

**Sixty-third Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1253  
(Representatives Thoreson, Dosch, Headland, Kasper, Meier, Owens, Ruby, Schatz, Streyle)  
(Senators Armstrong, Bowman)

AN ACT to amend and reenact sections 23-12-10.4 and 23-42-04 of the North Dakota Century Code, relating to securing the necessary signage required to be in compliance with smoking restrictions in public places and places of employment.

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

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

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

1. The owner, operator, manager, or other person in control of a public place or place of employment where smoking is prohibited by this Act shall:
  4. a. Clearly and conspicuously post no smoking signs or the international no smoking symbol in that place.
  2. b. Clearly and conspicuously post at every entrance to that place a sign stating that smoking is prohibited.
  3. c. Clearly and conspicuously post on every vehicle that constitutes a place of employment under this Act at least one sign, visible from the vehicle's exterior, stating that smoking is prohibited.
  4. d. Remove all ashtrays from any area where smoking is prohibited, except for ashtrays displayed for sale and not for use on the premises.
  5. e. By December 6, 2012, communicate to all existing employees and to all prospective employees upon their application for employment that smoking is prohibited in that place.
  6. f. For places under his or her control, direct a person who is smoking in violation of this Act to extinguish the product being smoked. If the person does not stop smoking, the owner, operator, manager, or employee shall refuse service and shall immediately ask the person to leave the premises. If the person in violation refuses to leave the premises, the owner, operator, manager, or employee shall immediately report the violation to an enforcement agency identified in this Act. The refusal of the person to stop smoking or leave the premises in response to requests made under this section by an owner, operator, manager, or employee shall not constitute a violation of the Act by the owner, operator, manager, or employee.
2. The owner, operator, manager, or other person in control of a public place or place of employment where smoking is prohibited by this Act may request from the executive committee of the tobacco prevention and control advisory committee the signs necessary to comply with the signage requirements of subsection 1.

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

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

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

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Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

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Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1253.

House Vote:      Yeas 68              Nays 26              Absent 0

Senate Vote:      Yeas 47              Nays 0              Absent 0

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2013,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State