

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 1130
State and Local Government Committee Substitute Adopted 5/25/05
House Committee Substitute Favorable 7/27/05
Fourth Edition Engrossed 8/4/05

Short Title: No Tobacco Use in Prisons.

(Public)

Sponsors:

Referred to:

March 24, 2005

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE USE OF TOBACCO IN STATE CORRECTIONAL
INSTITUTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-599, as amended by S.L. 2005-19, S.L. 2005-168,
and S.L. 2005-239, is amended by adding a new subdivision to read:

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

SECTION 2. Article 2 of Chapter 148 of the General Statutes is amended by
adding a new section to read:

§ 148-23.1. Tobacco use prohibited in State correctional facilities.

(a) The General Assembly finds that in order to protect the health, welfare, and
comfort of inmates in the custody of the Department of Correction and to reduce the
costs of inmate health care, it is necessary to prohibit inmates from using tobacco
products inside State correctional facilities.

(b) No inmate may use tobacco products inside of a State correctional facility,
except for authorized religious purposes that are required by that person's religious
belief.

(c) The Department of Correction may adopt rules to implement the provisions
of this section. Inmates in violation of this section are subject to disciplinary measures
to be determined by the Department, including the potential loss of sentence credits
earned prior to that violation.

(d) As used in this section, the following terms mean:

(1) State correctional facility. – All buildings of a State correctional
institution operated by the Department of Correction.

(2) Tobacco products. – Cigars, cigarettes, snuff, loose tobacco, or similar
goods made with any part of the tobacco plant that are prepared or
used for smoking, chewing, dipping, or other personal use."

1 **SECTION 3.** The Department of Correction shall conduct one or more pilot
2 programs banning tobacco use by inmates both inside buildings and on the grounds of
3 State correctional institutions and administering tobacco use cessation programs for
4 staff and inmates. The pilot tobacco use cessation programs shall be available to inmates
5 and staff on a volunteer basis, and no person shall be compelled or coerced to
6 participate. The tobacco use cessation program shall include instructions and education
7 that will help inmates and staff cease the use of tobacco products. The cost of
8 administering the pilot tobacco use cessation program shall be paid from existing funds
9 available to the Department of Correction. The Department of Correction may use
10 services, personnel, and resources donated by nongovernmental agencies and
11 organizations to implement this program. The Department of Correction shall report to
12 the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight
13 Committee on or before October 1, 2006, on the progress and status of the pilot
14 programs.

15 **SECTION 4.** The Joint Legislative Corrections, Crime Control, and Juvenile
16 Justice Oversight Committee shall study and make legislative recommendations on the
17 feasibility and implementation of a two-year phase-in program banning tobacco use by
18 all inmates, personnel, and visitors in all buildings and on all grounds of State
19 correctional institutions operated by the Department of Correction. This study shall
20 examine methods to assist with tobacco use cessation, including the use of
21 nongovernmental agencies, organizations, and corporations for counseling, training,
22 cessation aids, and interventions. The Joint Legislative Corrections, Crime Control, and
23 Juvenile Justice Oversight Committee shall report the results of this study to the General
24 Assembly prior to the convening of the 2007 Session.

25 **SECTION 5.** Sections 1 and 2 of this act become effective January 1, 2006.
26 The remainder of this act is effective when it becomes law.