



## Summary of State Regulations of Smoking in Government Workplaces, Private Worksites and Public Places in North Carolina

Venue	State Law
<b>Local Government Buildings</b>	<p>State law <u>allows</u> local governments to prohibit smoking and all tobacco product use <b>only</b> in:</p> <ul style="list-style-type: none"> <li>▪ buildings owned by local government; buildings leased by local government as lessor (i.e., landlord); and areas of buildings leased by local government as lessee (i.e., tenant);<sup>1</sup></li> <li>▪ Any place on a public transportation vehicle owned or leased by local government and used by the public;<sup>2</sup></li> <li>▪ All passenger-carrying vehicles owned, leased or otherwise controlled by local government and assigned permanently or temporarily to local government employees, agencies, institutions or facilities for official local government business to be smoke-free. (effective January 1, 2009).<sup>3</sup></li> <li>▪ Buildings housing local health and social services departments and grounds (up to 50 ft.) surrounding those buildings;<sup>4</sup></li> <li>▪ By 8/1/08, school boards <i>must</i> adopt, implement and enforce a written policy prohibiting the use of <i>all tobacco products</i> (not limited to smoking) indoors and outdoors<sup>5</sup></li> </ul> <p>NOTE: N.C. law preempts (prohibits) local governments from regulating smoking in other public or private locations beyond those described above.<sup>6</sup></p>
<b>Public Meetings</b>	<p>State law <u>allows</u> local governments to prohibit smoking and all tobacco product use.<sup>7</sup></p>

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<b>Libraries and Museums Open to the Public</b>	State law <u>allows</u> local governments to prohibit smoking and all tobacco product use. <sup>8</sup>
<b>Indoor Arenas with a Seating Capacity greater than 23,000</b>	State law <u>allows</u> local governments to prohibit smoking and all tobacco product use. <sup>9</sup>
<b>State Government Buildings</b>	<p>State law prohibits smoking in state government buildings.<sup>10</sup> The law became effective on January 1, 2008 and applies to all:</p> <ul style="list-style-type: none"> <li>▪ buildings owned by the state,</li> <li>▪ buildings leased by the state as lessor (i.e., landlord), and</li> <li>▪ the area of any building leased and occupied by the state as lessee (i.e., tenant).</li> <li>▪ The prohibition applies to the use of any lighted tobacco product, but it does not apply to the use of smokeless tobacco, such as chewing tobacco and snuff.</li> <li>▪ The law also requires the person in charge of the building to post signs stating that smoking is prohibited.</li> <li>▪ The state law also requires all passenger-carrying vehicles owned, leased or otherwise controlled by the state and assigned permanently or temporarily to a State employee or state agency or institution for official state business to be smoke-free. (Effective January 1, 2009).<sup>11</sup></li> </ul>
<b>UNC University System</b>	<p>State law allows the sixteen campuses of the UNC system to prohibit smoking on their grounds.<sup>12</sup> Grounds is defined to include the area located and controlled by state government within 100 linear feet of a building:</p> <ul style="list-style-type: none"> <li>▪ owned and occupied by the state,</li> <li>▪ owned by the state but leased to a third party, or</li> <li>▪ owned by a third party and leased to state government.</li> </ul> <p>All residential dorm rooms must prohibit smoking by the beginning of the 2008-2009 academic school year and all other buildings must prohibit smoking as of January 1, 2008. Medical facilities at UNC Chapel Hill and East Carolina University may prohibit smoking on their grounds and walkways.</p>

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<b>Community Colleges</b>	State law allows local community college governing Boards of Trustees to prohibit all tobacco use on their campuses and college-sponsored events. <sup>13</sup>
<b>Public Schools K-12</b>	<p>Effective August 1, 2008 state law require local boards of education to adopt policies prohibiting the use of tobacco at all times:</p> <ul style="list-style-type: none"> <li>▪ In school buildings,</li> <li>▪ In school facilities,</li> <li>▪ On school campuses,</li> <li>▪ In or on any other property owned by the local school administrative unit, and</li> <li>▪ At school-sponsored events at other locations when in the presence of students or school personnel.<sup>14</sup></li> </ul> <p>Note that these policies must apply not only to smoking, but also to the use of smokeless tobacco products.</p>
<b>Long-term Care Facilities</b>	<p>State law prohibits smoking in all long-term care facilities, including nursing homes, adult care homes and rest homes.<sup>15</sup></p> <ul style="list-style-type: none"> <li>▪ The law authorizes DHHS to impose fines upon facilities that fail to implement and enforce the prohibition.</li> <li>▪ The law also requires home care agencies to prohibit their employees from smoking in a patient's home.</li> </ul>
<b>Child Care Facilities</b>	<p>N.C. Child Care Commission prohibits family child care home operator(s) from using tobacco products at any time children are in care. Smoking or use of tobacco products is not allowed by anyone indoors when children are in care or in a vehicle when children are transported.<sup>16</sup></p> <p>Note: The federal <i>Pro-Children's Act</i> and the <i>No Child Left Behind Act</i> prohibit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized for, day care or early childhood development (Head Start) services.<sup>17</sup></p>
<b>Prisons</b>	The state law prohibits any person from using any tobacco products inside of a state correctional facility. <sup>18</sup> There may be an exception for authorized religious purposes.

**Venue****State Law**

	Note: State correctional facility: All buildings of a state correctional institution operated by the Department of Correction.
<b>Restaurants/Bars</b>	▪ <b>None</b>
<b>Private Workplaces</b>	▪ <b>None</b>
<b>Retail Stores</b>	▪ <b>None</b>
<b>Recreational/Cultural Facilities</b>	▪ <b>None</b>

**Sources:**

Health Law Bulletin, No. 87 September 2007, REGULATION OF SMOKING: UPDATE ON RECENT STATE LEGISLATION, Aimee N. Wall., UNC Institute of Government.

NC General Assembly website at [www.ncga.state.nc.us](http://www.ncga.state.nc.us)

**For more information:**

See [www.tobaccopreventionandcontrol.ncdhhs.gov](http://www.tobaccopreventionandcontrol.ncdhhs.gov)

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<sup>1</sup> S.L. 2007-193

<sup>2</sup> S.L. 2007-193

<sup>3</sup> S.L. 2008-149

<sup>4</sup> S.L. 2005-19; 2005-168

<sup>5</sup> S.L. 2007-236, S.L. 2007-193, Sec. 3.1 (repealing G.S. 130A-498 (b) (3) effective August 1, 2008

<sup>6</sup> Chapter 143, Article 64 of NC General Statutes

<sup>7</sup> Chapter 143, Article 64 of NC General Statutes

<sup>8</sup> Chapter 143, Article 64 of NC General Statutes

<sup>9</sup> Chapter 143, Article 64 of NC General Statutes

<sup>10</sup> S.L. 2007-193

<sup>11</sup> S.L. 2008-149

<sup>12</sup> S.L. 2007-114

<sup>13</sup> S.L. 2008-95

<sup>14</sup> S.L. 2007-236, S.L. 2007-193, Sec. 3.1 (repealing G.S. 130A-498(b)(3) effective August 1, 2008

<sup>15</sup> S.L. 2007-459

<sup>16</sup> NC Child Care Commission Rule 1720

<sup>17</sup> Pro-Children's Act of 2001, Part C – Environmental Tobacco Smoke, Sec. 4303

<sup>18</sup> S.L. 2005-372