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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **2587**

February 12, 2008

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The bill was read for the first time and Interim introduction, referred to Health and Human Services

1.1 A bill for an act
1.2 relating to health; removing an exception to the smoking ban for patients in a
1.3 locked psychiatric unit; amending Minnesota Statutes 2007 Supplement, section
1.4 144.414, subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2007 Supplement, section 144.414, subdivision 3,
1.7 is amended to read:

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

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