

# Acute Care Substance Abuse Treatment Centers Exemption and The Massachusetts Smoke-Free Workplace Law

(M.G.L. Chapter 270, Section 22)

The Smoke-Free Workplace Law, M.G.L. Ch. 270, §22, mandates that enclosed workplaces with one or more employees must be smoke-free. The state law's intent is to protect workers in enclosed workplaces from secondhand smoke exposure. The full text of the law and additional information is available at [www.mass.gov/dph/mtcp](http://www.mass.gov/dph/mtcp).

The Smoke-Free Workplace Law allows DPH licensed acute care substance abuse centers to apply to the local board of health for an exemption. The designated smoking areas may only be used by permanent residents of the acute care treatment center.

## **What is the definition of a permanent resident of an acute care substance abuse treatment center?**

A *permanent resident* is defined as a currently enrolled client of the program.

## **Is smoking allowed in an acute care substance abuse treatment center?**

All buildings and vehicles must be smoke-free. However, an acute care substance abuse treatment center may apply to the local board of health (*that has jurisdiction over the facility*) to designate a ventilated indoor smoking room for clients that may not leave the building or unit for reasons of safety.

## **Can staff, visitors, and volunteers smoke in the ventilated indoor smoking room?**

No. The indoor smoking room is only for enrolled clients. The law requires that all staff, visitors and volunteers smoke outside.

## **Are there any other requirements to having a designated smoking area in a nursing home?**

Yes, the other requirements include:

- 1) All areas in the designated residential portion of the facility in which smoking is allowed must be clearly posted as smoking areas.
- 2) The designated residential area shall not be altered or otherwise changed without the express approval of the local board of health.
- 3) Designated smoking areas must be adequately ventilated to prevent the migration of smoke to nonsmoking areas.
- 4) The designated residential areas must conform to the restrictions found in common areas, prohibiting employee smoking in patient care areas, and prohibiting smoking in rooms and adjacent areas where oxygen is administered, stored or used.
- 5) The facility is required to provide residents who smoke information about the hazards of smoking and of secondhand smoke, and smoking cessation aids.

## **Who do I contact to get permission to designate a smoking area?**

Acute care substance abuse treatment centers (*inpatient detox centers*) must apply to the local board of health to establish an indoor smoking room for clients. When a board of health grants permission for acute care substance abuse treatment centers to have smoking, the Board should send a copy of the letter to MTCP, 250 Washington Street, 4<sup>th</sup> floor, Boston, MA 02108.

## **How can residents that smoke be monitored in the designated smoking area?**

The law requires acute care treatment facilities to make reasonable accommodations for an employee who does not wish to be exposed to tobacco smoke. Some nursing homes designate monitors who stand outside a window or door to the designated smoking area.

If you smoke and would like to quit, or know someone who wants to quit, call the TRY-TO-STOP TOBACCO Resource Center for free helpful information at 1-800-trytostop (1-800-879-8678), or visit [www.trytostop.org](http://www.trytostop.org).

For additional information about the Smoke-Free Workplace Law contact  
the Massachusetts Department of Public Health 1-800-992-1895  
TDD/TTY 617-624-5992 | [www.mass.gov/dph/mtcp](http://www.mass.gov/dph/mtcp)