

Frequently Asked Questions

Ramsey County Clean Indoor Air Ordinance

1. What is the purpose of the ordinance?

This is a regulation to protect public health. There have been a number of changes in the products available to smokers, including e-cigarette products, which deliver nicotine in a vapor, usually with various flavorings. Studies and surveys at the national and state level have found that, while use of tobacco products by middle and high school age youth has leveled or declined, the use of e-cigarettes by that population has substantially increased. Further, scientific research has shown some adverse health effects associated with the vapor from e-cigarettes, and there is not clear evidence that the use of e-cigarettes is beneficial as a smoking cessation tool. Also, regulation of e-cigarettes can reduce confusion in establishments in which smoking is prohibited. Because of this, and following a recommendation to adopt an ordinance to restrict the use of e-cigarettes from the Saint Paul – Ramsey County Community Health Services Advisory Committee (which advises and assists the Ramsey County Board with its public health responsibilities), the County Board adopted this ordinance.

2. What does this ordinance do?

The purpose and intent of this ordinance is to protect the health, safety and general welfare of the people of Ramsey County. There are five principal objectives:

- To protect the health, safety and welfare of the people of Ramsey County from the adverse effects of secondhand smoke by better ensuring their ability to breathe air that is uncontaminated by secondhand smoke and vapor produced by e-cigarettes.
- Affirms the right to breathe has priority over allowing people to smoke or use e-cigarettes.
- To prevent secondhand smoke and vapor exposure and its adverse health effects on employees, patrons and the general public while in public indoor areas and places of employment.
- To protect, in particular, the health of vulnerable populations including children, the elderly, and those with chronic health conditions.
- To maintain consistency in enforcement of clean air in public indoor areas, and in the use of products that simulate combustible tobacco products.

The ordinance regulates the use of e-cigarettes, “piggy-backing” on the Minnesota Clean Indoor Air Act (MCIAA). The effect of the ordinance is to prohibit the use of e-cigarettes at those places that the MCIAA prohibits smoking.

In addition, the ordinance includes requirements that address smoking and vaping at building entrances, prohibiting smoking and vaping within 25 feet of a building entrance, open window or ventilation intake. The intent is to address smoke or vapor that accumulates at building entrances and can waft into doors, windows and air intakes.

3. Where does the ordinance apply?

The ordinance applies throughout all of Ramsey County. It does allow other local levels of government, within Ramsey County, to have stricter regulations to protect citizens from second-hand smoke. It also says that this ordinance does not allow smoking in any location where smoking is restricted by other applicable laws, such as the Freedom to Breathe Act.

4. When will this become effective?

The ordinance is effective November 29, 2015.

5. Who is responsible for complying with this ordinance?

The responsibility rests with the person responsible for places in which smoking/vaping is prohibited. Under the MCIAA, smoking is prohibited in virtually all indoor public places and indoor places of employment, including those listed below:

- Bars, restaurants, and private clubs
- Office and industrial workplaces
- Retail stores
- Common areas of rental apartment buildings, hotels and motels
- Public transportation, including taxis
- Work vehicles, if more than one person is present
- Home offices with one or more on-site employees, or used as a place to meet or deal with customers – during work hours
- Public and private educational facilities
- Auditoriums, arenas and meeting rooms
- Day care premises
- Health care facilities and clinics

6. What must the managers of indoor public places and indoor places of employment do to comply with this ordinance?

Ramsey County proprietors (the person(s) or entity responsible for managing a public space) are required to enforce the ordinance by taking the following steps:

- Make reasonable efforts to prevent smoking/vaping indoors or within 25 feet of entrances.
- Post signs inside the establishment stating “No Smoking/No Vaping.”

- Post signs at entrances of establishment stating “No Smoking/No Vaping within twenty-five (25) feet of entrances, exits, open windows and ventilation intakes.”
- Do not provide ashtrays, matches or other smoking equipment.
- Ask persons who smoke/vape in prohibited areas to refrain from doing so and to leave if they refuse to comply. Use lawful methods consistent with handling disorderly persons or trespassers for any person who refuses to comply.
- Refuse to serve persons not complying with the ordinance.

