



Protecting, maintaining and improving the health of all Minnesotans

March 7, 2008

Dear Establishment Manager/Owner:

**Subject: Theatrical productions within bars and compliance with the Minnesota
 Clean Indoor Air Act (MCIAA)**

This letter serves as notice of the Minnesota Department of Health's (MDH) position on the above subject. MDH has concluded that "theater nights" in bars do not fall within the theatrical production exemption of the MCIAA. MDH reached this conclusion after receiving legal advice from the Minnesota Attorney General's Office and after carefully considering all of the options and the facts we have learned.

Establishments that allow patrons and employees to smoke using the theatrical production exemption are violating the MCIAA regulations. Establishments electing to continue allowing patrons and employees to smoke indoors will be subject to formal enforcement procedures. The MCIAA regulations allow for both criminal and civil enforcement actions, including but not limited to, civil administrative penalties of up to \$10,000 per violation. Establishments found in violation may also be subject to license suspension or revocation.

If you are in compliance with the MCIAA, thank you. If you are not in compliance with the MCIAA, please take appropriate action to come into compliance with the MCIAA.

For more information on the MCIAA and how it affects your facility, contact the Minnesota Department of Health at 651-201-4601 or 1-800-798-9050, by email mciaa@health.state.mn.us or visit our website at: <http://www.health.state.mn.us/divs/eh/indoorair/mciaa/ftb/index.html>

Sincerely,

A handwritten signature in black ink, appearing to read "John Linc Stine". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

John Linc Stine, Director
Environmental Health Division
Post Office Box 64975
St. Paul, MN 55164-0975