Honorable Arnold I. Palacios  
Speaker, House of Representatives  
Sixteenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Honorable Pete P. Reyes  
Senate President, The Senate  
Sixteenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 16-47, HD2, SD1, CCS1, entitled, “To repeal and reenact Title 6, Division 3, Chapter 1, Article 4 of the Commonwealth Code to prohibit smoking in all workplaces and public places, and for other purposes.” The bill was passed by the House of Representatives and the Senate of the Sixteenth Northern Marianas Commonwealth Legislature.

This bill becomes Public Law No. 16-46. Copies bearing my signature are forwarded for your reference.

Sincerely,

BENIGNO R. FITIAL

cc: Lt. Governor; Attorney General, Office of the Attorney General; Secretary, Department of Public Health; Commissioner, Department of Public Safety; Secretary, Department of Commerce; Managing Director, Marianas Visitors Authority; Judicial Branch; All department and activity heads; Commissioner of Education, Public School System; President, Northern Marianas College; All Mayors; All Municipal Councils; Executive Director, Commonwealth Law Revision Commission; Special Assistant for Programs and Legislative Review
September 11, 2009

The Honorable Benigno R. Fitial
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Fitial:

I have the honor of transmitting herewith for your action House Bill No. 16-47, HD2, SD1, CCS1, entitled: "To repeal and reenact Title 6, Division 3, Chapter 1, Article 4 of the Commonwealth Code to prohibit smoking in all workplaces and public places, and for other purposes.", which was passed by the House of Representatives and the Senate of the Sixteenth Northern Marianas Commonwealth Legislature.

Sincerely yours,

Evelyn C. Fleming
House Clerk

Attachment
AN ACT

To repeal and reenact Title 6, Division 3, Chapter 1, Article 4 of the Commonwealth Code to prohibit smoking in all workplaces and public places, and for other purposes.

In the HOUSE OF REPRESENTATIVES

Offered by Representatives: Justo S. Quitugua and Joseph P. Deleon Guerrero

Date: February 29, 2008

Referred to: Committee on Health, Education and Welfare
Public Hearing: None
Standing Committee Report No. 16-35

Passed First and Final Reading on October 3, 2008
Rejected Senate Amendments on May 19, 2009
Conference Committee Report No. 16-2
Passed Final Reading on September 9, 2009

In the SENATE

Referred to Committee on Health and Welfare Programs
Public Hearing: None
Standing Committee Report No. 16-45

Passed First and Final Reading on April 15, 2009
Conference Committee Report No. 16-3
Passed Final Reading on September 3, 2009
AN ACT

TO REPEAL AND REENACT TITLE 6, DIVISION 3, CHAPTER 1, ARTICLE 4 OF THE COMMONWEALTH CODE TO PROHIBIT SMOKING IN ALL WORKPLACES AND PUBLIC PLACES, AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Short Title. This Act may be cited as the “Smoke-free Air Act of 2008.”

Section 2. Findings and Purpose. The Commonwealth Legislature adopts the findings of the Americans for Nonsmokers’ Rights Foundation (ANRF) and finds that:

1. Secondhand smoke is a known human carcinogen (cancer-causing agent) that is associated with an increased risk of lung cancer and coronary heart disease in nonsmoking adults. Young children are particularly susceptible to secondhand smoke because their lungs are not fully developed. Exposure to secondhand smoke is associated with an increased risk for sudden infant death syndrome, asthma, bronchitis, and pneumonia in young children. Each year, in the United States, secondhand smoke is associated with an estimated 8,000-26,000 new asthma cases in children and an estimated 150,000-300,000 new cases of bronchitis and pneumonia in children less than 18 months (7,500-15,000 of which will require hospitalization). (Secondhand Smoke. National Center for Chronic Disease Prevention and Health Promotion. Center for Disease Control and Prevention www.cdc.gov/tobacco.)

2. An estimated 3,000 lung cancer deaths and more than 35,000 coronary heart disease deaths occur annually among adult nonsmokers in the United States as a result of exposure to secondhand smoke. Approximately 60% of non-smokers in the United States have biological evidence of secondhand smoke exposure. (Secondhand Smoke. National Center for Chronic
Disease Prevention and Health Promotion. Center for Disease Control and Prevention (www.cdc.gov/tobacco)

3. Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually. (National Cancer Institute (NCI), "Health Effects of Exposure to Environmental Tobacco Smoke: the Report of the California Environmental Protection Agency. Smoking and Tobacco Control Monograph 10," Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI), August 1999.)

4. The Public Health Service's National Toxicology Program has listed secondhand smoke as a known carcinogen. (Environmental Health Information Service (EHIS), "Environmental Tobacco Smoke: First Listed in the Ninth Report on Carcinogens," U.S. Department of Health and Human Services (DHHS), Public Health Service, National Toxicology Program, 2000.)

