



## North Dakota Tobacco Prevention and Control Executive Committee

Center for Tobacco Prevention and Control Policy  
 4023 State Street, Suite 65 • Bismarck, ND 58503-0638  
 Phone 701.328.5130 • Fax 701.328.5135 • Toll Free 1.877.277.5090

### Written Report to the North Dakota Legislative Budget Section Meeting, December 5, 2012 N.D. Center for Tobacco Prevention and Control Policy, Jeanne Prom, Executive Director

The 2011 Legislature, pursuant to 2011 House Bill 1025, required the agency provide written reports to the interim budget section detailing information on expenditures for contract services, professional fees and services and grants. This report provides information as of November 29, 2012 and covers progress reported since the Budget Section meeting September 20, 2012.

#### **Expenditures to date, 2011-2013**

Appropriation for the current biennium: \$12,922,614. As of November 29, 2012: \$7,336,371.71 has been expended, including: grants -- \$5,456,748.22; professional fees -- \$1,125,779.41; salaries and wages -- \$554,402.33; and other operations -- \$199,441.75. Balance remaining: 5,586,242.29.

#### **Recent outcomes – comprehensive smoke-free actions**

- North Dakota voters passed initiated Measure 4, which amends the state smoke-free law to protect people from exposure to secondhand smoke in additional enclosed public places and places of employment, including:
  - restaurants, bars, truck stops, guest rooms and common areas in hotels and motels, 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;
  - and within 20 feet of entrances, exits, operable windows, air intakes and ventilation systems of an establishment in which smoking is prohibited by law.
  - Use of electronic cigarettes is prohibited in all places where law prohibits smoking.
  - Enclosed area means all space between a floor and ceiling that has 33 percent of its perimeter bounded by opened or closed walls, windows or doorways. A wall includes any physical barrier regardless of whether it is opened or closed.

The new law takes effect December 6, 2012. An independent grassroots group of citizens called Smoke-Free North Dakota organized the initiative, favored by 66.66 percent of voters.

North Dakota Center for Tobacco Prevention and Control is providing educational information to businesses and the public to assist in full compliance with the new law. See the attached brochure for more information.

- Voters in three cities -- Walhalla (78.02%), Cando (76.36%) and Casselton (67.41%) -- passed smoke-free advisory measures by the percentages indicated, on November 6, 2012. These city councils are now considering next steps.
- Grand Forks City Commission held the first reading on amendments to its smoke-free city ordinance, based on the statewide smoke-free law that takes effect December 6.

### **K-12 comprehensive tobacco-free school district policies**

- Four K-12 school districts adopted a comprehensive tobacco-free policy: Grant County Public School (Elgin-New Leipzig District 49), Griggs County Central (Cooperstown), Horse Creek District 32 (Cartwright), and Mohall-Lansford-Sherwood School District.
- As of September 30, 2012, 115 school districts/private schools have adopted a comprehensive tobacco-free school policy with 60,059 K-12 students covered by a comprehensive tobacco-free policy (58.04% of K-12 student population).
- Local public health units reported assessing 90 K-12 school policies this past quarter.
- Central Valley Board of Health approved a resolution urging schools to adopt the North Dakota Comprehensive Tobacco-Free Model School Policy.

### **Tobacco-free and smoke-free grounds policies, including county and recreation policy**

- Bismarck Burleigh Public Health reported the following 14 new tobacco-free grounds policies (other than K-12 and higher education) identified in their service area through a recent survey: Good Samaritan, Charles Hall Youth Services, St. Gabriel's Community, Manchester House, Great Plains Rehabilitation, Rummel Chiropractic, Active Life Chiropractic, Chuppe Chiropractic Clinic, Sanford Health – Western Region, Lifeways, A Life Time of Smiles, Deeter Dental, UND Center for Family Medicine and Eyes on Parkway.
- Local public health units reported the following five new smoke-free grounds policies (other than higher education): Edgewood Vista (Bismarck), Baptist Home (Bismarck), Good Samaritan Home Care (Bismarck), TruValu Hardware Store (Harvey) and Tom's Home Furnishings (Harvey).  
(*The Bismarck policies listed above may have been adopted prior to this quarter, but were identified through a recent survey.*)

### **Smoke-free policies**

- The following alcohol establishments were reported by local public health units to have voluntarily adopted a smoke-free policy: On the Rocks Bar (Minot), The Club Bar (Mohall), Cando Golf Club Bar and Clubhouse (Cando) and the Ramada Grand Dakota Lodge Bar (Dickinson).
- City County Health District reported that the 40-unit Rudolf Square apartment complex went smoke-free on September 1, 2012.

