



North Carolina Department of Health and Human Services  
Division of Public Health

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Governor

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Ambassador (Ret.)  
Secretary DHHS

Penelope Slade-Sawyer  
Division Director

September 10, 2014

Dear NC Restaurant or Bar Owner/Manager:

On December 4, 2013, the Commission for Public Health adopted a new rule that became effective on August 1, 2014, following an approval process by the NC General Assembly. The rule clarifies the definition of an enclosed area where smoking is prohibited by state law.

We are writing to inform you of the new rule and to let you know that your local health department will help you comply, in order to protect the health of your workers and customers from the health hazards of secondhand smoke. Please see [www.smokefree.nc.gov](http://www.smokefree.nc.gov) to find additional assistance about compliance.

On the back side of this letter is a copy of the new rule, and enclosed is a basic Restaurant and Bar Owner/Manager’s Guide to answer the key questions you may have about the new rule. The bottom line is that there are now simple measurements you can take of any covered outdoor deck, patio or porch areas in order to determine if they are “enclosed” or not, under state law.

For background, in 2013, the NC General Assembly passed House Bill 74 (S.L. 2013-413), that required the Commission for Public Health to amend and clarify its rules adopted pursuant to G.S. 130A-497 to specifically clarify the definition of enclosed areas for purposes of ensuring the consistent interpretation and enforcement of the current General Statutes prohibiting smoking in restaurants and bars.

Please review the enclosed material and visit [www.smokefree.nc.gov](http://www.smokefree.nc.gov) for information. If you have more questions, please contact Jim D. Martin, Director of Policy and Programs, North Carolina Tobacco Prevention and Control Branch at (919) 707-5404 or [jim.martin@dhhs.nc.gov](mailto:jim.martin@dhhs.nc.gov) or contact your local health department.

Sincerely,

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Cc: Chris Hoke, J.D., Director of Regulatory and Legal Affairs, Division of Public Health.

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