

## CHAPTER 576—S.F.No. 1898

*An act relating to clean indoor air; prohibiting the use of all tobacco products in public elementary and secondary schools; removing a provision allowing certain persons to smoke in health care facilities; amending Minnesota Statutes 1990, sections 144.413, subdivision 2; 144.414, subdivision 3; and 144.417, subdivisions 2 and 3; proposing coding for new law in Minnesota Statutes, chapter 144.*

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

Section 1. Minnesota Statutes 1990, section 144.413, subdivision 2, is amended to read:

Subd. 2. **PUBLIC PLACE.** "Public place" means any enclosed, indoor area used by the general public or serving as a place of work, including, but not limited to, restaurants, retail stores, offices and other commercial establishments, public conveyances, educational facilities other than public schools, as defined in section 120.05, subdivision 2, hospitals, nursing homes, auditoriums, arenas and meeting rooms, but excluding private, enclosed offices occupied exclusively by smokers even though such offices may be visited by nonsmokers.

Sec. 2. Minnesota Statutes 1990, section 144.414, subdivision 3, is amended to read:

Subd. 3. **HEALTH CARE FACILITIES AND CLINICS.** (a) Smoking is prohibited in any area of a hospital, health care clinic, doctor's office, or other health care-related facility, other than a nursing home, boarding care facility, or licensed residential facility, except as allowed in this subdivision.

(b) Smoking by patients in a chemical dependency treatment program or mental health program may be allowed in a separated well-ventilated area pursuant to a policy established by the administrator of the program that identifies circumstances in which prohibiting smoking would interfere with the treatment of persons recovering from chemical dependency or mental illness.

(e) Smoking by a patient may be allowed if authorized in writing by the patient's attending physician.

Sec. 3. **[144.4165] TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.**

No person shall at any time smoke or use any other tobacco product in a public school, as defined in section 120.05, subdivision 2. 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. This prohibition does not apply to a technical college.

Sec. 4. Minnesota Statutes 1990, section 144.417, subdivision 2, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 2. **PENALTIES.** Any person who violates section 144.414 or 144.4165 is guilty of a petty misdemeanor.

Sec. 5. Minnesota Statutes 1990, section 144.417, subdivision 3, is amended to read:

Subd. 3. **INJUNCTION.** The state commissioner of health, a board of health as defined in section 145A.02, subdivision 2, or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of section 144.416 or 144.4165.

Sec. 6. **EFFECTIVE DATE.**

Sections 1 and 3 to 5 are effective August 15, 1993.

Presented to the governor April 17, 1992

Signed by the governor April 29, 1992, 8:22 a.m.

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#### CHAPTER 577—S.F.No. 1693

*An act relating to crimes; providing that certain health care providers who administer medications to relieve another person's pain do not violate the law making it a crime to aid or attempt aiding suicide; authorizing certain licensure disciplinary options against physicians, physician assistants, nurses, dentists, and pharmacists who are convicted of aiding or attempting to aid suicide; amending Minnesota Statutes 1990, sections 147.091, subdivision 1; 148.261, subdivision 1; 150A.08, subdivision 1; 151.06, subdivision 1; and 609.215, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 147.*

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

Section 1. Minnesota Statutes 1990, section 147.091, subdivision 1, is amended to read:

Subdivision 1. **GROUND S LISTED.** The board may refuse to grant a license or may impose disciplinary action as described in section 147.141 against any physician. The following conduct is prohibited and is grounds for disciplinary action:

(a) Failure to demonstrate the qualifications or satisfy the requirements for a license contained in this chapter or rules of the board. The burden of proof shall be upon the applicant to demonstrate such qualifications or satisfaction of such requirements.

(b) Obtaining a license by fraud or cheating, or attempting to subvert the licensing examination process. Conduct which subverts or attempts to subvert the licensing examination process includes, but is not limited to: (1) conduct

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