
2.23 Designated Areas" or the international "No Smoking" symbol with the addition of the
2.24 words "Except in Designated Areas."