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HOUSE BILL 805
PROPOSED COMMITTEE SUBSTITUTE H805-PCS30530-TO-26

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.