

February 7, 2005

H 76. BAN SMOKING IN RESTAURANTS. TO AMEND THE LAW CONCERNING SMOKING IN PUBLIC PLACES AND TO PROHIBIT SMOKING IN RESTAURANTS. Enacts new GS Ch. 14, Art. 62, as title indicates. Defines "restaurant" to include an eating establishment substantially engaged in the business of preparing and serving meals regularly eaten on premises, including a bar or lounge area attached to a restaurant but not including an outdoor or partially enclosed seating area without a ceiling. Requires that "No Smoking" signs or symbols be conspicuously posted in all restaurants. Requires that restaurant management ask persons who are smoking to extinguish lighted tobacco products and ask those persons who refuse to do so to leave restaurant. Failure to comply with restaurant owner's request is an infraction punishable by a \$50 fine for violations occurring on or after Jan. 1, 2007; requires that warning be issued for violations occurring before that date. Act inapplicable to buildings owned or operated by a social, fraternal, or religious organization when used solely by members or their families; facilities rented for private functions; and private clubs. Deletes GS 143-596(4), definition of "restaurant." Effective Jan. 1, 2006.

Intro. by Holliman.

Ref. to Judiciary IV

GS 14, 143

May 31, 2005

H 76. REDUCE SMOKING IN RESTAURANTS (NEW). Intro. 2/7/05. House committee substitute makes the following changes to 1st edition. Replaces ban on smoking in restaurants with requirement that, effective January 1, 2006, every restaurant have a designated "No Smoking" area and prohibits smoking in these areas. The designated no smoking area must include at least 50% of the seating capacity inside the restaurant. Requires that a person smoking in a no smoking area be asked to leave the premises if the person does not extinguish tobacco products when asked to do so by restaurant employees. Specifies that persons asked to extinguish tobacco products have no civil cause of action against restaurant owners or operators. Provisions of bill apply to designated bar or lounge areas attached to a restaurant where alcoholic beverages are sold beginning January 1, 2007. By January 1, 2007, the smoking area of a restaurant must be in a room separate and apart from the main dining area. Effective January 1, 2008, minors who work in restaurants with smoking areas must have written permission from parents before working in smoking areas. That provision will not apply to children of employers. Beginning January 1, 2010, any restaurant that allows smoking must post at least one notice near the sanitation grade or on the front door that smoking is allowed in the facility. Specifies that nothing in the bill prohibits a county health department from maintaining an Internet listing of local restaurants considered smoke free.