

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

D

SENATE DRS65098-LL-67 (2/21)

Short Title: No Smoking in Prisons.

(Public)

Sponsors: Senator Albertson.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT SMOKING IN STATE CORRECTIONAL INSTITUTIONS
EFFECTIVE JANUARY 2006.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Correction shall make smoking cessation products and other assistance available to inmates in the custody of the Department in order to assist inmates to stop using tobacco products.

SECTION 2. Article 2 of Chapter 148 of the General Statutes is amended by adding a new section to read:

"§ 148-23.1. Smoking prohibited in State correctional facilities.

(a) The General Assembly finds that in order to protect the health, welfare, and comfort of inmates in the custody of the Department of Correction and to reduce the costs of inmate health care, it is necessary to prohibit inmates from using tobacco products and to ensure that employees and visitors do not use tobacco products inside those facilities.

(b) No inmate in the custody of the Department of Correction may possess or use tobacco products. No employee of the Department of Correction, visitor to a State correctional facility, or other person may use tobacco products inside a State correctional institution, except in smoking areas designated by the Department of Correction. For purposes of this section, "tobacco products" means cigars, cigarettes, snuff, loose tobacco, or similar goods made with any part of the tobacco plant that are prepared or used for smoking, chewing, dipping, or other personal use.

(c) The Department of Correction may adopt rules to implement the provisions of this section. Inmates in violation of this section are subject to disciplinary measures to be determined by the Department, including the potential loss of sentence credits earned prior to that violation. Employees in violation of this section are subject to

1 disciplinary action by the Department. Visitors in violation of this section are subject to
2 removal from the facility."

3 **SECTION 3.** Section 2 of this act becomes effective January 1, 2006. The
4 remainder of this act is effective when it becomes law.