

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2300

That the House recede from its amendments as printed on pages 1034 and 1035 of the Senate Journal and page 1268 of the House Journal and that Engrossed Senate Bill No. 2300 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 23-12 and a new section to chapter 34-06 of the North Dakota Century Code, relating to smoke-free exceptions and the authority of the labor commissioner; to"

Page 2, line 11, after the underscored period insert "The term includes a bar located within a hotel, bowling center, or restaurant that is not licensed primarily or exclusively to sell alcoholic beverages if the bar is in a separately enclosed area."

Page 2, line 26, replace "Health care services" with:

"7. "Health care services""

Page 2, line 27, after the fifth underscored comma insert "and" and replace ", and" with an underscored period

Page 2, remove lines 28 and 29

Page 2, line 30, replace "7." with "8."

Page 3, line 3, after the first underscored comma insert "and" and remove ", and employer-owned vehicles"

Page 3, line 4, replace "8." with "9."

Page 3, line 22, replace "9." with "10."

Page 3, line 25, replace "10." with "11."

Page 4, line 1, replace "11." with "12."

Page 4, line 4, replace "12." with "13."

Page 4, line 6, replace "13." with "14."

Page 4, line 9, replace "14." with "15."

Page 4, after line 13, insert:

"16. "Truckstop" means a roadside service station and restaurant that caters to truckdrivers."

Page 5, line 5, replace "for" with "of"

Page 5, remove lines 17 and 18

Page 5, line 19, replace "g." with "f." and remove ", until August 1, 2007"

Page 5, replace lines 20 through 22 with:

- "g. Any place of public access rented or leased for private functions from which the general public and children are excluded and arrangements for the function are under the control of the function sponsor.
- h. Separately enclosed areas in truckstops which are accessible only to adults."

Page 6, after line 24, insert:

**"SECTION 4.** A new section to chapter 23-12 of the North Dakota Century Code is created and enacted as follows:

**Exceptions - Medical necessity.**

- 1. Notwithstanding the provisions of any other state or local law, a patient may smoke in a hospital licensed by the state or on the grounds of a hospital licensed by the state if the patient's attending physician authorizes the activity based on medical policies adopted by the hospital organized medical staff.
- 2. Notwithstanding the provisions of any other state or local law, a resident of a licensed basic care facility or a licensed nursing facility may smoke in the facility or on the grounds of the facility if approved by the board of the facility."

Page 6, line 27, after "~~proprietor~~" insert:

- "1. An individual who smokes in an area in which smoking is prohibited under section 23-12-10 is guilty of an infraction.
- 2."

Page 6, line 30, after "who" insert "willfully"

Page 7, after line 2, insert:

**"SECTION 6.** A new section to chapter 34-06 of the North Dakota Century Code is created and enacted as follows:

**Authority of labor commissioner - Exception.** Notwithstanding section 34-06-03, the labor commissioner may not adopt rules relating to sections 23-12-09 through 23-12-11. If the labor commissioner is made aware of a possible violation of chapter 23-12, the commissioner may refer the violation to an appropriate law enforcement agency for enforcement pursuant to section 23-12-11."

Renumber accordingly