

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 805

Short Title: Ban Smoking in Foster Care Setting/Infants. (Public)

Sponsors: Representatives Cotham and Jackson (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Health and Human Services, if favorable, Judiciary Subcommittee A.

April 11, 2013

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE SOCIAL SERVICES COMMISSION TO ADOPT A
3 POLICY PROHIBITING A FOSTER PARENT FROM SMOKING IN THE PRESENCE
4 OF AN INFANT IN THE FOSTER PARENT'S CARE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 131D-10.5 is amended by adding a new subdivision to read:
7 **"§ 131D-10.5. Powers and duties of the Commission.**

8 In addition to other powers and duties prescribed by law, the Commission shall exercise the
9 following powers and duties:

10 ...
11 (8) Adopt rules establishing a policy to prohibit a foster parent from smoking in
12 the presence of an infant in the foster parent's care pursuant to
13 G.S. 131D-10.9A."

14 **SECTION 2.** Article 1A of Chapter 131D of the General Statutes is amended by
15 adding the following new section to read:

16 **"§ 131D-10.9A. Policy prohibiting smoking in the presence of an infant in foster care**
17 **setting.**

18 (a) For purposes of this section, the following definitions apply:

19 (1) Infant. – A young child less than one year of age.

20 (2) Smoking. – As defined in G.S. 143-596(5).

21 (b) Pursuant to rules adopted by the Commission under G.S. 131D-10.5(8), the
22 Department of Health and Human Services, Division of Social Services, shall enforce a written
23 policy prohibiting a foster parent from smoking in a private residence used to provide licensed
24 foster care on the premises. The policy shall further prohibit a foster parent from smoking in
25 the presence of an infant in the foster parent's care while the infant and the foster parent are in a
26 motor vehicle. The policy shall require a foster parent to prohibit others from smoking in the
27 presence of an infant in that foster parent's care."

28 **SECTION 3.** This act is effective when it becomes law.

