

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 611

Short Title: Smoking Ordinances/Counties. (Public)

Sponsors: Representatives Alexander; Brown, Glazier, Insko, and Wray.

Referred to: Local Government II, if favorable, Judiciary I.

March 14, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE CERTAIN COUNTIES TO ADOPT ORDINANCES
3 REGULATING SMOKING IN PUBLIC PLACES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 143-601 reads as rewritten:

6 "§ 143-601. **Applicability of Article; local government may enact.**

7 (a) This Article shall not supersede nor prohibit the enactment or enforcement of
8 any otherwise valid local law, rule, or ordinance enacted prior to October 15, 1993,
9 regulating the use of tobacco products. However, no local law, rule, or ordinance
10 enacted and placed in operation prior to October 15, 1993, shall be amended to impose a
11 more stringent standard than in effect on the date of ratification of this Article.

12 (b) Any local ordinance, law, or rule that regulates smoking adopted on or after
13 October 15, 1993, shall not contain restrictions regulating smoking which exceed those
14 established in this Article. Any such local ordinance, law, or rule may restrict smoking
15 in accordance with this subsection only in the following facilities pursuant to
16 G.S. 143-597:

- 17 (1) Buildings owned, leased or occupied by local government.
- 18 (2) A public meeting.
- 19 (3) The indoor space in an auditorium, arena, or coliseum, or an
20 appurtenant building thereof.
- 21 (4) A library or museum open to the public.
- 22 (5) Any place on a public transportation vehicle owned or leased by local
23 government and used by the public.

24 (c) Notwithstanding subsections (a) and (b) of this section, G.S. 143-597, or any
25 other provision of this Article to the contrary, a county board of commissioners may
26 enact and enforce a local ordinance, law, or rule regulating smoking in public places,
27 the restrictions of which may exceed those established in this Article. This subsection
28 applies only to counties with a population in excess of 695,000 according to the most
29 recent federal decennial census."

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SECTION 2. This act is effective when it becomes law.