Smoke-free policies prevent youth from smoking

A major conclusion from the 2012 U.S. Surgeon General's Report, *Preventing Tobacco Use Among Youth and Young Adults*, states that smoke-free policies combined with a comprehensive prevention approach are effective in preventing youth and young adults from starting to smoke. A comprehensive approach should also include tobacco-free school campuses, mass media educational campaigns and tobacco price increases.

How can I find more information?

For more information, contact the North Dakota Center for Tobacco Prevention & Control Policy at info@breathend.com or 1.877.277.5090 or contact your local public health unit.

Where can North Dakotans get help to quit using tobacco?

Smokers or spit-tobacco users who want to quit can visit www.ndhealth.gov/ndquits or call 1.800.QUIT.NOW (1.800.784.8669).

ND QUITS
www.ndhealth.gov/ndquits
1.800.QUIT.NOW

NDQuits is operated by the North Dakota Department of Health

SmokeFree!
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ND Center for Tobacco Prevention and Control Policy

4023 State Street, Suite 65
Bismarck, ND 58503-0638

This information does not represent a legal interpretation and is provided as guidance in understanding North Dakota's smoke-free law. Questions regarding legal interpretation should be referred to your state's attorney or your local attorney.

a Guide TO NORTH DAKOTA'S SMOKE-FREE LAW

Effective December 6, 2012

N.D.C.C. 23-12-9 to 23-12-11

Clearing the Air of Secondhand Smoke: Protecting the Health of North Dakotans

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North Dakota's smoke-free law

North Dakota's new smoke-free law advances public health by protecting more workers, residents and visitors from secondhand smoke exposure in public places and places of employment.

Dangers of secondhand smoke

Secondhand smoke has been proven to cause numerous health problems ranging from heart disease to emphysema, stroke, SIDS and cancer. Secondhand smoke contains many toxic chemicals including formaldehyde, cyanide, carbon monoxide, ammonia, and nicotine. Exposure to secondhand smoke causes preventable deaths from lung cancer and cardiac related illnesses. There is no safe level of exposure to secondhand smoke.

Source: Centers for Disease Control & Prevention: Smoking & Tobacco Use

The new law will protect people from exposure to secondhand smoke:

- In all enclosed areas of public places and places of employment such as restaurants, bars, truck stops, guest rooms and common areas within hotels and motels, healthcare facilities, long-term care centers, assisted living centers, licensed adult day care facilities, retail tobacco stores, hookah establishments, workplace vehicles, charitable gambling and gaming licensed facilities, and places of public access that may be leased for private functions.
- Enclosed area means all space between a floor and ceiling that has thirty-three percent or more of the surface area of its perimeter bounded by opened or closed walls, windows or doorways. A wall includes any physical barrier regardless of whether it is open or closed.
- Within twenty (20) feet of entrances, exits, operable windows, air intakes and ventilation systems of an establishment where smoking is prohibited by the law.

Electronic cigarettes

The use of electronic cigarettes is prohibited in all places where smoking is not allowed under the law.

The new law does not restrict smoking:

- In private residences (unless the residence is used as a childcare, adult day care, or health care facility subject to licensure by the Department of Human Services).
- In areas not commonly accessible to the public that are part of an owner operated business having no employees other than the owner operator.
- At outdoor places that are more than twenty (20) feet from entrances, exits, operable windows, air intakes and ventilation systems of an establishment where smoking is prohibited.
- As part of a traditional American Indian spiritual or cultural ceremony.

Reporting a violation

Violations to the new smoke-free law can be reported to your state's attorney, or to state or local law enforcement agencies. For more information contact your local public health unit.

Fines and penalties:

- The fine for an infraction by an individual who smokes in violation of the law is not to exceed $50 per offense.
- The fine for an infraction by an owner, manager, or person of general supervisory responsibility of an establishment that does not comply is not to exceed $100 for the first violation, not to exceed $200 for a second violation within one year, and not to exceed $500 for each additional violation within one year of the preceding violation.
- A proprietor's violation of the law may result in suspension or revocation of a permit or license issued to that proprietor for the establishment where the violation occurred.
- Each day on which a violation of this law occurs shall be considered a separate and distinct violation.

Enforcement:

- The law will be enforced by North Dakota State's Attorneys.
- State and local law enforcement agencies may enforce provisions of the law by seeking injunctive relief.

What should I do if one of my customers is smoking in violation of the law?

In a non-confrontational manner, you or your staff should remind them of the smoke-free law. Explain that smoking is prohibited in smoke-free areas and is against the law. Politely ask a person who is smoking to extinguish the product being smoked. If the person insists on smoking, you should explain that the law requires you to stop serving customers who are smoking in violation of the law and immediately report them to your local enforcement agent. If the customer continues to violate the law, you should refuse service and report their conduct to your local enforcement agent.

Some steps the law requires proprietors to take:

- Remove ashtrays from any area where smoking is prohibited.
- Post smoke-free signage.
- Regularly educate all employees on the smoke-free law, including how to calmly and professionally interact with a person who is smoking in violation of the law.

Aspects of the 2005 state smoke-free law that the new law does not change:

- How the law applies to state agencies and tribal lands.
- The law does not prevent cities and counties from adopting smoke-free laws that provide additional protections against secondhand smoke beyond those contained in the state law.

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