5. A study of hospital admissions for acute myocardial infarction in Helena, Montana, before, during, and after a local law eliminating smoking in workplaces and public places was in effect has determined that laws to enforce smoke free workplaces and public places may be associated with a reduction in morbidity from heart disease. (Sargent, Richard P.; Shepard, Robert M.; Glantz, Stanton A., "Reduced Incidence of Admissions for Myocardial Infarction Associated with Public Smoking Ban: Before and After Study," British Medical Journal 328: 977-980, April 24, 2004.)

6. Secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer. (California Environmental Protection Agency (Cal

8. The U.S. Surgeon General has determined that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to secondhand smoke. (Department of Health and Human Services. The Health Consequences of Involuntary Smoking: A Report of the Surgeon General. Public Health Service, Centers for Disease Control, 1986.) The Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are only capable of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke. (Environmental Protection Agency (EPA), "Indoor Air Facts No. 5: Environmental Tobacco Smoke," Washington, D.C.: Environmental Protection Agency (EPA), June 1989.)

9. The Centers for Disease Control and Prevention has determined that the risk of acute myocardial infarction and coronary heart disease associated with exposure to tobacco smoke is non-linear at low doses, increasing rapidly with relatively small doses such as those received from secondhand smoke or actively smoking one or two cigarettes a day, and has warned that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permit smoking. (Pechacek, Terry F.; Babb, Stephen, "Commentary: How acute and reversible are the cardiovascular risks of secondhand smoke?" British Medical Journal 328: 980-983, April 24, 2004.)

10. A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function. (Pitsavos, C.; Panagiotakos, D.B.; Chrysohoou, C.; Skoumas, J.; Tzioumis, K.; Stefanidis, C.; Toutouzas, P.,...

11. Smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates, and increased liability claims for diseases related to exposure to secondhand smoke. ("The High Price of Cigarette Smoking," Business & Health 15(8), Supplement A: 6-9, August 1997.)

12. Numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after enactment of laws requiring workplaces to be smokefree. Creation of smokefree workplaces is sound economic policy and provides the maximum level of employee health and safety. (Glantz, S.A. & Smith, L. The Effect of Ordinances Requiring Smoke-free Restaurants on Restaurant Sales in the United States. American Journal of Public Health, 87:1687-1693, 1997; Colman, R.; Urbonas, C.M., "The Economic Impact of Smoke-free Workplaces: an Assessment for Nova Scotia, prepared for Tobacco Control Unit, Nova Scotia Department of Health," GPI Atlantic, September 2001.)

13. Smoking is a potential cause of fires; cigarette and cigar burns and ash stains on merchandise and fixtures causes economic damage to businesses. ("The High Price of Cigarette Smoking," Business & Health 15(8), Supplement A: 6-9, August 1997.)

14. It is the duty of the Commonwealth Legislature to provide a healthy and safe environment for the people of the CNMI as well as for visitors to our islands. This includes establishing smoke-free public and workplaces for the benefit of all, and particularly for the elderly and children. Accordingly, the Legislature finds and declares that the purposes of this Act are: (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; and (2) to guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.
Section 3. Repealer and re-enactment. Title 6, Division 3, Chapter 1, Article 4 of the Commonwealth Code is hereby repealed in its entirety and reenacted as follows:

§ 3171. Definitions
§ 3172. Prohibition of smoking in government facilities
§ 3173. Prohibition of smoking in public places
§ 3174. Prohibition of smoking in places of employment
§ 3175. Prohibition of smoking on property of the Public School System
§ 3176. Reasonable distance
§ 3177. Where smoking not regulated
§ 3178. Declaration of establishment as non-smoking
§ 3179. Posting of signs
§ 3180. Non-retaliation
§ 3181. Enforcement
§ 3182. Violations and penalties
§ 3183. Public education
§ 3184. Governmental agency cooperation
§ 3185. Prohibition of the use of cigarettes or tobacco products as prizes
§ 3186. Disposition of fines
§ 3187. Other applicable law

§ 3171. Definitions. The following words and phrases, whenever used in this article, shall be construed as defined in this section unless the context clearly indicates otherwise:

(a) “Attached bar” means a bar area of a restaurant.
(b) “Bar” means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.
(c) "Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.

(d) "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.

(e) "Employer" means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.

(f) "Enclosed area" means an area or space bounded by walls, with or without windows, continuous from floor to ceiling and enclosed by one or more doors, including but not limited to an office, function room, or hallway. If an outdoor area, as defined herein, has a structure capable of being enclosed by walls or covers, regardless of the materials or removable nature of the walls or covers, the area will be considered enclosed when the walls or covers are in place.

