

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S

1

SENATE BILL 43

Short Title: Smoking in State Govt. Buildings/Prohibition. (Public)

Sponsors: Senators Purcell; Atwater, Cowell, Dannelly, Dorsett, Forrester, Graham, Kinnaird, Malone, Nesbitt, and Rand.

Referred to: Health Care.

February 12, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO PROTECT THE PUBLIC FROM THE HEALTH RISKS OF
3 SECONDHAND SMOKE BY PROHIBITING SMOKING IN BUILDINGS
4 OWNED, LEASED, OR OCCUPIED BY STATE GOVERNMENT, AS
5 RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND
6 STROKE PREVENTION TASK FORCE.

7 Whereas, secondhand smoke has been proven to cause cancer, heart disease,
8 and asthma in both smokers and nonsmokers; and

9 Whereas, the 2006 Surgeon General's Report on the health consequences of
10 involuntary exposure to tobacco smoke states that the scientific evidence indicates that
11 there is no risk-free level of exposure to secondhand smoke; and

12 Whereas, the 2006 Surgeon General's Report documents that separating
13 smokers from nonsmokers, cleaning the air, and ventilating smoke cannot eliminate
14 exposure to secondhand smoke; and

15 Whereas, the Centers for Disease Control and Prevention (CDC) advises that
16 all individuals with coronary heart disease or known risk factors for coronary heart
17 disease should avoid all indoor environments that permit smoking; and

18 Whereas, exposure to secondhand smoke is costly, costing the nation \$10
19 billion per year, \$5 billion in direct medical care costs, and \$5 billion in indirect costs
20 according to the 2005 Society of Actuaries; and

21 Whereas, the vast majority of North Carolinians (77.4% of adults) do not
22 smoke; and

23 Whereas, the 2006 Surgeon General's Report documents that eliminating
24 indoor smoking fully protects nonsmokers from exposure to secondhand smoke; and

25 Whereas, the North Carolina's General Assembly buildings are smoke-free;

26 Now, therefore,

27 The General Assembly of North Carolina enacts:

1 SECTION 1. Effective January 1, 2008, Chapter 130A of the General
2 Statutes is amended by adding the following new Article to read:

3 "Article 23.

4 "Smoking in Public Places.

5 "Part 1. Smoking in State Government Buildings.

6 **"§ 130A-491. Legislative intent.**

7 It is the intent of the General Assembly to protect the health of individuals working
8 in or visiting State government buildings from the risks related to secondhand smoke.

9 **"§ 130A-492. Definitions.**

10 The following definitions apply in this Article:

- 11 (1) "Smoking". – The use or possession of a lighted cigarette, lighted
12 cigar, lighted pipe, or any other lighted tobacco product.
13 (2) "State government". – The political unit for the State of North
14 Carolina; including all agencies of the executive, judicial, and
15 legislative branches of government.
16 (3) "State government building". – A building owned, leased, as lessor or
17 lessee, or occupied by State government.

18 **"§ 130A-493. Smoking in State government buildings prohibited.**

19 (a) Notwithstanding Article 64 of Chapter 143 of the General Statutes pertaining
20 to State-controlled buildings, smoking is prohibited inside State government buildings
21 as provided in this section.

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

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

31 **"§ 130A-494. Rules.**

32 The Commission shall adopt rules to implement this Article.

33 **"§ 130A-495. Violations; penalties.**

34 A person who continues to smoke inside a State government building following
35 notice by the individual in charge of the State government building or the individual's
36 designee that smoking is not permitted shall be guilty of an infraction and punished by a
37 fine of not more than twenty-five dollars (\$25.00)."

38 SECTION 2. Nothing in this act shall be construed to impair or interfere
39 with efforts by local school boards to regulate or prohibit smoking in public schools, in
40 school facilities, on school campuses, at school-related or school-sponsored events, in or
41 on other school property, or day care centers under their jurisdiction.

42 SECTION 3. This act is effective when it becomes law and applies to acts
43 committed on and after January 1, 2008.