

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED 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; and to provide an
3 effective date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

7 **23-12-10. Smoking restrictions - Exceptions - Retaliation - Application.**

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

- 1 ~~g.~~ e. 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.~~ f. Separately enclosed areas in truckstops which are accessible only to adults.
- 5 3. Smoking as part of a traditional American Indian spiritual or cultural ceremony is
6 not prohibited.
- 7 4. No person or employer shall discharge, refuse to hire, or in any manner retaliate
8 against an employee, applicant for employment, or other person because that
9 person asserts or exercises any rights afforded by this section or reports or
10 attempts to prosecute a violation of this section.
- 11 5. This section may not be interpreted or construed to permit smoking where it is
12 otherwise restricted by other applicable laws.
- 13 6. ~~Before October 1, 2007, the~~ The office of management and budget shall develop
14 and implement a uniform policy regarding smoking restrictions with respect to the
15 outdoor areas near the public entrances of all buildings on the state capitol
16 grounds.

17 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective on January 1, 2010.