

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1681*
Health Care Committee Substitute Adopted 6/12/08
House Committee Substitute Favorable 7/1/08

Short Title: Smoke-Free Motor Fleet.

(Public)

Sponsors:

Referred to:

May 20, 2008

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE STATE-CONTROLLED PASSENGER-CARRYING
3 VEHICLES TO BE SMOKE-FREE; AND TO AUTHORIZE LOCAL
4 GOVERNMENTS TO REQUIRE LOCAL GOVERNMENT-CONTROLLED
5 VEHICLES TO BE SMOKE-FREE, AS RECOMMENDED BY THE
6 JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK
7 FORCE.

8 The General Assembly of North Carolina enacts:

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

10 "§ 130A-491. Legislative intent.

11 It is the intent of the General Assembly to protect the health of individuals working
12 in or visiting State government buildings from the risks related to secondhand smoke. It
13 is further the intent of the General Assembly to protect the health of individuals driving
14 or riding in State-controlled passenger-carrying vehicles assigned permanently or
15 temporarily to State employees or State agencies or institutions for official State
16 business."

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

18 "§ 130A-492. Definitions.

19 The following definitions apply in this Article:

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

25 (4)(8) "Smoking". – The use or possession of a lighted cigarette, lighted
26 cigar, lighted pipe, or any other lighted tobacco product.

1 ~~(2)~~(9) "State government". – The political unit for the State of North
2 Carolina, including all agencies of the executive, judicial, and
3 legislative branches of government.

4 ~~(3)~~(10) "State government building". – A building owned, leased as lessor, or
5 the area leased as lessee and occupied by State government.

6 (11) "State vehicle". – A passenger-carrying vehicle owned, leased, or
7 otherwise controlled by the State and assigned permanently or
8 temporarily to a State employee or State agency or institution for
9 official State business."

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

11 **"§ 130A-493. Smoking in State government buildings and State vehicles**
12 **prohibited.**

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

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

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

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

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

33 (c1) Smoking is prohibited inside State vehicles. The individual or the individual's
34 designee in charge of assigning the vehicle shall place one or more signs in conspicuous
35 areas of the vehicle. The signs shall state that "smoking is prohibited" and may include
36 the international "No Smoking" symbol, which consists of a pictorial representation of a
37 burning cigarette enclosed in a red circle with a red bar across it. If the vehicle is used
38 for undercover law enforcement operations, a sign is not required to be placed in the
39 vehicle as provided in this subsection.

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

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

43 **"§ 130A-498. Local governments may restrict smoking in public places.**

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

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

6 (1) Buildings owned, leased as lessor, or the area leased as lessee and
7 occupied by local government;

8 (2) Building and grounds wherein local health departments and
9 departments of social services are housed;

10 (3) Public schools, school facilities, on school campuses, at school-related
11 or school-sponsored events, in or on other school property, public
12 school buses, or at day care centers. Such restrictions may be imposed
13 by local school boards having ownership or jurisdiction over the
14 building, campus, event, property, or vehicle;~~and~~

15 (4) Any place on a public transportation vehicle owned or leased by local
16 government and used by the ~~public~~public; and

17 (5) Any place in a local vehicle.

18 (c) As used in this Part, "local government" means any local political subdivision
19 of this State, any airport authority, or any authority or body created by any ordinance,
20 joint resolution, or rules of any such entity.

21 (d) As used in this Part, "grounds" means the area located within 50 linear feet of
22 a building wherein a local health department or a local department of social services is
23 housed.

24 (e) A county ordinance adopted under this section is subject to the provisions of
25 G.S. 153A-122."

26 **SECTION 5.** This act becomes effective January 1, 2009.