

**Summary of State Regulations of Smoking:
Government Workplaces, Private Worksites and Public Places in North Carolina
September 2018**

Venue	State Law
Local Government Buildings and Grounds	<p>State law <u>allows</u> local governments to prohibit smoking and all tobacco product use only in:</p> <ul style="list-style-type: none"> ▪ 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);¹ ▪ Any place on a public transportation vehicle owned or leased by local government and used by the public;² ▪ 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;³ ▪ An unenclosed area owned, leased, or occupied by local government (i.e., grounds);⁴ ▪ 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; effective August 1, 2008.⁵
Public Meetings	State law <u>allows</u> local governments to prohibit smoking and all tobacco product use. ⁶
Libraries and Museums Open to the Public	State law <u>allows</u> local governments to prohibit smoking and all tobacco product use. ⁷
Indoor Arenas with a Seating Capacity greater than 23,000	State law <u>allows</u> local governments to prohibit smoking and all tobacco product use. ⁸

¹ S.L. 2007-193

² S.L. 2007-193

³ S.L. 2008-149

⁴ S.L. 2009-27

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

⁶ Chapter 143, Article 64 of NC General Statutes

⁷ Chapter 143, Article 64 of NC General Statutes

⁸ Chapter 143, Article 64 of NC General Statutes

<p>State Government Buildings</p>	<p>State law prohibits smoking in state government buildings.⁹ The law became effective on January 1, 2008 and applies to all:</p> <ul style="list-style-type: none"> ▪ buildings owned by the state, ▪ buildings leased by the state as lessor (i.e., landlord), and ▪ the area of any building leased and occupied by the state as lessee (i.e., tenant). ▪ 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. ▪ The law also requires the person in charge of the building to post signs stating that smoking is prohibited. ▪ 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.¹⁰
<p>UNC University System</p>	<p>State law allows the sixteen campuses of the UNC system to prohibit smoking on their grounds.¹¹ 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"> ▪ owned and occupied by the state, ▪ owned by the state but leased to a third party, or ▪ owned by a third party and leased to state government. <p>All residential dorm rooms were required to prohibit smoking by the beginning of the 2008-2009 academic school year and all other buildings prohibited smoking as of January 1, 2008.</p> <p>Medical facilities at UNC Chapel Hill and East Carolina University may prohibit smoking on their grounds and walkways.</p>

⁹ S.L. 2007-193

¹⁰ S.L. 2008-149

¹¹ S.L. 2007-114

Community Colleges	State law allows local community college governing Boards of Trustees to prohibit all tobacco use on their campuses and college-sponsored events. ¹²
Public Schools K-12	<p>As of August 1, 2008, state law requires local boards of education to adopt policies that prohibit tobacco use by everyone at all times:</p> <ul style="list-style-type: none"> ▪ In school buildings, ▪ In school facilities, ▪ On school campuses, ▪ In or on any other property owned by the local school administrative unit, and ▪ At school-sponsored events at other locations when in the presence of students or school personnel.¹³ <p>Note that these policies must apply not only to smoking, but also to the use of any tobacco product, including e-cigarettes.</p>
Long-term Care Facilities	<p>State law prohibits smoking in all long-term care facilities, including nursing homes, adult care homes and rest homes.¹⁴</p> <ul style="list-style-type: none"> ▪ The law authorizes DHHS to impose fines upon facilities that fail to implement and enforce the prohibition. ▪ The law also requires home care agencies to prohibit their employees from smoking in a patient's home.
Child Care Facilities	As of October 2017, tobacco use is prohibited on the property of child care centers at all times and tobacco use is prohibited on the property of family child care homes during operational hours. All tobacco materials shall be kept in locked storage or out of the reach of children. ¹⁵
Prisons	As of March 10, 2010, state law prohibits any person from using any tobacco products on the premises of a state correctional facility. ¹⁶ There may be an exception for authorized religious purposes.

¹² S.L. 2008-95

¹³ S.L. 2007-236, S.L. 2007-193, Sec 3.1 (repealing G.S. 130A-498(b)(3) effective August 1, 2008

¹⁴ S.L. 2007-459

¹⁵ NC Child Care Commission Rule 10A NC ADMIN CODE 09.0604 (2017)

¹⁶ S.L. 2009-560

	Note: State correctional facility: All buildings and grounds of a state correctional institution operated by the Department of Correction.
Restaurants and Bars	As of January 2, 2010, NC law ¹⁷ prohibits smoking in “all enclosed areas of restaurants and bars.” In this law, the term “restaurant” is considered to be any establishment that is inspected and permitted by a local health department. A “bar” is an establishment that holds a state permit authorizing it to sell malt beverages (e.g., beer), wine, or mixed drinks on its premises, with very few exceptions. The law also encompasses any lodging establishment that (1) serves food or drink for pay and (2) is required to comply with state public health laws related to food and drink sanitation. If a restaurant, bar or lodging establishment is unsure of its status under the smoking law, it should contact the local health department to request assistance.”
Public Places	<p>State law <u>allows</u> local governments to prohibit smoking and all tobacco product use.¹⁸</p> <p>Public places are defined as an enclosed area to which the public is invited or in which the public is permitted.</p> <p>NOTE: N.C. law preempts (prohibits) local governments from regulating smoking in the public places listed below:</p> <ul style="list-style-type: none"> • A private residence, which is a private dwelling that is not a child care facility or a long-term care facility. • A private vehicle, which is a privately owned vehicle that is not used for commercial or employment purposes. • A tobacco shop, but only if smoke from the business does not migrate into an enclosed area where smoking is otherwise prohibited under state law. A business will be considered a tobacco shop if (1) its main purpose is to sell tobacco, tobacco products, and accessories for such products, (2) it receives at least 75% of its revenue from such sales, and (3) it does not serve food or alcohol. • All of the premises, facilities, and vehicles

¹⁷ S.L. 2009-27

¹⁸ S.L. 2009-27

	<p>owned, operated or leased by any tobacco products processor or manufacturer, or any tobacco leaf grower, processor or dealer.</p> <ul style="list-style-type: none">• A designated smoking guest room in a lodging establishment.• A cigar bar, but only if smoke from the bar does not migrate into an enclosed area where smoking is otherwise prohibited under state law.• A private club.• A motion picture, television, theater, or other live production set. This exemption applies only to the actor or performer portraying the use of tobacco products during the production.
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Sources:

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

Health Law Bulletin, No. 90 May 2009, SMOKING IN PUBLIC PLACES: RECENT CHANGES IN STATE LAW, Aimee N. Wall., UNC Institute of Government.

NC General Assembly website at www.ncga.state.nc.us