7. Will enforcement action be taken against people that are vaping?

Just like the Minnesota Clean Indoor Air Act, the ordinance applies to the person(s) responsible for the establishments in which smoking/vaping is prohibited. The persons in charge of those establishments are required to make sure that smoking/vaping does not occur. Like the State law, the ordinance does not envision that enforcement will occur against individuals that are vaping in a public place. However, persons who do not stop vaping in an establishment, after being asked to do so by the person in charge of the establishment, may be asked to leave by the proprietor. If they refuse, the establishment can contact local law enforcement.

8. Is signage required?

Yes, because currently the MCIAA requires employers and facility managers to post “no smoking” signs. The requirement under the RCCIAO includes notice of no vaping. To help inform employees and customers of this new ordinance, Ramsey County has a window decal provided by the Association for Nonsmokers of Minnesota (ANSR). To request a decal at no cost, contact ANSR directly at signorders@ansrmn.org

9. Does this Ordinance apply to Hookahs?

The RCCIAO defines “smoking” to include hookahs, so yes, this ordinance does apply to hookahs.

10. Is vaping allowed in an E-cigarette store? Is sampling allowed?

Yes, vaping is allowed in an E-cigarette store for the purpose of sampling. The MCIAA allows the lighting of tobacco within the indoor area of a tobacco shop for the purpose of sampling. The department interprets the RCCIAO to include the sampling of e-cigarette “juice” in a tobacco or e-cigarette store to be allowed. It should be noted that the MCIAA specifies criteria that must be met to be considered a tobacco shop, which would apply in a similar manner to vaping shops.

11. Can I vape in a hotel room?

The MCIAA does not prohibit smoking in individual guest rooms of lodging establishments, but does prohibit smoking in all other indoor areas of lodging establishments (such as restaurants, bars, pool areas, lobbies, entrances, etc.). The RCCIAO would apply in the same way for vaping.

12. If someone is walking down the street and smoking or vaping, and they come within 25' of a building entrance, but don't linger at the building entrance, is that a violation?

The intent of the ordinance is to prevent smoking/vaping at building entrances by people that are lingering at the doorway, creating a greater concentration of smoke around the entrance. The ordinance states that it does not apply to situations where members of the public are passing through on an outdoor street, alley, or sidewalk where smoking is prohibited by this ordinance while on their way to another location.

13. Are there other Minnesota communities with setback requirements?

Yes, several. The following counties in Minnesota have setback requirements: Beltrami (10'), Lake (10'), Marshall (10'), McLeod (10'), Olmsted (15'); the following cities have setback requirements: Austin (15'), Bloomington (25'), Cloquet (25'), Golden Valley (25'), Hutchinson (15').

14. How does this affect patios at restaurants that allow smoking under current law?

The RCCIAO allows a restaurant owner to designate a smoking area in an outdoor dining or bar area, provided it is appropriately signed, and not immediately adjacent to a building entrance. That means that smoking/vaping are allowed in the outdoor area, as long as there is clear signage, and that it is not near the entrance.

15. How will this ordinance be enforced?

Responsibility for compliance with the ordinance rests with the person(s) or entity responsible for managing the space where the smoking/vaping is taking place. Members of the general public that experience smoking/vaping in a prohibited space can inform the manager of that space of the violation. If the managers do not act, the individual will be able to report a complaint to the department. The department will act on a complaint-basis. Complaints received will be followed up by a Public Health Department staff member, who will contact the responsible entity to evaluate the complaint. Enforcement will include an education component, to assure that responsible entities are aware of the ordinance and its requirements.

16. How much staff time will this take? What will it cost?

Based on the experience of other jurisdictions that have implemented ordinances regulating the use of e-cigarettes, as well as requirements near building entrances, the department expects that there will be a flurry of activity shortly after adoption, with relatively little activity thereafter. There is no need to increase staffing or change the department's budget.

17. How has the public been notified?

The department has created a web page for the ordinance and related materials, and has communicated through news media and other communication channels.

18. How are complaints taken?

By phone, at 651-266-1197 or via email: askeh@co.ramsey.mn.us

19. What is the penalty for violating this ordinance?

The ordinance provides that a violation is a petty misdemeanor. A "petty misdemeanor" means an offense which is prohibited, which does not constitute a crime and for which a sentence of a fine of not more than \$300 may be imposed. The ordinance states that if the violation continues, every day is a separate offense.

20. What happens to the existing Ramsey County Smoke Free Restaurant Ordinance?

It is repealed, because the MCIAA and the RCCIAO make it redundant.