Sixty-first Legislative Assembly of North Dakota

HOUSE BILL NO. 1213

Introduced by

Representatives Kingsbury, Kaldor, Metcalf, Nottestad

Senators Kilzer, Nelson

- 1 A BILL for an Act to amend and reenact section 23-12-10 of the North Dakota Century Code,
- 2 relating to smoking restrictions in public places and places of employment.

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

4 **SECTION 1. AMENDMENT.** Section 23-12-10 of the North Dakota Century Code is 5 amended and reenacted as follows:

6	23-1	2-10	. Smoking restrictions - Exceptions - Retaliation - Application.
7	1.	In or	rder to protect the public health and welfare and to recognize the need for
8		indiv	viduals to breathe smoke-free air, smoking is prohibited in all enclosed areas
9		of:	
10		a.	Public places; and
11		b.	Places of employment.
12	2.	The	following areas are exempt from subsection 1:
13		a.	Private residences, except when operating as a child care facility subject to
14			licensure by the department of human services and when any child cared for
15			under that license is present in that facility.
16		b.	Hotel and motel rooms, and other places of lodging, that are rented to guests
17			and are designated as smoking rooms.
18		c.	Retail tobacco stores, provided that smoke from these places does not
19			infiltrate into areas where smoking is prohibited under this section.
20	d.	<u>C.</u>	Outdoor areas of places of employment, except a sports arena.
21	e.	<u>d.</u>	Any area that is not commonly accessible to the public and which is part of an
22			owner-operated business having no employee other than the owner-operator.
23		f.	Bars.

Sixty-first Legislative Assembly

1	9 -	<u>e.</u>	Any place of public access rented or leased for private functions from which
2			the general public and children are excluded and arrangements for the
3			function are under the control of the function sponsor.
4	h.	<u>f.</u>	Separately enclosed areas in truckstops which are accessible only to adults.
5	3.	Sn	noking as part of a traditional American Indian spiritual or cultural ceremony is
6		no	t prohibited.
7	4.	No	person or employer shall discharge, refuse to hire, or in any manner retaliate
8		ag	ainst an employee, applicant for employment, or other person because that
9		ре	rson asserts or exercises any rights afforded by this section or reports or
10		att	empts to prosecute a violation of this section.
11	5.	Th	is section may not be interpreted or construed to permit smoking where it is
12		oth	erwise restricted by other applicable laws.
13	6.	Be	fore October 1, 2007, the The office of management and budget shall develop
14		an	d implement a uniform policy regarding smoking restrictions with respect to the
15		ou	door areas near the public entrances of all buildings on the state capitol
16		gro	bunds.