

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE DRH80071-LN-52 (2/8)

Short Title: Certain Counties Regulate Smoking/Public Plac. (Public)

Sponsors: Representative Alexander.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CERTAIN COUNTIES TO ADOPT ORDINANCES
REGULATING SMOKING IN PUBLIC PLACES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-601 reads as rewritten:

"§ 143-601. Applicability of Article; local government may enact.

(a) This Article shall not supersede nor prohibit the enactment or enforcement of any otherwise valid local law, rule, or ordinance enacted prior to October 15, 1993, regulating the use of tobacco products. However, no local law, rule, or ordinance enacted and placed in operation prior to October 15, 1993, shall be amended to impose a more stringent standard than in effect on the date of ratification of this Article.

(b) Any local ordinance, law, or rule that regulates smoking adopted on or after October 15, 1993, shall not contain restrictions regulating smoking which exceed those established in this Article. Any such local ordinance, law, or rule may restrict smoking in accordance with this subsection only in the following facilities pursuant to G.S. 143-597:

(1) Buildings owned, leased or occupied by local government.

(2) A public meeting.

(3) The indoor space in an auditorium, arena, or coliseum, or an appurtenant building thereof.

(4) A library or museum open to the public.

(5) Any place on a public transportation vehicle owned or leased by local government and used by the public. (1993, c. 367, s. 1.)

(c) Notwithstanding subsections (a) and (b) of this section, G.S. 143-597, or any other provision of this Article to the contrary, a county board of commissioners may enact and enforce a local ordinance, law, or rule regulating smoking in public places the restrictions of which may exceed those established in this Article. This subsection

1 applies only to counties with a population in excess of 650,000 according to the most
2 recent federal decennial census."

3 **SECTION 2.** This act is effective when it becomes law.