

## U.S. State Laws Requiring Tobacco-Free Grounds for Mental Health and Substance Use Facilities

This chart is an overview of U.S. state laws requiring tobacco-free grounds for mental health and substance use disorder programs. The information was based on a 50-state (plus Washington, D.C.) Westlaw database scan of current state laws and regulations. Whenever possible, hyperlinks to free online resources containing the cited authority are included. Please note, however, that some links go to legislative websites or portals because the laws have not yet been codified or are not otherwise available. In some instances, public domain websites have not yet been updated to include the most recently passed laws. The N/A designation refers to the lack of state laws or regulations related to tobacco-free grounds as of March 15, 2020.

For those states without specific laws, the chart includes links to the state's clean indoor air act or smoke-free law. The chart captures variations between laws by including (1) whether or not the state requires tobacco-free grounds for mental health and substance use facilities; (2) state smoke-free laws and definitions of various facilities as they apply within each state's commercial tobacco scheme (3) exemptions and any incentives for voluntary adoption; (4) select information on the legislative history; and (5) enforcement/penalty information as applicable.

As of March 15, 2020, **eleven (11) states** require tobacco-free grounds for most mental health facilities. **Five (5) states** require tobacco-free grounds for most substance use facilities. Feel free to contact the Public Health Law Center for more information about tobacco-free ground restrictions in mental health and substance use facilities where you live.

This publication was prepared by the Public Health Law Center at Mitchell Hamline School of Law, St. Paul, Minnesota. The Center provides information and technical assistance on law and policy issues related to public health. The Center does not provide legal advice and does not enter into attorney-client relationships. This document should not be considered legal advice. The Center thanks the UCSF Smoking Cessation Leadership Center and Minnesota's Lung Mind Alliance for their help in this 50-state scan.

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State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
Alabama	No	No	<p>“No person shall smoke in a public place or at a public meeting except as otherwise provided in this subsection and in Section 22-15A-7.” <a href="#">(ALA. CODE §§ 22-15A-4, (a) (2003))</a>.</p> <p>“The person in charge of a public place may designate an area for the use of smokers. Notwithstanding the foregoing, a smoking area may not be designated, and no person may smoke in any of the following unless the area is enclosed and well ventilated: (2) Hospitals, health care clinics, doctors' offices . . .” <a href="#">(ALA. CODE §§ 22-15A-6, (a)(2) (2003))</a>.</p>	<p>“This prohibition does not apply to <b>smoking by patients in a chemical dependency treatment program or mental health program</b> and may be allowed in a separated well-ventilated area pursuant to a policy established by the administrator of the program that identifies circumstances in which prohibiting smoking would interfere with the treatment of persons recovering from chemical dependency or mental illness.” <a href="#">(ALA. CODE §§ 22-15A-4, (a)(b) (2003))</a>.</p>	<p>“The Legislature finds as follows: (1) Numerous studies have found that tobacco smoke may be a major contributor to indoor air pollution and that breathing secondhand smoke may be a cause of disease, including lung cancer, in nonsmokers. At special risk are children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease.” <a href="#">(ALA. CODE §§ 22-15A-2, (1) (2003))</a>.</p>	N/A
Alaska	Yes (but see exceptions)	No	<p>“‘Health care facility’ means an office or institution providing care or treatment for physical, mental, emotional, or other medical . . . physiological, or psychological diseases or conditions . . . psychiatric hospital; residential</p>	<p>“<b>Smoking is prohibited</b> at a health care facility . . . including residential units in the health care facility; . . . or (3) at a place of employment or health care facility that has declared the entire campus or</p>	<p>On Tuesday, July 17, 2018, Gov. Bill Walker signed into law the Smokefree Alaska bill, SB63, that prohibits smoking in enclosed public places and</p>	<p>“A person who violates AS 18.35.301 [AS 18.35.300 OR 18.35.305] and 11 against whom the commissioner</p>

<sup>1</sup> Definitions of mental health or substance use facilities within a state’s commercial tobacco control scheme.

<sup>2</sup> Relevant language highlighted for emphasis.

