

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 2252*

Short Title: Smoke-Free Motor Fleet. (Public)

Sponsors: Representatives Weiss, Williams, Lucas, Glazier (Primary Sponsors); Adams, Alexander, Carney, England, Faison, Fisher, Insko, Jones, Luebke, Martin, McGee, Pierce, Underhill, Wainwright, E. Warren, and Womble.

Referred to: Health, if favorable, Judiciary I.

May 20, 2008

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE AUTOMOBILES IN THE STATE MOTOR FLEET TO BE
2 SMOKE-FREE; AND TO AUTHORIZE LOCAL GOVERNMENTS TO
3 REQUIRE LOCAL GOVERNMENT-OWNED VEHICLES TO BE
4 SMOKE-FREE, AS RECOMMENDED BY THE JUSTUS-WARREN HEART
5 DISEASE AND STROKE PREVENTION TASK FORCE.
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 130A-491 reads as rewritten:

9 **"§ 130A-491. Legislative intent.**

10 It is the intent of the General Assembly to protect the health of individuals working
11 in or visiting State government buildings from the risks related to secondhand smoke. It
12 is further the intent of the General Assembly to protect the health of individuals driving
13 or riding in State-owned passenger-carrying vehicles assigned temporarily or
14 permanently by the Department of Administration, Motor Pool Division, to State
15 employees or State agencies or institutions for official State business."

16 **SECTION 2.** G.S. 130A-492 reads as rewritten:

17 **"§ 130A-492. Definitions.**

18 The following definitions apply in this Article:

- 19 (1) "Smoking". – The use or possession of a lighted cigarette, lighted
20 cigar, lighted pipe, or any other lighted tobacco product.
21 (2) "State government". – The political unit for the State of North
22 Carolina, including all agencies of the executive, judicial, and
23 legislative branches of government.
24 (3) "State government building". – A building owned, leased as lessor, or
25 the area leased as lessee and occupied by State government.

1 (4) "Vehicle". – A passenger-carrying vehicle owned by the State and
2 assigned by the Department of Administration, Motor Pool Division,
3 permanently or temporarily to a State employee or State agency or
4 institution for official State business."

5 **SECTION 3.** G.S. 130A-493 reads as rewritten:

6 **"§ 130A-493. Smoking in State government buildings and State-owned**
7 **passenger-carrying vehicles prohibited.**

8 (a) Notwithstanding Article 64 of Chapter 143 of the General Statutes pertaining
9 to State-controlled buildings, smoking is prohibited inside State government buildings
10 as provided in this section. As to smoking rooms in residence halls that were permitted
11 by G.S. 143-597(a)(6), this Article becomes effective beginning with the 2008-2009
12 academic year.

13 (b) Smoking is permitted inside State government buildings that are used for
14 medical or scientific research to the extent that smoking is an integral part of the
15 research. Smoking permitted under this subsection shall be confined to the area where
16 the research is being conducted.

17 (c) The individual in charge of the State government building or the individual's
18 designee shall post signs in conspicuous areas of the building. The signs shall state that
19 "smoking is prohibited" and may include the international "No Smoking" symbol,
20 which consists of a pictorial representation of a burning cigarette enclosed in a red circle
21 with a red bar across it. In addition, in any State psychiatric hospital, the person who
22 owns, manages, operates, or otherwise controls the hospital shall:

23 (1) Direct any person who is smoking inside the facility to extinguish the
24 lighted smoking product.

25 (2) Provide written notice to individuals upon admittance that smoking is
26 prohibited inside the facility and obtain the signature of the individual
27 or the individual's representative acknowledging receipt of the notice.

28 (c1) Smoking is prohibited inside State-owned passenger-carrying vehicles
29 assigned permanently or temporarily by the Department of Administration, Motor Pool
30 Division, to State employees or State agencies or institutions for official State business.
31 The individual or the individual's designee in charge of assigning the vehicle shall place
32 one or more signs in conspicuous areas of the vehicle. The signs shall state that
33 "smoking is prohibited" and may include the international "No Smoking" symbol,
34 which consists of a pictorial representation of a burning cigarette enclosed in a red circle
35 with a red bar across it.

36 (d) Notwithstanding G.S. 130A-25, a violation of Article 23 of this Chapter shall
37 not be punishable as a criminal violation."

38 **SECTION 4.** G.S. 130A-498 reads as rewritten:

39 **"§ 130A-498. Local governments may restrict smoking in public places.**

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

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

- 1 (1) Buildings owned, leased as lessor, or the area leased as lessee and
2 occupied by local government;
- 3 (2) Building and grounds wherein local health departments and
4 departments of social services are housed;
- 5 (3) **(Repealed effective August 1, 2008)** Public schools, school facilities,
6 on school campuses, at school-related or school-sponsored events, in
7 or on other school property, public school buses, or at day care centers.
8 Such restrictions may be imposed by local school boards having
9 ownership or jurisdiction over the building, campus, event, property,
10 or vehicle;~~and~~
- 11 (4) Any place on a public transportation vehicle owned or leased by local
12 government and used by the ~~public~~ public; and
- 13 (5) Any place on a passenger-carrying vehicle owned by local government
14 and assigned temporarily or permanently by local government to local
15 government employees, agencies, institutions, or facilities for official
16 local government business.
- 17 (c) As used in this Part, "local government" means any local political subdivision
18 of this State, any airport authority, or any authority or body created by any ordinance,
19 joint resolution, or rules of any such entity.
- 20 (d) As used in this Part, "grounds" means the area located within 50 linear feet of
21 a building wherein a local health department or a local department of social services is
22 housed.
- 23 (e) A county ordinance adopted under this section is subject to the provisions of
24 G.S. 153A-122."

25 **SECTION 5.** This act is effective when it becomes law.