### **Other policies**

- Southwestern District Health Unit reported that Dickinson passed a city ordinance amending and re-enacting article 21.20 of the city code relating to the authority to sell tobacco. (Ordinance 1478 – Illegal Purchases of Tobacco Products by Minors) City Ordinance 1478 allows the city to initiate a license system where any person or business selling tobacco would be issued a license after an application and fee were paid. Any business or licensee that sells to a minor could face fines and a license suspension.

### **Policies to Ask, Advise and Refer (AAR) to NDQuits (operated by department of health)**

Center grants require LPHUs to work with local healthcare providers and the state department of health to refer patients to NDQuits.

- LPHUs reported 31 new healthcare facilities implementing the AAR guidelines.
- A total of 41 local public health unit staff and 50 medical providers were trained on AAR guidelines to connect tobacco users to NDQuits.
- Fargo Cass Public Health (FCPH) reported that Essentia Health has incorporated the AAR guidelines into their Electronic Medical Records. (*This is a system-wide implementation.*)
- FCPH reported their agency's Break Away from Nicotine (BAN) program served 25 new clients enrolled this quarter (compared to nine new enrollees last quarter).

- Bismarck Burleigh Public Health completed a baseline assessment (of tobacco-free, smoke-free and AAR implementation) to over 100 healthcare facilities, day care facilities and outdoor parks/recreation facilities in their service area.

### **Local coalitions**

- Central Valley Collaborative reported one new tobacco coalition this quarter.
- Local public health units reported 93 new coalition members across the state.

*See citation at the end of this report for these and all data included in this report.*

### **Grants and Professional Services Contracts and Fees, 2011-2013**

The agency has issued and will continue to issue grants and contracts for the 2011-2013 biennium to build on this progress. The Advisory Committee continues to meet every other month to provide guidance on the full implementation of the state plan. The Executive Committee continues to meet at least monthly to provide oversight of the Center.

The Center currently manages three major grant programs (currently 58 grants/year) and multiple professional services contracts (8 contracts thus far this biennium), as described below *and detailed on the attachments*.

### **Tobacco Settlement State Aid Grants to all Local Public Health Units**

- \$940,000.00 total for the biennium, \$703,389.00 expended thus far.
- 28 grants, one to each local public health unit (LPHU) using a noncompetitive formula.
- All counties receive funding.  
LPHUs adopted, implemented and evaluated a health unit policy to ask, advise and refer (AAR) tobacco users to the NDQuits. This involved developing and passing the policy, providing training to staff, incorporating the referral process into electronic medical records systems, and conducting an audit of charts to evaluate the policy's implementation in client-based programs.
- All 28 LPHUs now refer clients to the NDQuits.

### **Local Tobacco Control Policy Grants to all Local Public Health Units**

- \$3,296,091.00 total for FY2012, \$3,122,754.65 expended.
- \$3,496,625.00 total for FY2013, \$860,510.41 expended thus far.
- In FY 2013, the Center manages 24 grants/year, one to each LPHU or LPHU collaborative (more than one LPHU cooperating as part of one grant), using noncompetitive formula and requiring an approved CDC Best Practice work plan.
- All counties receive funding.

### **Special Initiative Grants and Other Grants to Implement CDC Best Practices**

- \$1,321,848.36 awarded or approved and \$770,094.16 expended thus far.
- 6 grants to the following:
  - American Nonsmokers' Rights Foundation to provide training and technical assistance to communities on smoke-free efforts.
  - Minot State University to assist communities statewide on public education efforts on smoke-free and tobacco-free efforts.
  - American Lung Association in North Dakota, and
  - Tobacco Free North Dakota, and
  - Northern Lights Youth Services – 1 grant to each organization to provide education to members and to the public statewide on tobacco use prevention issues.
  - City-County Health District for local policy planning and development.

