

Laurie Lindberg

Authorized Signature

Number: SPD-IM-08-050

Issue Date: 7/9/2008

Topic: Provider Information

Subject: The Smokefree Workplace Law and CBC Facilities

Applies to (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> All DHS employees | <input checked="" type="checkbox"/> County Mental Health Directors |
| <input checked="" type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Children, Adults and Families | <input checked="" type="checkbox"/> Seniors and People with Disabilities |
| <input checked="" type="checkbox"/> County DD Program Managers | <input checked="" type="checkbox"/> Other (please specify): DD Residential Providers |

The Oregon legislature passed a law in 2007 to make the [Smokefree Workplace Law](#) stronger. The changes, which take effect January 1, 2009, will impact many community-based care settings including APD and DD adult foster homes, 24-hour residential homes and facilities, assisted living and residential care facilities. The law requires employers to provide a workplace that is free of tobacco smoke for all employees to protect workers from secondhand smoke, which can cause life-threatening disease.

Notification is being sent to assisted living and residential care facility providers, 24-hour residential home and facility providers, non-relative adult foster home (AFH) providers (in the attached memo) to advise them of how their facilities may be impacted by the new Smokefree Workplace Law.

The changes WILL NOT impact AFHs in the following circumstances:

- The license was issued to provide care to a specific relative; or
- The licensed provider does not have any employees. (For example, if the licensee's spouse works in the home but does not receive financial compensation, the licensee is exempt from the new Smokefree Workplace Law.

The changes WILL impact assisted living and residential care facilities, 24-hour residential providers, non-relative AFHs if the licensed provider employs one or more

persons to work in their facility. Under the new Smokefree Workplace Law, the licensed provider will be required to:

- **Prohibit smoking inside the facility and in any enclosed area on the property that is used by employees or residents.**
- **Prohibit smoking within 10 feet of entrances, exits, windows that open, accessibility ramps and ventilation intakes.**
- **Prominently post a sign that prohibits smoking at each entrance and exit to the facility.** The sign must use the universal no smoking symbol (a cigarette with a diagonal slash through it within a circle) and the words “within 10 feet,” or “No smoking within 10 feet.” In lieu of the words, “within 10 feet,” the sign may indicate a distance greater than 10 feet or designate the entire premises as smokefree.
- **Prohibit ashtrays inside the facility and within 10 feet of entrances, exits, windows that open and ventilation intakes.**

Licensed or certified providers may continue to designate their entire facility as smokefree. However, if smoking is allowed, no one will be allowed to smoke inside the facility and the licensed or certified provider must establish an outdoor smoking area that is:

- Not within 10 feet of entrances, exits, windows that open and ventilation intakes;
- Not in an enclosed area (all space between a floor and ceiling enclosed on three or more sides); and
- Is in compliance with all other state, city and county codes.

The Oregon Department of Human Services (DHS) or the Local Public Health Authority (LPHA) will respond to complaints related to Oregon’s Smokefree Workplace Law. Call the Tobacco Prevention and Education Program toll-free 1-866-621-6107 for additional information, free “no smoking” signs and clarification of how the law applies to CBC facilities, or go to <http://www.oregon.gov/DHS/ph/smokefree/index.shtml>.

Adult Foster Homes: Some portions of AFHs may be exempt from the Smokefree Workplace Law. For example, if the licensee has quarters that are completely separate from the areas used by employees or residents of the AFH, the licensee will not be required to comply with the Smokefree Workplace Law in that portion of the home. Smoking will continue to be prohibited in all bedrooms, as required by OAR 411-050-

0445(5)(x) and 411-360-0130 (4)(h).

If you have any questions about this information, contact:

Contact(s):	Sylvia Rieger		
Phone:	(503) 945-6403	Fax:	(503) 378-8966
E-mail:	Sylvia.A.Rieger@state.or.us		

Date: July 7, 2008

To: Licensed Providers of Non-Relative Adult Foster Homes and
24-Hour Residential Homes

From: Mary Gear, Administrator
Seniors and People with Disabilities
Office of Licensing and Quality of Care

Re: Impact of Clean Air Act on Community-Based Care Facilities

New rules take effect January 1, 2009 as a result of legislative action to make Oregon's Smokefree Workplace law stronger. The law requires employers to provide a place of employment for all employees that is free of tobacco smoke to protect workers from secondhand smoke, which can cause life-threatening disease.

The purpose of this letter is to inform you of the new law and how the changes will or will not impact the operation of your licensed or certified facility.

The new law WILL impact assisted living and residential care facilities, 24-hour residential homes and adult foster homes (AFHs) if the licensed provider employs one or more persons to work inside the facility. Under the new Smokefree Workplace Law, the licensed or certified provider will be required to:

- **Prohibit smoking inside the facility and in any enclosed area on the property that is used by employees or clients.**
- **Prohibit smoking within 10 feet of entrances, exits, windows that open, accessibility ramps and ventilation intakes.**
- **Prominently post a sign that prohibits smoking at each entrance and exit to the facility.** The sign must use the universal no smoking symbol (a cigarette with a diagonal slash through it within a circle) and the words "within 10 feet," or "No smoking within 10 feet." In lieu of the words, "within 10 feet," the sign may

indicate a distance greater than 10 feet or designate the entire premises as smokefree.

- **Prohibit ashtrays inside the facility and within 10 feet of entrances, exits, windows that open and ventilation intakes.**

Licensed providers may continue to designate the entire premises as smokefree. However, if smoking is allowed, no one will be allowed to smoke inside the facility and the licensed or certified provider must establish an outdoor smoking area that is:

- Not within 10 feet of entrances, exits, windows that open and ventilation intakes;
- Not in an enclosed area (all space between a floor and ceiling enclosed on three or more sides); and
- Is in compliance with all other state, city and county codes.

The Oregon Department of Human Services (DHS) or the Local Public Health Authority (LPHA) will respond to complaints related to Oregon's Smokefree Workplace Law. For additional information, free "no smoking" signs and clarification of how the law will impact your facility, call toll-free 1-866-621-6107 or go to:

<http://www.oregon.gov/DHS/ph/smokefree/index.shtml>

Adult Foster Homes: Some portions of AFHs may be exempt from the Smokefree Workplace Law. For example, if the licensee has quarters that are completely separate from the areas used by employees and residents of the AFH, the licensee will not be required to comply with the Smokefree Workplace Law in that portion of the home. Smoking will continue to be prohibited in all bedrooms, as required by OAR 411-050-0445(5)(x) and 411-360-0130 (4)(h).

The changes will NOT impact adult foster homes (AFHs) in the following circumstances:

- **The license was issued to provide care to a specific relative; or**

- **The licensed provider does not have any employees.** For example, if the licensee's spouse works in the home but receives no financial compensation for the work performed, the licensed provider is exempt from the Clean Air Act.