

Administrator Alert

Policy updates & rule clarifications for Assisted Living, Residential Care & Nursing Facilities

Office of Licensing & Quality — Oregon Department of Human Services

July 29, 2008

Smokefree Workplace Law and CBC Communities

The Oregon legislature passed a law which makes the Smokefree Workplace Law stronger. These changes which take effect January 1, 2009 will impact community based care settings including assisted living and residential care facilities. The law requires employers to provide a place 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 Alert is to inform you of the new law and how the changes may impact the operation of your licensed Residential Care or Assisted Living Facility. Under the new Smokefree Workplace Law, the licensee 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 with 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 greater distance than 10 feet or designate the entire premises as smokefree.
- Prohibit ashtrays inside the community 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 community 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
- 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.

Action required:

The community should review their current policies and procedures regarding smoking policies to determine if they meet the requirements of the new Smokefree Workplace Law. In addition if the community chooses to have a designated outside smoking area, then they must determine if that area meets the criteria as stated in the new Smokefree Workplace Law.

Reference:

For additional information, free "no smoking" signs and clarification of how the law will impact your community, call toll-free 1-866-621-6107 or go to:

www.oregon.gov/DHS/ph/smokefree/index.shtml