(g) "Health care facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals or other clinics, including nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

(h) "Outdoor area" means any space open to the outside air at all times.

(i) "Person" means any individual, firm, fiduciary, partnership, corporation, trust or association, however formed, club, trustee, agency or receiver.
(j) "Place of employment" means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.

(k) "Public place" means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, educational facilities, health care facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.

(l) "Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include an attached bar.

(m) "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

(n) "Service line" means an indoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

(o) "Shopping mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

(p) "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, plant, or other combustible substance in any manner or in any form.
(q) "Sports arena" means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

§ 3172. Prohibition of smoking in government facilities. Except as otherwise provided for in this article, smoking is prohibited in all enclosed areas and outdoor areas within 25 feet of any doorway entrance or exit to a government facility that is owned, leased or operated by the Government of the Commonwealth of the Northern Mariana Islands or any instrumentality thereof, including but not limited to office buildings, warehouses and vehicles owned or leased by the same; provided that the head of any department, agency, board, commission, authority, corporation or entity of the Commonwealth Government, including municipalities and agencies thereof, may by regulation adopt prohibitions against smoking that are more stringent than those provided in this article.

§ 3173. Prohibition of smoking in public places. Except as otherwise provided in this article, smoking is hereby prohibited in all enclosed areas of public places within the Commonwealth of the Northern Mariana Islands, including but not limited to the following:

(a) Galleries, libraries, and museums.
(b) Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels, and motels.
(c) Educational facilities, both public and private.
(d) Elevators.
(e) Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital, or other similar performance.
(f) Health care facilities.
(g) Licensed child care and adult day care facilities.
(h) Lobbies, hallways, and other common areas in apartment buildings, condominiums, retirement facilities, nursing homes, and other multiple-unit residential facilities.

(i) Polling places.

(j) Buses and taxicabs.

(k) Restaurants, including attached bars except as provided in § 3177(a) of this Act.

(l) Restrooms, lobbies, reception areas, hallways, and other common-use areas.

(m) Supermarkets, retail food outlets, department stores, and retail stores.

(n) Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission or department, to the extent the place is subject to the jurisdiction of the Commonwealth government.

(o) Service lines.

(p) Shopping malls.

(q) Sports arenas, including enclosed places in outdoor arenas.

§ 3174. Prohibition of smoking in places of employment.

(a) To the extent otherwise permitted pursuant to this article, smoking shall be prohibited in all enclosed facilities within places of employment, or within 25 feet of any person who is not smoking if the place or site of work is an outdoor area or area other than an enclosed area, without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

(b) All employers shall advise their employees, agents, subagents, contractors, customers, and all other persons who are physically present on the premises at the place of employment during business hours, whether in an enclosed area or not, of the prohibition against smoking under this section.
(c) Employers, including employees, agents, subagents, or any person acting on behalf of the employer at the place of employment, shall have the duty to assist the Department of Public Health with the enforcement of this section by reporting a violation under this section immediately to the Department of Public Health. Failure to report may subject the person, persons and the employer to the penalties under § 3182(b).

§ 3175. **Prohibition of smoking on property of the Public School System.**

(a) It shall be unlawful at all times for any person or an employee of any public school or college to smoke on school or college property. Any person or employee who knowingly violates this section shall be subject to the penalties under § 3182 of this Article.

(b) It shall be unlawful for any student enrolled in public schools, colleges, or trade schools in the Northern Marianas to use tobacco products of any type on school property.

(c) The Public School System and the Northern Marianas College shall establish by regulation a policy dealing with students who violate this law. This policy shall, at a minimum, include mandatory education classes on the hazards of tobacco use.

§ 3176. **Reasonable distance.** Smoking is prohibited within a reasonable distance of 25 feet outside an enclosed area where smoking is prohibited, so as to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or other means. In no case shall this provision be used to apply or permit smoking on school or college property.

§ 3177. **Where smoking not regulated.** Notwithstanding any provision of this article to the contrary, the following areas shall be exempt from the provisions of §§ 3173 and 3174:

(a) Bars, including open air bars, but not attached bars, at the earlier of (1) an established time when the kitchen ceases servicing dinner meals or (2) 10:00 p.m.;
provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this article.

(b) Private residences, except when used as a licensed child care, adult day care, or health care facility.

(c) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty percent (20%) of rooms rented to guests in a hotel or motel may be so designated. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.

(d) Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one (1) or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this article.

(e) Outdoor areas of places of employment except those covered by the provisions of § 3174 and § 3176.

(f) Enclosed gaming areas of a casino establishment.

(g) Fully enclosed and well-ventilated smoking areas at the departure terminal of Commonwealth airports.

§ 3178. **Declaration of establishment as non-smoking.** Notwithstanding any other provision of this article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place, including the outdoor area within 25 feet of the entrance or exit to such establishment. Smoking shall be prohibited in any place in which a sign conforming to the requirements of § 3179(a) is posted.

