

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1058

Short Title: Regulate Smoking in Public.

(Public)

Sponsors: Representatives Colton, Gamble, Gottovi, Green, and Judy Hunt.

Referred to: Courts and Justice.

April 19, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT SMOKING IN PUBLIC INDOOR AREAS EXCEPT IN
3 DESIGNATED SMOKING AREAS.

4 Whereas, smoking is recognized to be the most preventable cause of death in
5 the United States; and

6 Whereas, cigarette smoking is known to cause cancer of the lung and
7 respiratory tract, pancreas, urinary tract, and bladder; endanger the fetus during
8 pregnancy; and heighten the risk of heart disease, emphysema, and chronic bronchitis;
9 and

10 Whereas, the 1986 report of the United States Surgeon General and other
11 more recent reports have produced evidence that environmental tobacco smoke (ETS),
12 also referred to as passive or involuntary smoking, causes disease in healthy
13 nonsmokers and poses a serious health risk; and

14 Whereas, the State of North Carolina should exercise its police power to
15 protect citizens' health, safety, and welfare, to regulate smoking in public indoor areas;
16 and

17 Whereas, the General Assembly should protect the State, its public entities,
18 and local school administrative units from potential liability by prohibiting smoking in
19 most public indoor areas; Now, therefore,

20 The General Assembly of North Carolina enacts:

21 Section 1. Chapter 14 of the General Statutes is amended by adding a new
22 Article to read:

23 **"ARTICLE 61.**
24 **"CLEAN INDOOR AIR ACT.**

1 **"§ 14-460. Title.**

2 This Article may be cited as the Clean Indoor Air Act.

3 **"§ 14-461. Definitions.**

4 As used in this Article, unless the context indicates otherwise:

- 5 (1) 'Government building' means a building or a portion of a building that
6 is leased or operated under the control of the State or any of its
7 political subdivisions. Government building does not include a
8 building or portion of a building that is leased to other organizations or
9 corporations.
- 10 (2) 'Health service facility' has the same meaning as set forth in G.S.
11 131E-176.
- 12 (3) 'Public transportation vehicle' means any air, land, or water vehicle
13 used for the mass transportation of persons in intrastate travel for
14 compensation, including, but not limited to, any airplane, train, bus, or
15 boat that is not subject to federal smoking regulations.

16 **"§ 14-462. Smoking in certain public indoor areas prohibited.**

17 (a) It is unlawful for any person to smoke, or possess lighted smoking material in
18 any form, in the following indoor areas when these indoor areas are enclosed and used
19 by the general public:

- 20 (1) Schools, including preschools and day care centers, except in teacher
21 lounges and enclosed offices that are not open to the public in the
22 normal course of business.
- 23 (2) Subject to subsection (b) of this section, health service facilities,
24 except in designated smoking areas of employee break areas.
- 25 (3) Government buildings other than health service facilities, except in
26 enclosed offices that are not open to the public in the normal course of
27 business and in designated smoking areas of employee break areas.
- 28 (4) Elevators.
- 29 (5) Public transportation vehicles.
- 30 (6) Arenas and auditoriums of theatres or performing art centers, except in
31 designated smoking areas of foyers, lobbies, or other common areas.
32 Smoking is permitted if it is part of a legitimate theatrical
33 performance.

34 (b) This Article shall not prohibit a health service facility from prohibiting
35 smoking in all indoor areas of the building when the indoor areas are enclosed and used
36 by the general public.

37 **"§ 14-463. Posting of signs.**

38 (a) Except as provided in subsection (b) of this section, in areas where smoking
39 is regulated under G.S. 14-462(a)(1) through (6), the owner, manager, or agent in charge
40 of the areas or vehicles used by the general public shall conspicuously display signs that
41 clearly identify smoking areas and identify nonsmoking areas.

42 (b) Signs are not required in offices that are not open to the public in the normal
43 course of business.

44 **"§ 14-464. Designated smoking areas.**

1 (a) Designated smoking areas under G.S. 14-462 shall not encompass so much of
2 the building, structure, space, place, or area open to the general public that reasonable
3 nonsmoking areas, considering the nature of the use and the size of the building, are not
4 provided.

5 (b) Designated smoking areas under G.S. 14-462 shall be separate to the extent
6 reasonably practicable from those rooms or areas used by the public in the normal use
7 of the particular business or institution.

8 (c) In designated smoking areas under G.S. 14-462, ventilation systems and
9 existing physical barriers shall be used when reasonably practicable to minimize the
10 permeation of smoke into any nonsmoking areas. This section shall not be construed as
11 requiring physical modifications or alterations to any structure.

12 **"§ 14-465. Violation a misdemeanor.**

13 A person convicted of violating this Article is guilty of a misdemeanor and shall be
14 punished by a fine of not less than ten dollars (\$10.00) and not more than twenty-five
15 dollars (\$25.00).

16 **"§ 14-466. Stricter local ordinances not preempted.**

17 This Article does not restrict the rights of cities or counties to adopt ordinances
18 authorized by law, except such ordinances may not make lawful any act made unlawful
19 by this Article."

20 Sec. 2. This act becomes effective January 1, 1994.