

February 19, 2007

H 259. PROHIBIT SMOKING IN PUBLIC PLACES. Filed 2/19/07. *TO PROHIBIT SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT.* Enacts a new Article 23 of GS Chapter 130A, to prohibit smoking in public places and places of employment, with the following exceptions: (1) a private residence, except when it is used for child or adult care services; (2) a retail tobacco shop; (3) a tobacco manufacturing or processing facility; (4) a designated smoking room in a lodging establishment; (5) a private club; (6) an age-restricted alcohol sales establishment; and (7) a facility conducting research on smoking. Requires owners, managers, and operators of public places or places of employment to post *no smoking* signs. Directs the Commission of Health Services to adopt rules to be enforced by the local health department. Amends GS 130A-22 to allow a local health director to take the following actions against owners, managers, and operators who fail to comply with the new article: (1) provide a written notice of the person's first violation and provide notification of action that will be taken if they have a subsequent violation; (2) provide a written notice of a person's second violation and provide notification of administrative penalties that will be imposed for any subsequent violations; and (3) impose a fine of no more than \$200 for the third and subsequent violations. Effective January 1, 2008.

Intro. by Holliman.

GS 130A

March 21, 2007

H 259. PROHIBIT SMOKING IN PUBLIC & WORK PLACES (NEW). Filed 2/19/07. House committee substitute makes the following changes to 1st edition. Modifies the list in proposed GS 130A-493 of places where smoking may be permitted to remove age-restricted alcohol sales establishments and to include: (1) a retail or wholesale tobacco shop (was, retail shop); (2) the premises of a manufacturer of tobacco products, including a manufacturer's office (was, a tobacco manufacturing or processing facility); and (3) places of employment used for product research development to the extent smoking is an integral part of the research. Modifies proposed GS 130A-492 as follows: (1) makes conforming change by deleting the definition of *age-restricted alcohol sales establishment*; (2) amends the definition of *private club* to mean an establishment organized and operated solely for social, recreational, patriotic, or fraternal purposes that is not open to the general public, only to members and their guests; and (3) amends the definition of *retail tobacco shop* to include *wholesale tobacco* shops whose main purpose is (was, dedicated to or predominantly for) the sale of tobacco, tobacco products, and accessories for such products that receive no less than 75% of total annual revenues from the sale of tobacco, tobacco products, and accessories for such products, and do not serve food or alcohol on the premises. Modifies proposed GS 130A-494 to require an owner, manager, or operator of a place where smoking is prohibited to direct anyone smoking to extinguish the tobacco product. Moves the severability clause from proposed GS 130A-495 to an uncodified section of the bill. Makes entire bill effective January 1, 2008, with the exception of the provisions authorizing the Commission of Health Services to adopt rules implementing the article. Makes technical and conforming changes.

April 18, 2007

H 259. PROHIBIT SMOKING IN PUBLIC & WORK PLACES. Filed 2/19/07. House committee substitute makes the following changes to 2nd edition. Rewrites the 2nd edition to shift the focus of the bill to prohibiting smoking in food and lodging establishments and state government buildings and leaves it to local governments to generate laws and ordinances prohibiting smoking in public places and places of employment. Changes title to *AN ACT TO PROHIBIT SMOKING IN FOOD AND LODGING ESTABLISHMENTS AND STATE GOVERNMENT BUILDINGS AND ALLOW LOCAL GOVERNMENTS TO PROHIBIT SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT* and modifies proposed GS 130A-491 regarding legislative intent to reflect the change in focus. Modifies proposed GS 130A-492 to remove definitions for private club, lodging establishment, and retail wholesale tobacco shop and adds definitions for *local government* and *state government building*.

Rewrites proposed GS 130A-493 to prohibit smoking in all enclosed areas of food and lodging establishments but creates an exception for a business with a mixed beverage permit that admits only persons 21 years of age or older as long as there is no rule, ordinance, or law adopted by a local government to provide otherwise. Provides that a lodging establishment may not designate more than 20% of its rooms as smoking guest rooms. Specifies that the provisions of the statute do not prohibit local governments from adopting a more restrictive policy on smoking in workplaces and public places.

Enacts new GS 130A-495 to prohibit smoking in all enclosed areas of state government buildings but provides an exception for those buildings used for medical or scientific research to the extent that smoking is an integral part of the research.

Rewrites GS 130A-494 to govern implementation of smoking prohibitions in food and lodging establishments and enacts new GS 130A-496 pertaining to implementation on smoking prohibitions in state government buildings. Provides that signs clearly stating that smoking is prohibited must be conspicuously posted in food and lodging establishments and state government buildings. Directs the person who owns, manages, operates or otherwise controls the food and lodging establishment or state government building to require any person who is smoking to extinguish the lighted tobacco product. Directs the Commission for Health Services (Commission) to adopt rules to implement prohibitions regarding food and lodging establishments and state government buildings. Provides that the rules adopted by the Commission to implement smoking prohibitions in food and lodging establishments are to be enforced by a local health department.

Enacts new GS 130A-497 delineating local government authority to adopt an ordinance, law, or rule restricting smoking in specified places including public places and places of employment. Specifies that local school boards may impose smoking prohibitions on property, events, buildings, campuses, or vehicles over which the local board has ownership, control, or jurisdiction.

Repeals GS 143-595 through GS 143-601, dealing with restrictions and prohibitions on smoking.

Effective January 1, 2008, except that provisions regarding the authority of local governments to restrict smoking and GS 130A-494(c) and GS 130A-496(b) authorizing the Commission to adopt rules implementing the smoking prohibitions are effective when the act becomes law.

May 2, 2007

H 259. PROHIBIT SMOKING IN PUBLIC & WORK PLACES. Filed 2/19/07. House amendment makes the following changes to 3rd edition. Removes the requirement that each day a violation occurs be considered a separate and distinct violation. Modifies the definition of *public place* to remove areas that are not enclosed.