

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1686*
Corrected Copy 5/21/08
Health Care Committee Substitute Adopted 6/12/08
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Short Title: Smoke-Free State and Local Bldg. Grounds.

(Public)

Sponsors:

Referred to:

May 20, 2008

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT THE GROUNDS WITHIN A CERTAIN DISTANCE OF STATE-OWNED OR OPERATED BUILDINGS BE SMOKE-FREE; AND TO AUTHORIZE LOCAL GOVERNMENTS TO DESIGNATE GROUNDS WITHIN A CERTAIN DISTANCE OF LOCALLY OWNED OR OPERATED BUILDINGS 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-493 reads as rewritten:

"§ 130A-493. **Smoking prohibited in State government buildings.**

(a) Notwithstanding Article 64 of Chapter 143 of the General Statutes pertaining to State-controlled buildings, smoking is prohibited inside State government buildings and the area owned, leased as lessor, or leased as lessee by the State that is within 25 linear feet of entrances, open windows, or ventilation systems to a State government building as provided in this section. As to smoking rooms in residence halls that were permitted by G.S. 143-597(a)(6), this Article becomes effective beginning with the 2008-2009 academic year.

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

(c) The individual in charge of the State government building or the individual's designee shall post signs in conspicuous areas of the ~~building.~~ building and grounds. The signs shall state that "smoking is prohibited" and may include the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it. In addition, in any State psychiatric

1 hospital, the person who owns, manages, operates, or otherwise controls the hospital
2 shall:

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

5 (1a) Direct any person who is smoking in an area owned, leased as lessor,
6 or leased as lessee by the State that is within 25 linear feet of an
7 entrance, open window, or ventilation system of the facility to
8 extinguish the lighted smoking product.

9 (2) Provide written notice to individuals upon admittance that smoking is
10 prohibited inside the facility and in areas owned, leased as lessor, or
11 leased as lessee by the State that are within 25 linear feet of an
12 entrance, open window or ventilation system of the facility and obtain
13 the signature of the individual or the individual's representative
14 acknowledging receipt of the notice.

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

17 **SECTION 2.** G.S. 130A-498 reads as rewritten:

18 **"§ 130A-498. Local governments may restrict smoking in public places.**

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

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

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

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

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

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

35 (5) The grounds of buildings owned, leased as lessor, or the area leased as
36 lessee and occupied by local government.

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

40 (d) As used in this Part, "grounds" means the area owned, leased as lessor, or
41 leased as lessee by local government that is located within 50 linear feet of a building
42 owned, leased as lessor, or the area leased as lessee and occupied by local government,
43 or wherein a local health department or a local department of social services is housed.

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

3 **SECTION 3.** G.S. 143-601 reads as rewritten:

4 "**§ 143-601. Applicability of Article; local government may enact.**

5 (a) This Article shall not supersede nor prohibit the enactment or enforcement of
6 any otherwise valid local law, rule, or ordinance enacted prior to October 15, 1993,
7 regulating the use of tobacco products. However, no local law, rule, or ordinance
8 enacted and placed in operation prior to October 15, 1993, shall be amended to impose a
9 more stringent standard than in effect on the date of ratification of this Article.

10 (b) Any local ordinance, law, or rule that regulates smoking adopted on or after
11 October 15, 1993, shall not contain restrictions regulating smoking which exceed those
12 established in this Article. Any such local ordinance, law, or rule may restrict smoking
13 in accordance with this subsection and pursuant to G.S. 143-597 only in the following
14 facilities that are not owned, leased, or occupied by local government:

15 (1) Repealed by Session Laws 2007-193, s. 3, effective January 1, 2008.

16 (2) A public meeting.

17 (3) The indoor space in an auditorium, arena, or coliseum, or an
18 appurtenant building thereof.

19 (4) A library or museum open to the ~~public~~-public and the grounds of the
20 library or museum. For purposes of this subdivision, "grounds" means
21 the area owned, leased as lessor, or leased as lessee by the library or
22 museum that is located within 50 linear feet of the library or museum
23 building.

24 (5) Repealed by Session Laws 2007-193, s. 3, effective January 1, 2008.

25 If any of the facilities or grounds listed in this subsection are owned, leased as
26 lessor, or the area leased as lessee and occupied by local government, then the local
27 ordinance, law, or rule restricting smoking shall be governed by Article 23 of Chapter
28 130A of the General Statutes."

29 **SECTION 4.** This act becomes effective January 1, 2009.