§ 3179. **Posting of signs.**

(a) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and
place of employment where smoking is prohibited by this article, by the owner, operator, manager, or other person in control of that place.

(b) Every public place and place of employment where smoking is prohibited by this article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

(c) All ashtrays shall be removed from any area where smoking is prohibited by this article by the owner, operator, manager, or other person having control of the area.

§ 3180. Non-retaliation. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this article or reports or attempts to prosecute a violation of this article.

§ 3181. Enforcement.

(a) This article shall be enforced by the Department of Public Health or an authorized designee.

(b) Notice of the provisions of this article shall be given to all applicants for a business license in the Commonwealth of the Northern Mariana Islands.

(c) Any citizen who desires to register a complaint under this article may initiate enforcement with the Secretary of the Department of Public Health or his designee.

(d) The Department of Public Health, the Fire Division of the Department of Public Safety, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this article.

(e) An owner, manager, operator, or employee of an establishment regulated by this article shall inform persons violating this article of the appropriate provisions thereof, report the violation to the Department of Public Safety and Department of Public Health as soon as practicable and may request assistance from the Department of Public Safety if such assistance is deemed necessary to stop the violation and physically remove the person or persons causing the violation.
(f) Notwithstanding any other provision of this article, an employee or private
citizen may bring legal action to compel the enforcement of this article.

(g) In addition to the remedies provided by the provisions of this section, the
Department of Public Health or any person aggrieved by the failure of the owner,
operator, manager, or other person in control of a public place or a place of
employment to comply with the provisions of this article may apply for injunctive
relief to enforce those provisions in any court of competent jurisdiction.

§ 3182. Violations and penalties.

(a) A person who smokes in an area where smoking is prohibited by the
provisions of this article shall be guilty of a civil infraction, punishable by:

(1) A fine not to exceed fifty dollars ($50) for a first violation.

(2) A fine not to exceed one hundred dollars ($100) for a second
violation.

(3) A fine not to exceed two hundred dollars ($200) for a third and
subsequent violation and the completion of a mandatory tobacco prevention
and/or cessation course.

(b) A person who owns, manages, operates, or otherwise controls a public
place or place of employment and who fails to comply with the provisions of this
article shall be guilty of a civil infraction, punishable by:

(1) A fine not to exceed two hundred dollars ($200) for a first
violation.

(2) A fine not to exceed three hundred dollars ($300) for a second
violation within one (1) year.

(3) A fine not exceeding five hundred dollars ($500) for each
additional violation within one (1) year.

(c) In addition to the fines established by this section, violation of this
article by a person who owns, manages, operates, or otherwise controls a public
place or place of employment may result in the suspension or revocation of any
business license issued to the person for the premises on which the violation occurred.

(d) Each day in which a violation of this article occurs shall be considered a separate and distinct violation.

§ 3183. Public education. The Department of Public Health shall engage in a continuing program to explain and clarify the purposes and requirements of this article to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this article.

§ 3184. Governmental agency cooperation. The Secretary of the Department of Public Health shall annually request other governmental branches, departments, and autonomous agencies having facilities within the Commonwealth of the Northern Mariana Islands to establish local operating procedures in cooperation and compliance with this article. This includes urging all federal agencies and the Public School System to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

§ 3185. Prohibition of the use of cigarettes or any tobacco products as prizes. The use of any device, amusement machine game, raffle, fund-raising or prize to aid, promote or induce sales or purchases of cigarettes or any tobacco products or the giving of any cigarettes or any tobacco products in connection with any device, amusement machine game, raffle, fund-raising or prize is prohibited. Any person who knowingly violates this provision is guilty of a misdemeanor, and upon conviction shall be punished by a fine of $500 per violation.

§ 3186. Disposition of fines.

(a) Fifty percent (50%) of the fines collected pursuant to this article shall be deposited in the General Fund.

(b) Fifty percent (50%) of the fines collected pursuant to this article shall be allocated to the Department of Public Health for enforcement purposes. The
Secretary of Finance shall establish a “Smoke-free Enforcement” revolving account for this purpose. The Secretary of the Department of Public Health shall be the expenditure authority of the “Smoke-free Enforcement” account. Funds in the account shall be available for expenditure without further appropriation by the legislature.

(c) Funds allocated to this account shall not be reprogrammed for any other purpose.

§ 3187. Other applicable laws. This article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.”

Section 4. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 5. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.
Section 6. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:   ATTESTED TO BY:

ARNOLD I. PALACIOS EVELYN C. FLEMING
SPEAKER OF THE HOUSE HOUSE CLERK

APPROVED on this 29th day of SEPTEMBER, 2009

BENIGNO R. FITIAL
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS