

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 840

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

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Sponsors: Representatives Alexander; Luebke and Weiss.

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Referred to: Health.

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March 22, 2005

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE CERTAIN COUNTIES TO ADOPT ORDINANCES  
3 REGULATING SMOKING IN PUBLIC PLACES.

4 The General Assembly of North Carolina enacts:

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

6 "§ 143-601. **Applicability of Article; local government may enact.**

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

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

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

18 (2) A public meeting.

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

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

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

24 (c) Notwithstanding subsections (a) and (b) of this section, G.S. 143-597, or any  
25 other provision of this Article to the contrary, a county board of commissioners may  
26 enact and enforce a local ordinance, law, or rule regulating smoking in public places the  
27 restrictions of which may exceed those established in this Article. This subsection  
28 applies only to counties with a population in excess of 650,000 according to the most  
29 recent federal decennial census."

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