

## NOTIFICATION OF INTERESTED PARTIES – PROPOSED ADOPTION OF RULES PROHIBITING SMOKING IN RESTAURANTS AND BARS

The Division of Public Health is submitting three administrative rules that prohibit smoking in restaurants and bars to the Commission for Public Health for adoption. These three rules (10A NCAC 39C .0101-.0103) are required in order to implement Ratified House Bill 2, Prohibit Smoking in Certain Public Places, which was signed by the governor on May 19, 2009. The bill is required to become effective on January 2, 2010.

The public hearing for these three rules will be held at 2:00 PM on September 17<sup>th</sup>, 2009 in the Cardinal Room of Building 5605 Six Forks Road, Raleigh.

Written public comments will be accepted until close of business on October 2, 2009. They should be addressed to Chris G. Hoke, JD, 1931 Mail Service Center, Raleigh, NC 27699-1931.

The three administrative rules will be presented to the Commission for Public Health at the commission's meeting on October 30, 2009 at 9:00 AM in the Raleigh Marriott Center Hotel, Raleigh.

The public hearing on September 17<sup>th</sup> and the meeting of the Commission for Public Health on October 30<sup>th</sup> are open to the public.

The three rules are as follows:

**Subchapter 39C: Smoking Prohibited in Restaurants and Bars**

**10A NCAC 39C .0101 GENERAL PROVISIONS**

- (a) The purpose of the rules in this subchapter is to implement Part 1C of Article 23 of Chapter 130A of the General Statutes.
- (b) The definitions in G.S.130A-492 apply throughout this subchapter. In addition, throughout this subchapter, “*Division*” means North Carolina Department of Health and Human Services, Division of Public Health.

**10A NCAC 39C .0102 EXEMPTION OF CIGAR BARS**

- (a) Cigar bars shall file an affidavit with the Division within thirty days after the end of each quarter stating the establishment meets the statutory requirements set forth for cigar bars by G.S.130A-492 and G.S.130A-496. Affidavits shall be sent to the:

Chief, Regulatory and Legal Affairs  
N. C. Department of Health and Human Services  
Division of Public Health  
1931 Mail Service Center  
Raleigh, NC 27699-1931.

- (b) Affidavits submitted in 2010 and each year thereafter shall be post-marked:
  - (1) By January 31st for the quarter ending December 31<sup>st</sup>.
  - (2) By April 30<sup>th</sup> for the quarter ending March 31<sup>st</sup>.
  - (3) By July 31<sup>st</sup> for the quarter ending June 30<sup>th</sup>.
  - (4) By October 31<sup>st</sup> for the quarter ending September 30<sup>th</sup>.
- (c) Within sixty days after receiving the affidavit the Division shall provide written documentation to the cigar bar on its exemption status under G.S. 130A-496.

**10A NCAC 39C .0103 POSTING SIGNS**

The signs required to be posted in restaurants and bars by G.S. 130A-497 shall:

- (1) Be posted at each public entrance at a height and location easily seen.
- (2) Be at least 24 square inches in size (for example, 4 by 6 inches).
- (3) Be in legible font type.
- (4) Display:
  - (a) The Division’s toll-free complaint line telephone number.
  - (b) “G.S.130A-497”.
  - (c) “[www.smokefree.nc.gov](http://www.smokefree.nc.gov)”.