

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 862*
Health Care Committee Substitute Adopted 5/16/07
House Committee Substitute Favorable 6/13/07

Short Title: UNC Smoke-Free.-AB

(Public)

Sponsors:

Referred to:

March 19, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW REGULATION OF SMOKING ON THE CAMPUSES OF THE
3 UNC HEALTH CARE SYSTEM, THE FACILITIES OF THE EAST CAROLINA
4 SCHOOL OF MEDICINE AND PHYSICIANS PRACTICE PLAN, AND THE
5 BUILDINGS AND GROUNDS OF THE CONSTITUENT INSTITUTIONS OF
6 THE UNIVERSITY OF NORTH CAROLINA.

7 The General Assembly of North Carolina enacts:

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

9 **"§ 143-596. Definitions.**

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

11 (1) Constituent institution. – As defined in G.S. 116-2(4) and G.S. 116-4.

12 (1a) Grounds. – The area located and controlled by State government that is
13 within 100 linear feet of any of the following:

14 a. A State-owned building allocated to and occupied by State
15 government.

16 b. A State-owned building leased to a third party.

17 c. A building owned by a third party and leased to State
18 government.

19 ~~(1)(1b)"Local government" means any~~Local government. – The local political
20 subdivision of the State or any authority or body created by any
21 ordinance or rules of any such entity.

22 (1c) Medical Faculty Practice Plan. – As defined in G.S. 116-40.6.

23 (2) ~~"Nonsmoking area" means any~~Nonsmoking area. – Any designated
24 area where smoking is not permitted.

25 (3) ~~"Public meeting" means any~~Public meeting. – Any assemblage
26 authorized by State or local government or any subdivision of State or
27 local government.

- 1 (4) ~~"Restaurant" means any Restaurant.~~ – Any building, structure, or area
 2 having a seating capacity of 50 or more patrons where food is
 3 available for eating on the premises in consideration of payment. The
 4 following are not included in determining seating capacity:
 5 a. Seats in any bar or lounge area of a restaurant.
 6 b. Seats in any separate room or section of a restaurant which is
 7 used exclusively for private functions.
 8 c. Seats in any open outside area.
 9 (5) ~~"Smoke" or "smokes" or "smoking" means the Smoke, smokes, or~~
 10 ~~smoking.~~ – The use or possession of a lighted cigarette, lighted cigar,
 11 lighted pipe, or any other lighted tobacco product.
 12 (6) ~~"State government" means the State government.~~ – The political unit
 13 for the State of North Carolina; including all agencies of the executive,
 14 judicial, and legislative branches of government.
 15 (7) The University of North Carolina. – As defined in Chapter 116 of the
 16 General Statutes.
 17 (8) The University of North Carolina Health Care System. – As defined in
 18 G.S. 116-37."

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

20 **"§ 143-597. Nonsmoking areas in State-controlled buildings.**

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

- 23 (1) Any library open to the public.
 24 (2) Any museum open to the public.
 25 (3) Any area established as a nonsmoking area, so long as at least twenty
 26 percent (20%) of the interior space of equal quality to that of the
 27 nonsmoking area shall be designated as a smoking area, unless
 28 physically impracticable. If physically impracticable, the person in
 29 charge of the facility shall provide an adequate smoking area within
 30 the facility as near as feasible to twenty percent (20%) of the interior
 31 space.
 32 (4) Any indoor space in a State-controlled building such as an auditorium,
 33 arena, or coliseum, or an appurtenant building thereof; except that a
 34 designated area for smoking shall be established in lobby areas.
 35 (5) Any educational buildings primarily involved in health care
 36 ~~instruction.~~instruction and the grounds of those buildings.
 37 (6) Except as provided in G.S. 143-599(11), any facilities of The
 38 University of North Carolina health services facilities, wellness
 39 centers, enclosed physical education facilities, enclosed student
 40 recreational centers, laboratories, or residence halls, provided that each
 41 and the grounds of those facilities. Each constituent institution
 42 institution, except for the North Carolina School of Science and
 43 Mathematics, shall make a reasonable effort to provide residential
 44 smoking rooms in residence halls in proportion to student demand for

1 those rooms. For purposes of this subdivision, the term "facilities"
2 includes all of the following:

3 a. State-owned buildings allocated to and occupied by The
4 University of North Carolina.

5 b. State-owned buildings allocated to The University of North
6 Carolina and leased to a third party.

7 c. The area of any building owned by a third party and occupied
8 by The University of North Carolina as lessee.

9 ~~(7) The North Carolina School of Science and Mathematics.~~

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

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

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

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

24 "**§ 143-599. Exemptions.**

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

26 (1) Any primary or secondary school or child care center, except for a
27 teacher's lounge.

28 (2) An enclosed elevator.

29 (3) Public school bus.

30 (4) Hospital, nursing home, rest home, and State facility operated under
31 the authority of G.S. 122C-181.

32 (5) Local health department and local department of social services and
33 the building and grounds where the local health department or local
34 department of social services, as applicable, is located. For the
35 purposes of this subdivision, "grounds" means the area located within
36 50 linear feet of a local health department or a local department of
37 social services.

38 (6) Any nonprofit organization or corporation whose primary purpose is to
39 discourage the use of tobacco products by the general public.

40 (7) Tobacco manufacturing, processing, and administrative facilities.

41 (8) Indoor arenas with a seating capacity greater than 23,000.

42 (9) State correctional facilities operated by the Department of Correction.

43 (10) Community colleges.

1 (11) The buildings, grounds, and walkways of the University of North
2 Carolina Health Care System and of the East Carolina University
3 School of Medicine, Health Sciences Complex, and Medical Faculty
4 Practice Plan."

5 **SECTION 4.** This act becomes effective July 1, 2007.