# GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2007

H HOUSE BILL 24\*

Short Title:	Smoking in State Govt. Buildings/Prohibition. (Public)
Sponsors:	Representatives Weiss, Glazier (Primary Sponsors); Adams, Alexander, Barnhart, Bordsen, Brown, Carney, Coates, Fisher, Hall, Harrison, Holliman, Hurley, Justice, Killian, Luebke, Martin, Tarleton, Underhill, and Wray.
Referred to:	Rules, Calendar, and Operations of the House.

#### January 29, 2007

A BILL TO BE ENTITLED

AN ACT TO PROTECT THE PUBLIC FROM THE HEALTH RISKS OF SECONDHAND SMOKE BY PROHIBITING SMOKING IN BUILDINGS OWNED, LEASED, OR OCCUPIED BY STATE GOVERNMENT.

Whereas, secondhand smoke has been proven to cause cancer, heart disease, and asthma in both smokers and nonsmokers; and

Whereas, the 2006 Surgeon General's Report on the health consequences of involuntary exposure to tobacco smoke states that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke; and

Whereas, the 2006 Surgeon General's Report documents that separating smokers from nonsmokers, cleaning the air, and ventilating smoke cannot eliminate exposure to secondhand smoke; and

Whereas, the Centers for Disease Control and Prevention (CDC) advises that all individuals with coronary heart disease or known risk factors for coronary heart disease should avoid all indoor environments that permit smoking; and

Whereas, exposure to secondhand smoke is costly, costing the nation \$10 billion per year, \$5 billion in direct medical care costs, and \$5 billion in indirect costs according to the 2005 Society of Actuaries; and

Whereas, the vast majority of North Carolinians (77.4% of adults) do not smoke; and

Whereas, the 2006 Surgeon General's Report documents that eliminating indoor smoking fully protects nonsmokers from exposure to secondhand smoke; and

Whereas, the North Carolina's General Assembly buildings are smoke-free; Now, therefore,

The General Assembly of North Carolina enacts:

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**SECTION 1.** Effective January 1, 2008, Chapter 130A of the General Statutes is amended by adding the following new Article to read:

"Article 23.

"Smoking in Public Places.

"Part 1. Smoking in State Government Buildings.

#### "§ 130A-491. Legislative intent.

It is the intent of the General Assembly to protect the health of individuals working in or visiting State government buildings from the risks related to secondhand smoke.

## "§ 130A-492. Definitions.

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The following definitions apply in this Article:

- (1) "Smoking". The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.
- "State government". The political unit for the State of North Carolina; including all agencies of the executive, judicial, and legislative branches of government.
- (3) "State government building". A building owned, leased, or occupied by State government.

## "§ 130A-493. Smoking in State government buildings prohibited.

- (a) Except as provided in subsection (b) of this section, smoking is prohibited inside State government buildings.
- (b) Smoking is permitted inside State government buildings that are used for medical or scientific research to the extent that smoking is an integral part of the research. Smoking permitted under this subsection shall be confined to the area where the research is being conducted.
- (c) The individual in charge of the State government building or the individual's designee shall post signs in conspicuous areas of the building. The signs shall state that "smoking is prohibited" and may include the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it.

# "§ 130A-494. Rules and enforcement.

- (a) The Commission shall adopt rules to implement this Article.
- (b) This Article and rules adopted by the Commission to implement this Article shall be enforced by the Department of Environment and Natural Resources, Division of Environmental Health.

# "§ 130A-495. Violations; penalties.

A person who continues to smoke inside a State government building following notice by the individual in charge of the State government building or the individual's designee that smoking is not permitted shall be guilty of an infraction and punished by a fine of not more than twenty-five dollars (\$25.00)."

**SECTION 2.** Effective January 1, 2008, Article 64 of Chapter 143 of the General Statutes is repealed.

**SECTION 3.** Nothing in this act shall be construed to impair or interfere with efforts by local school boards to regulate or prohibit smoking in public schools or day care centers under their jurisdiction.

SECTION 4. This act is effective when it becomes law and applies to acts committed on and after January 1, 2008.