

..... moves to amend H.F. No. 2414, the delete everything amendment (A19-0349), as follows:

Page 679, delete section 9 and insert:

"Sec. 9. Minnesota Statutes 2018, section 144.412, is amended to read:

144.412 PUBLIC POLICY.

The purpose of sections 144.411 to 144.417 is to protect employees and the general public from the hazards of secondhand smoke and involuntary exposure to aerosol or vapor from electronic delivery devices by eliminating smoking in public places, places of employment, public transportation, and at public meetings.

Sec. 10. Minnesota Statutes 2018, section 144.413, subdivision 1, is amended to read:

Subdivision 1. **Scope.** As used in sections 144.411 to ~~144.416~~ 144.417, the terms defined in this section have the meanings given them.

Sec. 11. Minnesota Statutes 2018, section 144.413, subdivision 4, is amended to read:

Subd. 4. **Smoking.** "Smoking" means inhaling ~~or~~ exhaling smoke from, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted tobacco or plant or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking ~~also includes carrying a lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product intended for inhalation~~ carrying or using an activated electronic delivery device, as defined in section 609.685.

2.1 Sec. 12. Minnesota Statutes 2018, section 144.414, subdivision 2, is amended to read:

2.2 Subd. 2. **Day care premises.** ~~(a)~~ Smoking is prohibited in a day care center licensed
2.3 under Minnesota Rules, parts 9503.0005 to 9503.0170, or in a family home or in a group
2.4 family day care provider home licensed under Minnesota Rules, parts 9502.0300 to
2.5 9502.0445, during its hours of operation. The proprietor of a family home or group family
2.6 day care provider must disclose to parents or guardians of children cared for on the premises
2.7 if the proprietor permits smoking outside of its hours of operation. Disclosure must include
2.8 posting on the premises a conspicuous written notice and orally informing parents or
2.9 guardians.

2.10 ~~(b) For purposes of this subdivision, the definition of smoking includes the use of~~
2.11 ~~electronic cigarettes, including the inhaling and exhaling of vapor from any electronic~~
2.12 ~~delivery device as defined in section 609.685, subdivision 1.~~

2.13 Sec. 13. Minnesota Statutes 2018, section 144.414, subdivision 3, is amended to read:

2.14 Subd. 3. **Health care facilities and clinics.** (a) Smoking is prohibited in any area of a
2.15 hospital, health care clinic, doctor's office, licensed residential facility for children, or other
2.16 health care-related facility, except that a patient or resident in a nursing home, boarding
2.17 care facility, or licensed residential facility for adults may smoke in a designated separate,
2.18 enclosed room maintained in accordance with applicable state and federal laws.

2.19 (b) Except as provided in section 246.0141, smoking by patients in a locked psychiatric
2.20 unit may be allowed in a separated well-ventilated area in the unit under a policy established
2.21 by the administrator of the program that allows the treating physician to approve smoking
2.22 if, in the opinion of the treating physician, the benefits to be gained in obtaining patient
2.23 cooperation with treatment outweigh the negative impacts of smoking.

2.24 ~~(c) For purposes of this subdivision, the definition of smoking includes the use of~~
2.25 ~~electronic cigarettes, including the inhaling and exhaling of vapor from any electronic~~
2.26 ~~delivery device as defined in section 609.685, subdivision 1.~~

2.27 Sec. 14. Minnesota Statutes 2018, section 144.416, is amended to read:

2.28 **144.416 RESPONSIBILITIES OF PROPRIETORS.**

2.29 (a) The proprietor or other person, firm, limited liability company, corporation, or other
2.30 entity that owns, leases, manages, operates, or otherwise controls the use of a public place,
2.31 public transportation, place of employment, or public meeting shall make reasonable efforts

to prevent smoking in the public place, public transportation, place of employment, or public meeting by:

(1) posting appropriate signs or by any other means which may be appropriate; and

(2) asking any person who smokes in an area where smoking is prohibited to refrain from smoking and, if the person does not refrain from smoking after being asked to do so, asking the person to leave. If the person refuses to leave, the proprietor, person, or entity in charge shall handle the situation consistent with lawful methods for handling other persons acting in a disorderly manner or as a trespasser.

(b) The proprietor or other person or entity in charge of a public place, public meeting, public transportation, or place of employment must not provide smoking equipment, including ashtrays or matches, in areas where smoking is prohibited. Nothing in this section prohibits the proprietor or other person or entity in charge from taking more stringent measures than those under sections 144.414 to 144.417 to protect individuals from secondhand smoke or from involuntary exposure to aerosol or vapor from electronic delivery devices. The proprietor or other person or entity in charge of a restaurant or bar may not serve an individual who is in violation of sections 144.411 to 144.417.

Sec. 15. Minnesota Statutes 2018, section 144.4165, is amended to read:

144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.

No person shall at any time smoke, chew, or otherwise ingest tobacco ~~or a tobacco product, or inhale or exhale vapor from~~ carry or use an activated electronic delivery device as defined in section 609.685, subdivision 1, in a public school, as defined in section 120A.05, subdivisions 9, 11, and 13, ~~and no person under the age of 18 shall possess any of these items~~ or in a charter school governed by chapter 124E. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of a traditional Indian spiritual or cultural ceremony. For purposes of this section, an Indian is a person who is a member of an Indian tribe as defined in section 260.755 subdivision 12."

Page 679, after line 25, insert:

"Sec. Minnesota Statutes 2018, section 144.417, subdivision 4, is amended to read:

Subd. 4. **Local government ordinances.** (a) Nothing in sections 144.414 to 144.417 prohibits a statutory or home rule charter city or county from enacting and enforcing more

4.1 stringent measures to protect individuals from secondhand smoke or from involuntary
4.2 exposure to aerosol or vapor from electronic delivery devices.

4.3 (b) Except as provided in sections 144.411 to 144.417, smoking is permitted outside of
4.4 restaurants, bars, and bingo halls unless limited or prohibited by restrictions adopted in
4.5 accordance with paragraph (a)."

4.6 Page 743, line 11, after "sections" insert "144.414, subdivision 5;"

4.7 Renumber the sections in sequence and correct the internal references

4.8 Amend the title accordingly