

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1681*
Health Care Committee Substitute Adopted 6/12/08

Short Title: Smoke-Free Motor Fleet.

(Public)

Sponsors:

Referred to:

May 20, 2008

A BILL TO BE ENTITLED

AN ACT TO REQUIRE AUTOMOBILES IN THE STATE MOTOR FLEET TO BE SMOKE-FREE; AND TO AUTHORIZE LOCAL GOVERNMENTS TO REQUIRE LOCAL GOVERNMENT-CONTROLLED VEHICLES TO BE SMOKE-FREE, AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-491 reads as rewritten:

"§ 130A-491. **Legislative intent.**

It is the intent of the General Assembly to protect the health of individuals working in or visiting State government buildings from the risks related to secondhand smoke. It is further the intent of the General Assembly to protect the health of individuals driving or riding in State-controlled passenger-carrying vehicles assigned temporarily or permanently by the Department of Administration, Motor Pool Division, to State employees or State agencies or institutions for official State business."

SECTION 2. G.S. 130A-492 reads as rewritten:

"§ 130A-492. **Definitions.**

The following definitions apply in this Article:

(5) "Local vehicle". – A passenger-carrying vehicle owned, leased, or otherwise controlled by local government and assigned temporarily or permanently by local government to local government employees, agencies, institutions, or facilities for official local government business.

~~(4)~~(8) "Smoking". – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

~~(2)~~(9) "State government". – The political unit for the State of North Carolina, including all agencies of the executive, judicial, and legislative branches of government.

1 ~~(3)~~(10)"State government building". – A building owned, leased as lessor, or
2 the area leased as lessee and occupied by State government.

3 (11) "State vehicle". – A passenger-carrying vehicle owned, leased or
4 otherwise controlled by the State and assigned by the Department of
5 Administration, Motor Pool Division, permanently or temporarily to a
6 State employee or State agency or institution for official State
7 business."

8 **SECTION 3.** G.S. 130A-493 reads as rewritten:

9 **"§ 130A-493. Smoking in State government buildings and State vehicles**
10 **prohibited.**

11 (a) Notwithstanding Article 64 of Chapter 143 of the General Statutes pertaining
12 to State-controlled buildings, smoking is prohibited inside State government buildings
13 as provided in this section. As to smoking rooms in residence halls that were permitted
14 by G.S. 143-597(a)(6), this Article becomes effective beginning with the 2008-2009
15 academic year.

16 (b) Smoking is permitted inside State government buildings that are used for
17 medical or scientific research to the extent that smoking is an integral part of the
18 research. Smoking permitted under this subsection shall be confined to the area where
19 the research is being conducted.

20 (c) The individual in charge of the State government building or the individual's
21 designee shall post signs in conspicuous areas of the building. The signs shall state that
22 "smoking is prohibited" and may include the international "No Smoking" symbol,
23 which consists of a pictorial representation of a burning cigarette enclosed in a red circle
24 with a red bar across it. In addition, in any State psychiatric hospital, the person who
25 owns, manages, operates, or otherwise controls the hospital shall:

26 (1) Direct any person who is smoking inside the facility to extinguish the
27 lighted smoking product.

28 (2) Provide written notice to individuals upon admittance that smoking is
29 prohibited inside the facility and obtain the signature of the individual
30 or the individual's representative acknowledging receipt of the notice.

31 (c1) Smoking is prohibited inside State vehicles. The individual or the individual's
32 designee in charge of assigning the vehicle shall place one or more signs in conspicuous
33 areas of the vehicle. The signs shall state that "smoking is prohibited" and may include
34 the international "No Smoking" symbol, which consists of a pictorial representation of a
35 burning cigarette enclosed in a red circle with a red bar across it.

36 (d) Notwithstanding G.S. 130A-25, a violation of Article 23 of this Chapter shall
37 not be punishable as a criminal violation."

38 **SECTION 4.** G.S. 130A-498 reads as rewritten:

39 **"§ 130A-498. Local governments may restrict smoking in public places.**

40 (a) Notwithstanding any other provision of Article 64 of Chapter 143 of the
41 General Statutes to the contrary, a local government may adopt an ordinance, law, or
42 rule restricting smoking in accordance with subsection (b) of this section.

43 (b) Any local ordinance, law, or rule authorized under this section may restrict
44 smoking only in:

- 1 (1) Buildings owned, leased as lessor, or the area leased as lessee and
2 occupied by local government;
- 3 (2) Building and grounds wherein local health departments and
4 departments of social services are housed;
- 5 (3) Public schools, school facilities, on school campuses, at school-related
6 or school-sponsored events, in or on other school property, public
7 school buses, or at day care centers. Such restrictions may be imposed
8 by local school boards having ownership or jurisdiction over the
9 building, campus, event, property, or vehicle; ~~and~~
- 10 (4) Any place on a public transportation vehicle owned or leased by local
11 government and used by the ~~public~~-public; and
- 12 (5) Any place in a local vehicle.
- 13 (c) As used in this Part, "local government" means any local political subdivision
14 of this State, any airport authority, or any authority or body created by any ordinance,
15 joint resolution, or rules of any such entity.
- 16 (d) As used in this Part, "grounds" means the area located within 50 linear feet of
17 a building wherein a local health department or a local department of social services is
18 housed.
- 19 (e) A county ordinance adopted under this section is subject to the provisions of
20 G.S. 153A-122."
- 21 **SECTION 5.** This act becomes effective January 1, 2009.