- Only the CDC Best Practice strategies proven to prevent and reduce tobacco use at an accelerated rate are implemented, including:
  - making all workplaces, school campuses, and public places smoke- or tobacco-free;
  - educating the public about the health effects of secondhand smoke and costs of tobacco;
  - increasing the price of all tobacco products;
  - changing healthcare systems so providers always ask patients/clients about tobacco use, encourage tobacco users to quit, and connect those wanting to quit with NDQuits and nicotine replacement therapy.

### **Professional Services Contracts and IT Contractual, and Fees**

- \$1,935,829.02 in 12 contracts/ITD work order requests thus far this biennium; \$1,113,386.11 expended thus far, not including non-contract payments for other additional professional services.
- Services further support the implementation of the new statewide comprehensive CDC Best Practice tobacco prevention program through the following contracts:
  - Department of Health – a contract to provide the Center with fiscal services for FY2012 was completed.
  - Odney – a continuing contract for health communications public education on costs of tobacco use, health hazards of secondhand smoke and information on program outcomes.
  - Nexus Innovations – five IT work order requests to provide enhancements to the Progress Reporting System (online grant applications, reporting enhancements).
  - University of North Dakota – two contracts to conduct a study to help determine possible health outcomes from a smoke-free policy, and to conduct an evaluation were completed.
  - Public Health Law Center – two contracts, one for development of a case study report on the law that funds tobacco control efforts in North Dakota, and another for policy technical assistance and policy research and related training.
  - Research Triangle Institute (RTI) International – one contract to provide ongoing comprehensive evaluation of the implementation of the five-year *Saving Lives, Saving Money: North Dakota Comprehensive State Plan to Reduce Tobacco Use, 2012 Update*.

**Sources and citation:** North Dakota Center for Tobacco Prevention and Control Policy. (2012, December). *Written Report to the North Dakota Legislative Budget Section Meeting, December 5, 2012, From N.D. Center for Tobacco Prevention and Control Policy*. Bismarck, N.D. NOTE: This information includes data reported from local public health units and other organizations, as required by their grants and contracts with the Center, and other results of Center expenditures.



The Center, along with the North Dakota Department of Health, local public health units, and other partners, is charged with implementing North Dakota's comprehensive state tobacco prevention plan: *Saving Lives – Saving Money*. The plan's goals are to significantly reduce tobacco use and its health and economic consequences by using policies and programs proven to keep kids from starting to use tobacco, help tobacco users quit, and protect everyone from secondhand smoke.

**TOBACCO PREVENTION & CONTROL COMMITTEE  
2011-2013 Grants**

**Tobacco Settlement State Aid Grants**

<b>Contractor</b>	<b>Total Contract Amount</b>	<b>Expended to Date</b>	<b>Start Date</b>	<b>End Date</b>	<b>Description</b>
Bismarck Burleigh Public Health	62,807.00	47,106.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Cavalier County Health District	12,023.00	9,018.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Central Valley Health District	33,967.00	25,476.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
City County Health Department	16,669.00	12,504.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Custer District Health Unit	76,092.00	57,072.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Dickey County District Health Unit	12,874.00	9,654.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Emmons County Public Health	11,732.00	8,802.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Fargo Cass Public Health	107,783.00	80,838.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
First District Health Unit	123,749.00	92,814.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Foster County Health Department	11,596.00	8,700.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Grand Forks Public Health Department	53,318.00	39,990.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Kidder County District Health Unit	10,999.00	8,250.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Lake Region District Health Unit	53,926.00	40,446.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
LaMoure County Public Health Unit	12,119.00	9,090.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
McIntosh District Health Unit	11,245.00	8,436.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Nelson Griggs District Health	22,443.00	16,830.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Pembina County Health Department	14,269.00	10,704.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Ransom County Public Health Department	12,985.00	8,115.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Richland County Health Department	20,121.00	15,090.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Rolette County Public Health District	18,555.00	13,914.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Sargent County District Health Unit	11,915.00	8,934.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Southwestern District Health Unit	100,750.00	75,564.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Steele County Public Health Department	10,697.00	8,022.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Towner County Public Health District	10,875.00	8,154.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Trail District Health Unit	14,734.00	11,052.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Upper Missouri District Health Unit	62,890.00	47,166.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Walsh County Health Department	16,704.00	12,528.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
Wells County District Health Unit	12,163.00	9,120.00	7/1/2011	6/30/2013	Tobacco State Aid to Local Public Health
<b>Total Tobacco Settlement State Aid Grants</b>	<b>940,000.00</b>	<b>703,389.00</b>			