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			psychiatric treatment center, facilities, places of employment, or offices operated for use by . . . psychiatrists.” <a href="#">(ALASKA STAT. § 18.35.399, (9) (2018))</a> .	outside grounds or property to be smoke-free; (4) within . . . (B) 20 feet of an entrance, open window, or heating or ventilation system air intake vent at an enclosed area at a place where smoking is prohibited under this section; or (C) a reasonable distance, as determined by the owner or operator, of an entrance, open window, or heating or ventilation system air intake vent of (i) a vessel covered by this section; or (ii) a long-term care facility as defined in AS 47.62.090.” <a href="#">(ALASKA STAT. § 18.35.301, (a)(5), (1)(3), (C) (2018))</a> .	workplaces. ( <a href="#">Smoke Free Alaska</a> ).	has filed a civil complaint under this section is 12 punishable by a civil fine of [NOT LESS THAN \$10 NOR MORE THAN] \$50.” <a href="#">(ALASKA STAT. §§ 18.35.331, (C) (2018))</a> .
Arizona	No	No	“Smoking is prohibited in all public places and places of employment within the state of Arizona.” <a href="#">(ARIZ. REV. STAT. § 36-601.01, (B) (2007))</a> .  A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.” <a href="#">(ARIZ. REV. STAT. § 36-601.01, (7) (2007))</a> .	N/A	N/A	N/A
Arkansas	Yes	Yes	“Health care facility” means an office or institution providing care	“Health care facility” does not include: (i) Medical facilities	The Licensure Standards for Alcohol and Other	“Any person who violates any

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	<p>“It is a violation for any person to use a tobacco product, vapor product, alternative nicotine product, or e-liquid product in or on the grounds of any healthcare facility.” <a href="#">(ARK. CODE ANN. § 26-57-254, (b)(1) (2015))</a>.</p>	<p>“It is a violation for any person to use a tobacco product, vapor product, alternative nicotine product, or e-liquid product in or on the grounds of any healthcare facility.” <a href="#">(ARK. CODE ANN. § 26-57-254, (b)(1) (2015))</a>.</p>	<p>or treatment of diseases, <b>whether physical, mental, or emotional, or other medical, physiological, or psychological conditions</b>, including weight control clinics, homes for the chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. (B) “Health care facility” includes the building or buildings in which a medical facility operates, together with all property owned or operated by a medical facility that is contiguous to the building or buildings in which medical services are provided.” <a href="#">(ARK. CODE ANN. § 20-27-1803, (6)(A)-(B) (2015))</a>.</p> <p>“Smoking is prohibited in all public places and enclosed areas within places of employment, including, but not limited to: . . . (H) Health care facilities.” <a href="#">(ARK. CODE ANN. § 20-27-1804, (b)(1), (H) (2015))</a>.</p> <p><b>“Smoking of tobacco is prohibited in and on the grounds of all medical facilities.</b> <a href="#">(ARK.</a></p>	<p>under § 20-27-704 et seq. ; (ii) Psychiatric hospitals as defined by the Department of Health's rules for hospitals and related institutions; or (iii) Long-term care facilities.” <a href="#">(ARK. CODE ANN. § 20-27-1803, (C) (2015))</a>.</p> <p>“If a treating physician determines that an inpatient's treatment will be substantially impaired by the denial to that patient of the use of tobacco, the physician may enter a written order permitting the use of tobacco by that patient. (b) The order shall be consistent with: (1) The medical facility's medical staff bylaws; (2) Hospital regulations; and (3) Local ordinances.” <a href="#">(ARK. CODE ANN. § 20-27-707, (a)-(b) (2015))</a>.</p> <p>“An owner or operator of any of the following areas may exempt itself from this subchapter: . . . (5)(A) An area within a long-term care facility that is designated by the long-term care facility as a smoking area for supervised patient and</p>	<p>Drug Abuse Treatment Programs are part of the Arkansas Clean Indoor Air Act.</p>	<p>provision of this subchapter is guilty of a violation and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).” <a href="#">(ARK. CODE ANN. §§ 20-27-1809 (2015))</a>.</p> <p>Each medical facility shall request any person who violates subsection (a) of this section to desist. If the violation continues, the medical facility may report the violation to the appropriate law enforcement agency.</p>

