

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 1130
State and Local Government Committee Substitute Adopted 5/25/05

Short Title: No Smoking in Prisons.

(Public)

Sponsors:

Referred to:

March 24, 2005

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-599 reads as rewritten:

"§ 143-599. Exemptions.

All of the following facilities shall be exempt from the provisions of this Article:

- (1) Any primary or secondary school or child care center, except for a teacher's lounge.
- (2) An enclosed elevator.
- (3) Public school bus.
- (4) Hospital, nursing home, rest home, and State facility operated under the authority of G.S. 122C-181.
- (5) Local health department.
- (6) Any nonprofit organization or corporation whose primary purpose is to discourage the use of tobacco products by the general public.
- (7) Tobacco manufacturing, processing, and administrative facilities.
- (8) State correctional facilities operated by the Department of Correction."

SECTION 2. Article 2 of Chapter 148 of the General Statutes is amended by adding a new section to read:

"§ 148-23.1. Smoking prohibited in State correctional facilities.

(a) The General Assembly finds that in order to protect the health, welfare, and comfort of inmates in the custody of the Department of Correction and to reduce the costs of inmate health care, it is necessary to prohibit inmates from using tobacco products inside State correctional facilities and to ensure that employees and visitors do not use tobacco products inside those facilities.

(b) No person may use tobacco products inside of a State correctional facility, except for authorized religious purposes.

(c) The Department of Correction may adopt rules to implement the provisions of this section. Inmates in violation of this section are subject to disciplinary measures

1 to be determined by the Department, including the potential loss of sentence credits
2 earned prior to that violation. Employees in violation of this section are subject to
3 disciplinary action by the Department. Visitors in violation of this section are subject to
4 removal from the facility and loss of visitation privileges.

5 (d) As used in this section, the following terms mean:

6 (1) State correctional facility. – All buildings of a State correctional
7 institution operated by the Department of Correction.

8 (2) Tobacco products. – Cigars, cigarettes, snuff, loose tobacco, or similar
9 goods made with any part of the tobacco plant that are prepared or
10 used for smoking, chewing, dipping, or other personal use."

11 **SECTION 3.** The Department of Correction shall conduct one or more pilot
12 programs banning smoking both inside buildings and on the grounds of State
13 correctional institutions and administering smoking cessation programs for staff and
14 inmates. The pilot smoking cessation programs shall be available to inmates and staff on
15 a volunteer basis, and no person shall be compelled or coerced to participate. The
16 smoking cessation program shall include instructions and education that will help
17 inmates and staff cease the use of tobacco products and remain smoke free. The cost of
18 administering the pilot smoking cessation program shall be paid from existing funds
19 available to the Department of Correction. The Department of Correction may use
20 services, personnel, and resources donated by nongovernmental agencies and
21 organizations to implement this program. The Department of Correction shall report to
22 the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight
23 Committee on or before April 1, 2006, on the progress and status of the pilot programs.

24 **SECTION 4.** The Joint Legislative Corrections, Crime Control, and Juvenile
25 Justice Oversight Committee shall study and make legislative recommendations on the
26 feasibility and implementation of a two-year phase-in program banning smoking by all
27 inmates, personnel, and visitors in all buildings and on all grounds of State correctional
28 institutions operated by the Department of Correction. This study shall examine
29 methods to assist with smoking cessation, including the use of nongovernmental
30 agencies, organizations, and corporations for counseling, training, cessation aids, and
31 interventions. The Joint Legislative Corrections, Crime Control, and Juvenile Justice
32 Oversight Committee shall report the results of this study to the General Assembly prior
33 to the convening of the 2006 Session of the 2005 General Assembly.

34 **SECTION 5.** Sections 1 and 2 of this act become effective January 1, 2006.
35 The remainder of this act is effective when it becomes law.