## FY 2012 Grants to Local Public Health - Local Tobacco Control Policy Grants

Contractor	Total Contract Amount	Expended to Date	Start Date	End Date	Description
Bismarck-Burleigh Public Health	320,412.00	310,513.14	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Cavalier County Health District	43,444.00	43,044.00	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Central Valley Health District	286,203.00	286,203.00	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
City County Health Department	97,387.00	97,387.00	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Custer District Health Unit	207,261.00	194,510.20	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Dickey County District Health Unit	48,330.00	48,330.00	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Fargo Cass Public Health	529,911.00	484,507.24	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
First District Health Unit	339,060.00	332,375.58	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Foster County Health Department	42,065.00	42,065.00	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Grand Forks Public Health Department	278,048.00	276,723.42	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Lake Region District Health Unit	129,543.00	113,141.17	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Nelson Griggs District Health	53,815.00	33,076.69	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Pembina County Health Department	31,652.00	31,652.00	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Ransom County Public Health Department	49,698.00	49,698.00	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Richland County Health Department	117,123.00	86,983.87	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Rolette County Public Health District	77,800.00	77,000.00	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Sargent County District Health Unit	44,168.00	43,646.54	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Southwestern District Health Unit	193,310.00	193,310.00	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Towner County Public Health District	37,707.00	37,707.00	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Traill District Health Unit	43,835.00	36,841.55	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Upper Missouri District Health Unit	201,393.00	190,484.72	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Walsh County Health Department	68,080.00	65,003.48	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
Wells County District Health Unit	55,846.00	48,551.05	7/1/2011	6/30/2012	Tobacco Grants to Local Public Health Fiscal Year 2012
<b>Total Local Tobacco Control Policy Grants FY 2012</b>	<b>3,296,091.00</b>	<b>3,122,754.65</b>			

## FY 2013 Grants to Local Public Health - Local Tobacco Control Policy Grants

Bismarck-Burleigh Public Health	324,239.00	124,872.26	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Cavalier County Health District	43,976.00	12,151.98	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Central Valley Health District	255,134.00	62,896.22	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
City County Health Department	105,050.00	20,258.29	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Custer District Health Unit	222,208.00	61,980.43	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Dickey County District Health Unit	48,512.00	10,512.28	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Fargo Cass Public Health	523,542.00	127,791.92	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
First District Health Unit	373,559.00	52,184.34	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Foster County Health Department	45,639.00	9,481.37	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013

Contractor	Total Contract Amount	Expended to Date	Start Date	End Date	Description
Grand Forks Public Health Department	279,014.00	83,385.95	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Kidder County District Health Unit	96,382.00	25,525.86	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Lake Region District Health Unit	132,668.00	33,938.16	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Nelson Griggs District Health	56,139.00	11,594.48	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Pembina County Health Department	43,173.00	13,205.62	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Ransom County Public Health Department	49,100.00	-	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Richland County Health Department	99,848.00	21,188.77	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Rolette County Public Health District	78,780.00	24,974.00	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Sargent County District Health Unit	43,402.00	9,039.43	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Southwestern District Health Unit	203,264.00	50,429.73	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Towner County Public Health District	37,861.00	6,369.39	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Traill District Health Unit	94,224.00	30,778.48	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Upper Missouri District Health Unit	212,276.00	35,965.95	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Walsh County Health Department	68,910.00	20,902.63	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
Wells County District Health Unit	59,725.00	11,082.87	7/1/2012	6/30/2013	Tobacco Grants to Local Public Health Fiscal Year 2013
<b>Total Local Tobacco Control Policy Grants FY 2013</b>	<b>3,496,625.00</b>	<b>860,510.41</b>			

