

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 862*
Health Care Committee Substitute Adopted 5/16/07

Short Title: UNC Smoke-Free.-AB

(Public)

Sponsors:

Referred to:

March 19, 2007

A BILL TO BE ENTITLED

AN ACT TO ALLOW REGULATION OF SMOKING ON THE CAMPUSES OF THE
UNC HEALTH CARE SYSTEM, THE FACILITIES OF THE EAST CAROLINA
SCHOOL OF MEDICINE AND PHYSICIANS PRACTICE PLAN, AND THE
BUILDINGS AND GROUNDS OF THE CONSTITUENT INSTITUTIONS OF
THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-596 reads as rewritten:

"§ 143-596. Definitions.

As used in this Article, unless the context clearly provides otherwise:

(1) "Grounds" means the area located and controlled by the State that is within 100 linear feet of a building owned, leased, or occupied by the State.

~~(1)~~(1a) "Local government" means any local political subdivision of the State or any authority or body created by any ordinance or rules of any such entity.

(2) "Nonsmoking area" means any designated area where smoking is not permitted.

(3) "Public meeting" means any assemblage authorized by State or local government or any subdivision of State or local government.

(4) "Restaurant" means any building, structure, or area having a seating capacity of 50 or more patrons where food is available for eating on the premises in consideration of payment. The following are not included in determining seating capacity:

a. Seats in any bar or lounge area of a restaurant.

b. Seats in any separate room or section of a restaurant which is used exclusively for private functions.

c. Seats in any open outside area.

1 (5) "Smoke" or "smokes" or "smoking" means the use or possession of a
2 lighted cigarette, lighted cigar, lighted pipe, or any other lighted
3 tobacco product.

4 (6) "State government" means the political unit for the State of North
5 Carolina; including all agencies of the executive, judicial, and
6 legislative branches of government."

7 **SECTION 2.** G.S. 143-597 reads as rewritten:

8 **"§ 143-597. Nonsmoking areas in State-controlled buildings.**

9 (a) All of the following areas may be designated as nonsmoking in buildings
10 owned, leased, or occupied by State government:

11 (1) Any library open to the public.

12 (2) Any museum open to the public.

13 (3) Any area established as a nonsmoking area, so long as at least twenty
14 percent (20%) of the interior space of equal quality to that of the
15 nonsmoking area shall be designated as a smoking area, unless
16 physically impracticable. If physically impracticable, the person in
17 charge of the facility shall provide an adequate smoking area within
18 the facility as near as feasible to twenty percent (20%) of the interior
19 space.

20 (4) Any indoor space in a State-controlled building such as an auditorium,
21 arena, or coliseum, or an appurtenant building thereof; except that a
22 designated area for smoking shall be established in lobby areas.

23 (5) Any educational buildings primarily involved in health care
24 ~~instruction.~~instruction and the grounds of those buildings.

25 (6) ~~Facilities of The University of North Carolina health services facilities,~~
26 ~~wellness centers, enclosed physical education facilities, enclosed~~
27 ~~student recreational centers, laboratories, or residence halls,~~and the
28 grounds of any of those facilities, provided that each constituent
29 institution shall make a reasonable effort to provide residential
30 smoking rooms in residence halls in proportion to student demand for
31 those rooms. For purposes of this subdivision, the term "facilities"
32 means buildings owned, leased as lessor, or the area of the building
33 leased as lessee that is occupied by The University of North Carolina.

34 (7) **(Effective July 1, 2007)** The North Carolina School of Science and
35 Mathematics.

36 (a1) All areas of any building occupied by the General Assembly shall be
37 designated as nonsmoking areas.

38 (b) Any area designated as nonsmoking or smoking shall be established by the
39 appropriate department, institution, agency, or person in charge of the State-controlled
40 building or area, except as specified in subsection (a1). The person in charge of the
41 building shall conspicuously post or cause to be posted, in any area designated as a
42 smoking or nonsmoking area, one or more signs stating that smoking is or is not
43 permitted in the area.

1 (c) Where a nonsmoking area is designated, existing physical barriers and
2 ventilation systems shall be used where appropriate to minimize smoke from adjacent
3 areas. This subsection shall not be construed to require fixed structural or other physical
4 modification in providing these areas or to require installation or operation of any
5 heating, ventilating, or air-conditioning system in any manner which adds expense."

6 **SECTION 3.** G.S. 143-599 reads as rewritten:

7 **"§ 143-599. Exemptions.**

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

- 9 (1) Any primary or secondary school or child care center, except for a
10 teacher's lounge.
- 11 (2) An enclosed elevator.
- 12 (3) Public school bus.
- 13 (4) Hospital, nursing home, rest home, and State facility operated under
14 the authority of G.S. 122C-181.
- 15 (5) Local health department and local department of social services and
16 the building and grounds where the local health department or local
17 department of social services, as applicable, is located. For the
18 purposes of this subdivision, "grounds" means the area located within
19 50 linear feet of a local health department or a local department of
20 social services.
- 21 (6) Any nonprofit organization or corporation whose primary purpose is to
22 discourage the use of tobacco products by the general public.
- 23 (7) Tobacco manufacturing, processing, and administrative facilities.
- 24 (8) Indoor arenas with a seating capacity greater than 23,000.
- 25 (9) State correctional facilities operated by the Department of Correction.
- 26 (10) Community colleges.
- 27 (11) The facilities, grounds, and walkways of the University of North
28 Carolina Health Care System and of the East Carolina University
29 School of Medicine, Health Sciences Complex, and Medical Faculty
30 Practice Plan."

31 **SECTION 4.** This act is effective when it becomes law.