

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H

2

HOUSE BILL 805  
Committee Substitute Favorable 5/15/13

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

(Public)

Sponsors:

Referred to:

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 to infants. The policy shall further prohibit a foster parent from smoking in the  
25 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.

