

**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~~securing the necessary  
3 signage required to be in compliance with smoking restrictions in public places and places of  
4 employment.

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

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

8 **23-12-10.4. Responsibility of proprietors - Reimbursement of costs of compliance.**

- 9 1. The owner, operator, manager, or other person in control of a public place or place of  
10 employment where smoking is prohibited by this Act shall:
- 11 ~~1.~~ a. Clearly and conspicuously post no smoking signs or the international no smoking  
12 symbol in that place.
- 13 ~~2.~~ b. Clearly and conspicuously post at every entrance to that place a sign stating that  
14 smoking is prohibited.
- 15 ~~3.~~ c. Clearly and conspicuously post on every vehicle that constitutes a place of  
16 employment under this Act at least one sign, visible from the vehicle's exterior,  
17 stating that smoking is prohibited.
- 18 ~~4.~~ d. Remove all ashtrays from any area where smoking is prohibited, except for  
19 ashtrays displayed for sale and not for use on the premises.
- 20 ~~5.~~ e. By December 6, 2012, communicate to all existing employees and to all  
21 prospective employees upon their application for employment that smoking is  
22 prohibited in that place.
- 23 ~~6.~~ f. For places under his or her control, direct a person who is smoking in violation of  
24 this Act to extinguish the product being smoked. If the person does not stop

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

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

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

18 **23-42-04. Powers and duties of the executive committee.**

- 19 1. To implement the purpose of this chapter and, in addition to any other authority  
20 granted elsewhere in this chapter, to support its efforts and implement the  
21 comprehensive plan, the executive committee may employ staff and fix their  
22 compensation, accept grants, property, and gifts, enter contracts, make loans, provide  
23 grants, borrow money, lease property, provide direction to the state investment board  
24 for investment of the tobacco prevention and control fund, and take any action that any  
25 private individual, corporation, or limited liability company lawfully may do except as  
26 restricted by the provisions of this chapter.
- 27 2. ~~The executive committee shall reimburse the actual costs incurred by~~Upon the request  
28 of the owner, operator, manager, or other person in control of the public place or place  
29 of employment ~~in complying with the signage and enforcement requirements of~~  
30 ~~subsection 1 of section 23-12-10.4, upon receipt of a request for reimbursement~~  
31 ~~under~~where smoking is prohibited under section 23-12-10, the executive committee

- 1 | shall provide the signs necessary to be in compliance with the signage requirements
- 2 | of subsection 2 of section 23-12-10.4.