### Special Initiative Grants

Northern Lights Youth Services	40,000.00	38,177.49	9/1/2011	6/30/2012	SIG - Statewide Organization
Northern Lights Youth Services	41,822.00	9,864.48	8/1/2012	6/30/2013	SIG - Statewide Organization
Minot State University	416,000.00	359,982.70	8/1/2011	6/30/2012	Other
Minot State University	221,182.00	80,564.54	7/1/2012	12/31/2012	Other
American Lung Association	209,076.36	81,878.01	7/1/2011	6/30/2013	Special Initiative Grants
Tobacco Free North Dakota	238,780.00	123,176.85	7/1/2011	6/30/2013	SIG - Statewide Organization
City-County Health District	24,988.00	12,548.02	9/15/2011	6/30/2013	SIG - Policy Development
American Nonsmokers' Rights Foundation	130,000.00	63,902.07	7/1/2011	6/30/2013	SIG - Policy Development
<b>Total Special Initiative Grants</b>	<b>1,321,848.36</b>	<b>770,094.16</b>			

<b>Total Grant Payments for 2011-2013 Biennium</b>	<b>9,054,564.36</b>	<b>5,456,748.22</b>			
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**TOBACCO PREVENTION & CONTROL COMMITTEE**  
**2011-2013 Professional Services Contract and IT Contractual**

<b>Contractor</b>	<b>Total Contract Amount</b>	<b>Expended to Date</b>	<b>Start Date</b>	<b>End Date</b>	<b>Description</b>
Odney Advertising	1,096,904.02	781,464.83	1/1/2011	12/31/2012	Health Communications Marketing Services
ND Department of Health	19,179.00	19,179.00	7/1/2011	6/30/2012	Fiscal Agent Services
Nexus Innovation	196,408.00	176,224.35	7/1/2011	6/30/2013	Upgrades to PRS
UND Center for Rural Health	58,667.00	58,646.78	7/1/2011	12/31/2011	2009-2011 Comprehensive Program Evaluation
University of North Dakota	2,725.00	2,708.21	10/15/2011	11/15/2011	Heart Attack Study
Public Health Law Center, Inc.	38,075.00	38,075.00	8/15/2011	9/30/2012	Tobacco Control Policy Legan Technical Assistance and Training
Public Health Law Center, Inc.	63,000.00	21,267.85	8/15/2011	6/30/2013	Case Study Research - ND Legis. Funding State Tobacco Control Efforts
Research Triangle Institute (RTI International)	460,871.00	15,820.09	7/20/2012	9/30/2013	Comprehensive Evaluation
<b>Total Professional Fee and IT contracts 2011-2013 Biennium</b>	<b>1,935,829.02</b>	<b>1,113,386.11</b>			

Non-Contracts (Paid through 3-7-2012)

State Auditors Office		8,470.00			
Attorney General's Office		-	3,923.30		
<b>Total Non- Contract Payments</b>		<b>-</b>	<b>12,393.30</b>		

Audit Fees for the 2011-2013 Biennium  
Attorney Fees for the 2011-2013 Biennium

## ***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](mailto: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](http://www.ndhealth.gov/ndquits) or call 1.800.QUIT.NOW (1.800.784.8669).

**ND**  
**QUITS**

[www.ndhealth.gov/ndquits](http://www.ndhealth.gov/ndquits)  
1.800.QUIT.NOW

*NDQuits is operated by the North Dakota  
Department of Health*

**SmokeFree!**  
NORTH DAKOTA'S NEWEST LAW

**BreatheND.com**

**BreatheND**  
Saving lives, saving money. The voice of the people.

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 23-12-12*

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

**SmokeFree!**  
NORTH DAKOTA'S NEWEST LAW

**BreatheND.com**



## ***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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