

Approved by
Revisor of Statutes

Sandy Glass-Sweeney

1.1 Liebling from the Health and Human Services Finance Division to which was referred:

1.2 H. F. No. 331, A bill for an act relating to health; adding charter schools to the prohibition
1.3 of tobacco in schools; increasing the tobacco sale age; increasing administrative penalties;
1.4 adding a provision to municipal license of tobacco; allowing alternative penalties; amending
1.5 Minnesota Statutes 2018, sections 144.4165; 144.4167, subdivision 4; 171.171; 461.12,
1.6 subdivisions 2, 3, 4, 5, 6, 8; 461.18; 609.685; 609.6855; proposing coding for new law in
1.7 Minnesota Statutes, chapter 461.

1.8 Reported the same back with the following amendments:

1.9 Page 1, delete sections 1 and 2 and insert:

1.10 "Section 1. Minnesota Statutes 2019 Supplement, section 144.4165, is amended to read:

1.11 **144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.**

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

1.21 Sec. 2. Minnesota Statutes 2019 Supplement, section 144.4167, subdivision 4, is amended
1.22 to read:

1.23 Subd. 4. **Tobacco products shop.** Sections 144.414 to 144.417 do not prohibit the
1.24 lighting, heating, or activation of tobacco in a tobacco products shop by a customer or
1.25 potential customer for the specific purpose of sampling tobacco products. For the purposes
1.26 of this subdivision, a tobacco products shop is a retail establishment that has an entrance

2.1 door opening directly to the outside, that cannot be entered at any time by persons younger
 2.2 than 21 years of age, and that derives more than 90 percent of its gross revenue from the
 2.3 sale of tobacco, tobacco-related devices, and electronic delivery devices, as defined in
 2.4 section 609.685, and in which the sale of other products is merely incidental. "Tobacco
 2.5 products shop" does not include a tobacco department or section of any individual business
 2.6 establishment with any type of liquor, food, or restaurant license."

2.7 Page 2, line 29, after the second comma, insert "or"

2.8 Correct the title numbers accordingly

2.9 With the recommendation that when so amended the bill be returned to the Committee
 2.10 on Ways and Means.

2.11 This Division action taken March 3, 2020

2.12 Chair