

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 securing the necessary signage required to be in compliance with  
3 smoking 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 request from the executive  
10 committee of the tobacco prevention and control advisory committee the signs  
11 necessary to comply with the signage requirements of subsection 1.

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

14 **23-42-04. Powers and duties of the executive committee.**

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