

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

2

HOUSE BILL 2253*
Committee Substitute Favorable 6/11/08

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 and on the grounds of 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 on the grounds of State government buildings as provided in this section. For the purposes of this section, "grounds" means the area controlled by State government that is located within 50 linear feet of the State government building. 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 and on the grounds of 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 hospital, the person who owns, manages, operates, or otherwise controls the hospital shall:

- 1 (1) Direct any person who is smoking inside the facility or on its grounds
2 to extinguish the lighted smoking product.
- 3 (2) Provide written notice to individuals upon admittance that smoking is
4 prohibited inside the facility and on its grounds and obtain the
5 signature of the individual or the individual's representative
6 acknowledging receipt of the notice.
- 7 (d) Notwithstanding G.S. 130A-25, a violation of Article 23 of this Chapter shall
8 not be punishable as a criminal violation."

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

10 **"§ 130A-498. Local governments may restrict smoking in public places.**

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

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

- 16 (1) Buildings owned, leased as lessor, or the area leased as lessee and
17 occupied by local government;
- 18 (2) Building and grounds wherein local health departments and
19 departments of social services are housed;
- 20 (3) **(Repealed effective August 1, 2008)** Public schools, school facilities,
21 on school campuses, at school-related or school-sponsored events, in
22 or on other school property, public school buses, or at day care centers.
23 Such restrictions may be imposed by local school boards having
24 ownership or jurisdiction over the building, campus, event, property,
25 or vehicle; and
- 26 (4) Any place on a public transportation vehicle owned or leased by local
27 government and used by the public.
- 28 (5) The grounds of buildings owned, leased as lessor, or the area leased as
29 lessee and occupied by local government.

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

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

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

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

40 **"§ 143-601. Applicability of Article; local government may enact.**

41 (a) This Article shall not supersede nor prohibit the enactment or enforcement of
42 any otherwise valid local law, rule, or ordinance enacted prior to October 15, 1993,
43 regulating the use of tobacco products. However, no local law, rule, or ordinance

1 enacted and placed in operation prior to October 15, 1993, shall be amended to impose a
2 more stringent standard than in effect on the date of ratification of this Article.

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

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

9 (2) A public meeting.

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

12 (4) A library or museum open to the ~~public~~ public and the grounds of the
13 library or museum. For purposes of this subdivision, "grounds" means
14 the area controlled by the library or museum that is located within 50
15 linear feet of the library or museum building.

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

17 If any of the facilities or grounds listed in this subsection are owned, leased as
18 lessor, or the area leased as lessee and occupied by local government, then the local
19 ordinance, law, or rule restricting smoking shall be governed by Article 23 of Chapter
20 130A of the General Statutes."

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