
A Workplace Guide to Minnesota's Freedom to Breathe Act of 2007

On October 1, all indoor public places
—including all businesses, bars and restaurants—
will become smoke-free.

Why was the Freedom to Breathe Act of 2007 passed and signed into law?

The Freedom to Breathe Act of 2007 was passed by a bipartisan majority of the Minnesota Legislature and signed into law by Governor Pawlenty on May 16. The law, which takes effect on October 1, extends secondhand smoke protections to customers and employees in virtually all indoor workplaces, including restaurants, bars and private clubs.

The Freedom to Breathe Act of 2007 recognizes the evidence of the Surgeon General's 2006 report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*. The report concluded that there is no safe level of exposure to secondhand smoke indoors and that non-smoking sections and ventilation systems don't effectively protect the public or employees. It's estimated that each year 580 secondhand smoke-related deaths occur in Minnesota, and that more than \$215 million is spent annually in the state to treat health conditions caused by secondhand smoke exposure.

The Freedom to Breathe Act of 2007 will help to reduce the death and disease associated with exposure to secondhand smoke. It will also help to reduce absenteeism and health care costs associated with smoking-related illness and encourage people who smoke to quit.

Highlights of the Freedom to Breathe Act of 2007:

- No smoking is allowed in bars, restaurants, private clubs or other workplaces
- Smoking is permitted on outdoor patios, but can be regulated at the local level
- Smoking may occur in places of work and public places in the following locations or situations: hotel and motel sleeping rooms, certain tobacco products shops for sampling purposes only, certain family farms, public transportation vehicles when in personal use, cabs of heavy commercial vehicles, farm vehicles and construction equipment when used for intended purposes, certain nursing home rooms, certain rooms occupied by patients in locked psychiatric units, peer-reviewed studies on the health effects of smoking, traditional Native American ceremonies, the Disabled Veterans Rest Camp in Washington County, and by actors performing in theatrical productions.



Going 100% smoke-free is a significant transition for many workplaces. The good news is that information and resources are available to help your workplace transition to being smoke-free on October 1.

Where do I get more information on the Freedom to Breathe Act?

For more information about Minnesota's new smoke-free law, visit www.freshairmn.org or contact the Minnesota Department of Health at *651-201-4601* or *800-798-9050* (toll-free outside the metro area).

Where can I get information on how to quit smoking?

If you or your employees or customers smoke and want to quit, there are resources available to any Minnesotan who wants help through QUITPLAN® Services. Call *1-888-354-PLAN (7526)* or visit quitplan.com for more information.

Frequently Asked Questions for Business Owners and Managers

How do I comply with the law?

Beginning on October 1, you may not allow smoking in any indoor space within your establishment, including breakrooms. You should inform customers and employees who are smoking that smoking is not permitted indoors. If customers refuse to comply with your request, they cannot be served and you must ask them to leave. You are also required to post "no smoking" signs at or near all public entrances. More tips on how to comply with the new Freedom to Breathe law can be obtained at www.freshairmn.org.

What if I choose not to comply with the law?

Because they recognize the health and financial benefits of smoke-free laws, the vast majority of customers and businesses do comply with them. If business owners knowingly fail to comply with the law they could be found guilty of a petty misdemeanor. In addition, the Minnesota Department of Health has the authority to take enforcement actions that may include monetary penalties up to \$10,000. Local public health agencies also have various enforcement tools under their civil enforcement authority, including fines, potential license suspensions or revocations.

What if I have a customer who refuses to comply with the law?

In most cases, when asked to stop smoking, a customer will do so. Make it clear to them that while you didn't pass the law, you are required to ensure compliance with it. Also tell customers that their failure to stop smoking could result in you having to pay fines and other penalties. More tips on how to help customers comply with the new Freedom to Breathe law can be obtained at www.freshairmn.org.

My community already has a smoke-free law – what impact does the Freedom to Breathe Act have on that law?

Under the law, local governments retain the power to adopt more stringent measures to protect individuals from secondhand smoke. However, Minnesota's new smoke-free law establishes a base of protections that applies to all communities, including those that currently allow indoor "smoking rooms."

A more detailed FAQ is available at www.freshairmn.org