

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 1130
State and Local Government Committee Substitute Adopted 5/25/05
House Committee Substitute Favorable 7/27/05

Short Title: No Tobacco Use in Prisons. (Public)

Sponsors:

Referred to:

March 24, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE USE OF TOBACCO IN STATE CORRECTIONAL
3 INSTITUTIONS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 143-599, as amended by S.L. 2005-19, reads as rewritten:

6 "**§ 143-599. Exemptions.**

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

- 8 (1) Any primary or secondary school or child care center, except for a
9 teacher's lounge.
- 10 (2) An enclosed elevator.
- 11 (3) Public school bus.
- 12 (4) Hospital, nursing home, rest home, and State facility operated under
13 the authority of G.S. 122C-181.
- 14 (5) Local health department and the building and grounds where the local
15 health department is located. For the purposes of this subdivision,
16 "grounds" means the area located within 50 linear feet of a local health
17 department.
- 18 (6) Any nonprofit organization or corporation whose primary purpose is to
19 discourage the use of tobacco products by the general public.
- 20 (7) Tobacco manufacturing, processing, and administrative facilities.
- 21 (8) State correctional facilities operated by the Department of Correction."

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

24 "**§ 148-23.1. Tobacco use prohibited in State correctional facilities.**

25 (a) The General Assembly finds that in order to protect the health, welfare, and
26 comfort of inmates in the custody of the Department of Correction and to reduce the
27 costs of inmate health care, it is necessary to prohibit inmates from using tobacco

1 products inside State correctional facilities and to ensure that employees and visitors do
2 not use tobacco products inside those facilities.

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

5 (c) The Department of Correction may adopt rules to implement the provisions
6 of this section. Inmates in violation of this section are subject to disciplinary measures
7 to be determined by the Department, including the potential loss of sentence credits
8 earned prior to that violation. Employees in violation of this section are subject to
9 disciplinary action by the Department. Visitors in violation of this section are subject to
10 removal from the facility and loss of visitation privileges.

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

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

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

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

30 **SECTION 4.** The Joint Legislative Corrections, Crime Control, and Juvenile
31 Justice Oversight Committee shall study and make legislative recommendations on the
32 feasibility and implementation of a two-year phase-in program banning tobacco use by
33 all inmates, personnel, and visitors in all buildings and on all grounds of State
34 correctional institutions operated by the Department of Correction. This study shall
35 examine methods to assist with tobacco use cessation, including the use of
36 nongovernmental agencies, organizations, and corporations for counseling, training,
37 cessation aids, and interventions. The Joint Legislative Corrections, Crime Control, and
38 Juvenile Justice Oversight Committee shall report the results of this study to the General
39 Assembly prior to the convening of the 2007 Session.

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