GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2007**

S 1 SENATE BILL 862*

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

Senators Purcell; Dorsett, Foriest, Kinnaird, Malone, and Rand. **Sponsors:**

Referred to: Health Care. March 19, 2007 1 A BILL TO BE ENTITLED 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: "Local government" means any local political subdivision of the State 12 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 government or any subdivision of State or local government. 18 "Restaurant" means any building, structure, or area having a seating **(4)** capacity of 50 or more patrons where food is available for eating on

19 20 the premises in consideration of payment. The following are not 21 22 included in determining seating capacity: 23

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- Seats in any bar or lounge area of a restaurant. a.
- Seats in any separate room or section of a restaurant which is b. used exclusively for private functions.
- Seats in any open outside area.
- "Smoke" or "smokes" or "smoking" means the use or possession of a (5) lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

- (6) "State government" means the political unit for the State of North Carolina; including all agencies of the executive, judicial, and legislative branches of government.
- (*) 'Grounds' means the area located within 100 linear feet of a building owned, leased, or occupied by the State."

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

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

- (a) All of the following areas may be designated as nonsmoking in buildings owned, leased, or occupied by State government:
 - (1) Any library open to the public.
 - (2) Any museum open to the public.
 - (3) Any area established as a nonsmoking area, so long as at least twenty percent (20%) of the interior space of equal quality to that of the nonsmoking area shall be designated as a smoking area, unless physically impracticable. If physically impracticable, the person in charge of the facility shall provide an adequate smoking area within the facility as near as feasible to twenty percent (20%) of the interior space.
 - (4) Any indoor space in a State-controlled building such as an auditorium, arena, or coliseum, or an appurtenant building thereof; except that a designated area for smoking shall be established in lobby areas.
 - (5) Any educational buildings primarily involved in health care instruction.instruction and the grounds of those buildings.
 - (6) Facilities of The University of North Carolina health services facilities, wellness centers, enclosed physical education facilities, enclosed student recreational centers, laboratories, or residence halls, and the grounds of any of those facilities, provided that each constituent institution shall make a reasonable effort to provide residential smoking rooms in residence halls in proportion to student demand for those rooms.
 - (7) **(Effective July 1, 2007)** The North Carolina School of Science and Mathematics.
- (a1) All areas of any building occupied by the General Assembly shall be designated as nonsmoking areas.
- (b) Any area designated as nonsmoking or smoking shall be established by the appropriate department, institution, agency, or person in charge of the State-controlled building or area, except as specified in subsection (a1). The person in charge of the building shall conspicuously post or cause to be posted, in any area designated as a smoking or nonsmoking area, one or more signs stating that smoking is or is not permitted in the area.
- (c) Where a nonsmoking area is designated, existing physical barriers and ventilation systems shall be used where appropriate to minimize smoke from adjacent areas. This subsection shall not be construed to require fixed structural or other physical

modification in providing these areas or to require installation or operation of any 1 2 heating, ventilating, or air-conditioning system in any manner which adds expense." 3 **SECTION 3.** G.S. 143-599 reads as rewritten: 4 "§ 143-599. Exemptions. 5 All of the following facilities shall be exempt from the provisions of this Article: 6 (1) Any primary or secondary school or child care center, except for a 7 teacher's lounge. 8 (2) An enclosed elevator. 9 (3) Public school bus. 10 (4) Hospital, nursing home, rest home, and State facility operated under 11 the authority of G.S. 122C-181. 12 (5) Local health department and local department of social services and 13 the building and grounds where the local health department or local 14 department of social services, as applicable, is located. For the 15 purposes of this subdivision, "grounds" means the area located within 16 50 linear feet of a local health department or a local department of 17 social services. 18 (6) Any nonprofit organization or corporation whose primary purpose is to 19 discourage the use of tobacco products by the general public. 20 Tobacco manufacturing, processing, and administrative facilities. (7) 21 (8) Indoor arenas with a seating capacity greater than 23,000. 22 State correctional facilities operated by the Department of Correction. (9) 23 Community colleges. (10)24 The facilities, grounds, and walkways of the University of North (11)

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

Practice Plan."

Carolina Health Care System and of the East Carolina University

School of Medicine, Health Sciences Complex, and Medical Faculty

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