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Minn. attorney finds creative loophole in smoking ban



A Cambridge attorney is challenging Minnesota's statewide smoking ban.

The statewide ban took effect last October, but Mark Benjamin, a defense attorney, said he has found a loophole in the law.

Benjamin said among the exceptions to the state's ban is a clause that says "theatrical productions" are exempt, meaning actors and actresses can smoke during productions.

With that in mind, a bar in Northern Minnesota will host a theater night Saturday where patrons will be able to legally smoke, Benjamin said.

"The theatre can be anywhere you want to be. If you can have Shakespeare in the park, we can have Shakespeare in the bar," Benjamin said. "Cigarettes are no longer cigarettes, they are props. Patrons are no longer patrons, they are performers. And the owners are directors."

Benjamin said lawmakers who drafted the smoking ban should have been more specific in its language.

"I think they thought it was for the Guthrie or the Pantages Theater. But they didn't define it that way, so now we get to all become performers," Benjamin said.

The State Health Department regulates the smoking ban, and on Friday, a spokesman said, "We would acknowledge the law allows for theatrical productions when smoking is a part of the production."

He also said Benjamin should understand the intent and purpose of the ban.

Benjamin said if police cite any theatrical performers tomorrow night, he will represent them in court for free.