

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE BILL 760**

Short Title: UNC Smoke-Free.-AB (Public)

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Sponsors: Representatives Holliman; Alexander, Church, Current, Faison, Glazier, Harrison, and Insko.

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Referred to: Health, if favorable, Judiciary II.

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March 15, 2007

A BILL TO BE ENTITLED

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2 AN ACT TO ALLOW REGULATION OF SMOKING ON THE CAMPUSES OF THE  
3 UNC HEALTH CARE SYSTEM, THE FACILITIES OF THE EAST CAROLINA  
4 SCHOOL OF MEDICINE AND PHYSICIANS PRACTICE PLAN, AND THE  
5 BUILDINGS AND GROUNDS OF THE CONSTITUENT INSTITUTIONS OF  
6 THE UNIVERSITY OF NORTH CAROLINA.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 143-596 is amended to add the following definition in  
9 alphabetical order.

10 **"§ 143-596. Definitions.**

11 As used in this Article, unless the context clearly provides otherwise:

- 12 (1) "Local government" means any local political subdivision of the State  
13 or any authority or body created by any ordinance or rules of any such  
14 entity.
- 15 (2) "Nonsmoking area" means any designated area where smoking is not  
16 permitted.
- 17 (3) "Public meeting" means any assemblage authorized by State or local  
18 government or any subdivision of State or local government.
- 19 (4) "Restaurant" means any building, structure, or area having a seating  
20 capacity of 50 or more patrons where food is available for eating on  
21 the premises in consideration of payment. The following are not  
22 included in determining seating capacity:
- 23 a. Seats in any bar or lounge area of a restaurant.
- 24 b. Seats in any separate room or section of a restaurant which is  
25 used exclusively for private functions.
- 26 c. Seats in any open outside area.

- 1 (5) "Smoke" or "smokes" or "smoking" means the use or possession of a  
2 lighted cigarette, lighted cigar, lighted pipe, or any other lighted  
3 tobacco product.
- 4 (6) "State government" means the political unit for the State of North  
5 Carolina; including all agencies of the executive, judicial, and  
6 legislative branches of government.
- 7 (\*) 'Grounds' means the area located within 100 linear feet of a building  
8 owned, leased, or occupied by the State."

9 **SECTION 2.** G.S. 143-597 reads as rewritten:

10 **"§ 143-597. Nonsmoking areas in State-controlled buildings.**

11 (a) All of the following areas may be designated as nonsmoking in buildings  
12 owned, leased, or occupied by State government:

- 13 (1) Any library open to the public.
- 14 (2) Any museum open to the public.
- 15 (3) Any area established as a nonsmoking area, so long as at least twenty  
16 percent (20%) of the interior space of equal quality to that of the  
17 nonsmoking area shall be designated as a smoking area, unless  
18 physically impracticable. If physically impracticable, the person in  
19 charge of the facility shall provide an adequate smoking area within  
20 the facility as near as feasible to twenty percent (20%) of the interior  
21 space.
- 22 (4) Any indoor space in a State-controlled building such as an auditorium,  
23 arena, or coliseum, or an appurtenant building thereof; except that a  
24 designated area for smoking shall be established in lobby areas.
- 25 (5) Any educational buildings primarily involved in health care  
26 ~~instruction, instruction and the grounds of those buildings.~~
- 27 (6) Facilities of The University of North Carolina ~~health services~~  
28 ~~facilities, wellness centers, enclosed physical education facilities,~~  
29 ~~enclosed student recreational centers, laboratories, or residence~~  
30 ~~halls, and the grounds of any of those facilities,~~ provided that each  
31 constituent institution shall make a reasonable effort to provide  
32 residential smoking rooms in residence halls in proportion to  
33 student demand for those rooms.
- 34 (7) **(Effective July 1, 2007)** The North Carolina School of Science and  
35 Mathematics.

36 (a1) All areas of any building occupied by the General Assembly shall be  
37 designated as nonsmoking areas.

38 (b) Any area designated as nonsmoking or smoking shall be established by the  
39 appropriate department, institution, agency, or person in charge of the State-controlled  
40 building or area, except as specified in subsection (a1). The person in charge of the  
41 building shall conspicuously post or cause to be posted, in any area designated as a  
42 smoking or nonsmoking area, one or more signs stating that smoking is or is not  
43 permitted in the area.

1 (c) Where a nonsmoking area is designated, existing physical barriers and  
2 ventilation systems shall be used where appropriate to minimize smoke from adjacent  
3 areas. This subsection shall not be construed to require fixed structural or other physical  
4 modification in providing these areas or to require installation or operation of any  
5 heating, ventilating, or air-conditioning system in any manner which adds expense."

6 **SECTION 3.** G.S. 143-599 reads as rewritten:

7 **"§ 143-599. Exemptions.**

8 All of the following facilities shall be exempt from the provisions of this Article:

- 9 (1) Any primary or secondary school or child care center, except for a  
10 teacher's lounge.  
11 (2) An enclosed elevator.  
12 (3) Public school bus.  
13 (4) Hospital, nursing home, rest home, and State facility operated under  
14 the authority of G.S. 122C-181.  
15 (5) Local health department and local department of social services and  
16 the building and grounds where the local health department or local  
17 department of social services, as applicable, is located. For the  
18 purposes of this subdivision, "grounds" means the area located within  
19 50 linear feet of a local health department or a local department of  
20 social services.  
21 (6) Any nonprofit organization or corporation whose primary purpose is to  
22 discourage the use of tobacco products by the general public.  
23 (7) Tobacco manufacturing, processing, and administrative facilities.  
24 (8) Indoor arenas with a seating capacity greater than 23,000.  
25 (9) State correctional facilities operated by the Department of Correction.  
26 (10) Community colleges.  
27 (11) The facilities, grounds, and walkways of the University of North  
28 Carolina Health Care System and of the East Carolina University  
29 School of Medicine, Health Sciences Complex, and Medical Faculty  
30 Practice Plan."

31 **SECTION 4.** This act is effective when it becomes law.