

HOUSE BILL NO. 1253

Introduced by

Representatives Thoreson, Dosch, Headland, Kasper, Meier, Owens, Ruby, Schatz, Streyle
Senators Armstrong, Bowman

1 A BILL for an Act to amend and reenact sections 23-12-10.4 and 23-42-04 of the North Dakota
2 Century Code, relating to reimbursement of costs incurred in complying with smoking
3 restrictions in public places and places of employment.

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

5 **SECTION 1. AMENDMENT.** Section 23-12-10.4 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **23-12-10.4. Responsibility of proprietors - Reimbursement of costs of compliance.**

8 1. The owner, operator, manager, or other person in control of a public place or place of
9 employment where smoking is prohibited by this Act shall:

10 4. a. Clearly and conspicuously post no smoking signs or the international no smoking
11 symbol in that place.

12 2. b. Clearly and conspicuously post at every entrance to that place a sign stating that
13 smoking is prohibited.

14 3. c. Clearly and conspicuously post on every vehicle that constitutes a place of
15 employment under this Act at least one sign, visible from the vehicle's exterior,
16 stating that smoking is prohibited.

17 4. d. Remove all ashtrays from any area where smoking is prohibited, except for
18 ashtrays displayed for sale and not for use on the premises.

19 5. e. By December 6, 2012, communicate to all existing employees and to all
20 prospective employees upon their application for employment that smoking is
21 prohibited in that place.

22 6. f. For places under his or her control, direct a person who is smoking in violation of
23 this Act to extinguish the product being smoked. If the person does not stop
24 smoking, the owner, operator, manager, or employee shall refuse service and

1 shall immediately ask the person to leave the premises. If the person in violation
2 refuses to leave the premises, the owner, operator, manager, or employee shall
3 immediately report the violation to an enforcement agency identified in this Act.
4 The refusal of the person to stop smoking or leave the premises in response to
5 requests made under this section by an owner, operator, manager, or employee
6 shall not constitute a violation of the Act by the owner, operator, manager, or
7 employee.

8 2. The owner, operator, manager, or other person in control of a public place or place of
9 employment where smoking is prohibited by this Act may submit receipts to the
10 executive committee of the tobacco prevention and control advisory committee for
11 reimbursement of actual costs incurred by the owner, operator, manager, or other
12 person in control of the public place or place of employment in complying with the
13 signage and enforcement requirements of subsection 1.

14 **SECTION 2. AMENDMENT.** Section 23-42-04 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **23-42-04. Powers and duties of the executive committee.**

- 17 1. To implement the purpose of this chapter and, in addition to any other authority
18 granted elsewhere in this chapter, to support its efforts and implement the
19 comprehensive plan, the executive committee may employ staff and fix their
20 compensation, accept grants, property, and gifts, enter contracts, make loans, provide
21 grants, borrow money, lease property, provide direction to the state investment board
22 for investment of the tobacco prevention and control fund, and take any action that
23 any private individual, corporation, or limited liability company lawfully may do except
24 as restricted by the provisions of this chapter.
- 25 2. The executive committee shall reimburse the actual costs incurred by the owner,
26 operator, manager, or other person in control of the public place or place of
27 employment in complying with the signage and enforcement requirements of
28 subsection 1 of section 23-12-10.4, upon receipt of a request for reimbursement under
29 subsection 2 of section 23-12-10.4.