

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH10638-LU-23* (1/27)

Short Title: Ban Smoking in Foster Care Setting/Infants. (Public)

Sponsors: Representatives Cotham, Holliman, Barnhart, and Pierce (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE SOCIAL SERVICES COMMISSION TO ADOPT A
POLICY PROHIBITING A FOSTER PARENT FROM SMOKING IN THE PRESENCE
OF AN INFANT IN THE FOSTER PARENT'S CARE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 131D-10.5 is amended by adding a new subdivision to read:

"§ 131D-10.5. Powers and duties of the Commission.

In addition to other powers and duties prescribed by law, the Commission shall exercise the following powers and duties:

...

(8) Adopt rules establishing a policy to prohibit a foster parent from smoking in the presence of an infant in the foster parent's care pursuant to G.S. 131D-10.10."

SECTION 2. Article 1A of Chapter 131D of the General Statutes is amended by adding a new section to read:

§ 131D-10.10. Policy prohibiting smoking in the presence of an infant in foster care setting.

(a) For purposes of this section, the following definitions shall apply:

(1) Infant. – A young child less than one year of age.

(2) Smoking. – As defined in G.S. 143-596(5).

(b) The Commission shall adopt and enforce a written policy prohibiting a foster parent from smoking in a private residence used to provide licensed foster care on the premises. The policy shall further prohibit a foster parent from smoking in the presence of an infant in the foster parent's care while the infant and the foster parent are in a motor vehicle. The policy shall require a foster parent to prohibit others from smoking in the presence of an infant in that foster parent's care."

SECTION 3. This act is effective when it becomes law.

