

Option 2

Sample Board of Health Rules

Regulation of Smoking in Local Government Buildings

Section I. Title

This regulation shall be entitled smoking control rules in County/Municipal Buildings.

Section II. Findings and Purpose

WHEREAS, tobacco use is the number one preventable cause of premature death in North Carolina and the nation; and

WHEREAS, secondhand smoke has been proven to cause cancer, heart disease, and asthma in both smokers and nonsmokers; and,

WHEREAS, the 2006 Surgeon General's Report documents that eliminating indoor smoking fully protects nonsmokers from exposure to secondhand smoke; and,

WHEREAS, the County/City/Town of _____ provides support to employees who want to quit the use of tobacco products. These employees are also encouraged to talk to their health care provider about quitting; ask about appropriate pharmacotherapy available through the county/city/town health insurance plan or employee's insurer and use the free quitting support services of the North Carolina Tobacco Use Quitline at 1-800-QUIT-NOW (1-800-784-8669); and,

WHEREAS, local governments are granted broad authority under SL 2007-0193 (H 24) to adopt local ordinances, laws, or rules restricting smoking in local government buildings and public transportation vehicles; and,

WHEREAS, pursuant to G.S. 130A-39(a), local boards of health have the responsibility to protect and promote the public's health and to adopt rules necessary for that purpose;

NOW, THEREFORE, THE (County/District/Authority Name) _____
BOARD OF HEALTH ADOPTS THE FOLLOWING RULES:

Section III. Definitions

“Grounds” – The area located within 50 linear feet of a building wherein a local health department or a local department of social services is housed.

“Smoker” – A person who is smoking.

“Smoking”. – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

Section IV. Smoking Prohibited in Local Government Buildings and Transportation Vehicles

[Note: Local boards of health have the authority to regulate throughout the county, including within municipal boundaries. This version extends the BOH rules to all buildings owned, occupied and leased by municipalities within the board’s jurisdiction. Some boards may prefer to regulate only county buildings.]

Smoking is prohibited in all of the following:

- (a) Buildings that are owned by the County or any municipality within the County.
- (b) Buildings that are leased as lessor by the County or any municipality within the county.
- (c) Buildings or areas of buildings that are leased as lessee and occupied by the County or any municipality within the county.
- (d) Public transportation vehicles used by the public and owned or leased by the County or any municipality within the County.
- (e) The grounds of any building housing one or more components of _____ County Health Department or the _____ County Department of Social Services.

Section V. Tobacco Use Permitted Outside Buildings

Smoking is permitted outside the buildings identified in Section IV, provided that the persons who are smoking do not stand adjacent to a public entrance or air intake vent. [FOR COUNTIES ONLY—Smoking is prohibited within 50 feet of buildings when they house a Health Department or Social Services function.]

Section VI. Signage

- (a) Persons in charge of buildings identified in Section IV shall post signs at all entrances and exits explaining the prohibition of smoking. Signs may be posted in other areas of the buildings as well. For example, signs may be posted in other areas in the building where smoking is likely, such as bathrooms and dining areas.
- (b) Persons in charge of vehicles identified in Section IV shall post signs in the vehicles explaining the prohibition. The signs must be displayed in areas where passengers will be able to see the signs but the placement of the signs must not interfere with the safe operation of the vehicle.
- (c) The signs required by subsections (a) and (b) of this Section must use clear and unambiguous language to convey the prohibition.

(d) Persons in charge of buildings or grounds where smoking is prohibited by this rule shall remove all publicly available ashtrays from the building or grounds.

(e) Persons in charge of buildings and vehicles identified in Section IV must determine whether signs should be posted in languages other than English.

Section VII. Compliance and Penalties

The person in charge of a building or vehicle identified in Section 2 or his or her designee who sees an individual who is smoking (other than an employee) in violation of this ordinance must ask that individual to stop smoking. If, after having been asked to stop smoking, the individual continues to smoke, the person in charge shall issue a formal warning and must ask the individual to leave the building.

The second and subsequent violations are Class 1 misdemeanors pursuant to G.S. 130A-25. *[Note: G.S. 14-3 provides that all unclassified misdemeanors are Class 1 misdemeanors.]*

Section VIII. Effective Date

These rules shall become effective _____ (no earlier than January 1, 2008)
_____ upon adoption by the Name of County Board of Health.

ADOPTED this

EFFECTIVE DATE:

SIGNED: _____.

Adopted this _____ day of _____, 20__.