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			<a href="#">CODE ANN. § 20-27-706, (a) (2015))</a> .	supervisory staff smoking; or (B) An area outside of the long-term care facility that is designated for visitors and staff that is beyond twenty-five feet (25') of any primary entryway or opening of a long-term care facility.” <a href="#">(ARK. CODE ANN. § 20-27-1805, (5)(A)-(B) (2015))</a> .		<a href="#">(ARK. CODE ANN. § 20-27-706, (a) (2015))</a> .
California	No	No	An employer or owner-operator of an owner-operated business shall not knowingly or intentionally permit, and a person shall not engage in, the smoking of tobacco products at a place of employment or in an enclosed space. <a href="#">(CA LABOR CODE § 6404.5, (c) (2016))</a> .	<p>“Place of employment” does not include any of the following: . . . (5) <b>Medical research or treatment sites, if smoking is integral to the research and treatment being conducted.</b>” <a href="#">(CA LABOR CODE § 6404.5, (e)(5) (2016))</a>.</p> <p>“Upon receiving a request from the director of a state hospital listed in Section 4100 , the Director of State Hospitals may prohibit the possession or use of tobacco products on the grounds of the requesting facility. The Director of State Hospitals shall provide an implementation plan that shall include a <b>phase-in period</b> for any of the state hospitals listed in Section 4100 that prohibits the possession or use of tobacco</p>	N/A	N/A

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				products by patients or any other persons on hospital grounds, except on the premises of residential staff housing where patients are not present.” <a href="#">(CA Welfare &amp; Institutions Code § 4138, (a) (2012)).</a>		
Colorado	No	No	“Except as provided in section 25-14-205, and in order to reduce the levels of exposure to environmental tobacco and marijuana smoke, smoking shall not be permitted and <b>no person shall smoke in any indoor area</b> , including, but not limited to: . . . (c) Government-owned or -operated means of mass transportation, including, but not limited to, buses, vans, and trains; . . . (j) <b>Health care facilities including hospitals, health care clinics, doctor's offices, and other health care related facilities.</b> ” <a href="#">(COLO. REV. STAT. ANN. §§ 25-14-204, (1)(j) (2008)).</a>	N/A	N/A	N/A.
Connecticut	No	No	No person shall smoke: (A) <b>In any building or portion of a building</b> owned and operated or leased and operated by the state or any political subdivision thereof; (B) in <b>any area of a health care institution.</b> <a href="#">(CONN. GEN. STAT. § 19a-342, (b)(1) (2013)).</a>	“This section <b>shall not apply</b> to . . . (B) designated <b>smoking areas in psychiatric facilities.</b> ” <a href="#">(CONN. GEN. STAT. § 19a-342, (2) (2013)).</a>	N/A	N/A

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Delaware	No	No	Smoking shall not be permitted and no person shall smoke in any <b>indoor enclosed area</b> to which the general public is invited or in which the general public is permitted, including, but not limited to: . . . (3) Government owned and/or operated means of mass transportation <b>including</b> buses, vans, trains, taxicabs and limousines; . . . (9) <b>Health-care facilities including hospitals, health care clinics, doctor’s offices or other health-care-related facilities.</b> ( <a href="#">DEL. CODE ANN. tit. 16, §§ 2903, (3), (9) (2015)</a> ).	N/A	N/A	N/A
District of Columbia	No	No	<p>“The Department of Health is authorized to conduct inspections of all places of employment and public places to ensure that the activity of smoking in such places, which is hereby prohibited, is not taking place.” (<a href="#">D.C. CODE ANN. tit. 7 §§ 7-741.02 (2017)</a>).</p> <p>“<b>Public place</b>’ means an <b>enclosed area</b> to which the public is invited or in which the public is permitted, including banks, educational facilities, health care facilities . . . waiting rooms, and excludes a private residence, unless it is used as a child care, adult day care, or</p>	<p>The following places shall be exempt from the provisions of this subchapter: . . . (5) A <b>medical treatment</b>, research, or nonprofit institution where the activity of smoking is conducted for the purpose of medical research or is an <b>integral part of a smoking cessation program.</b> (<a href="#">D.C. CODE ANN. tit. 7 §§ 7-741.03, (a)(5) (2017)</a>).</p> <p>“The Mayor may grant an economic hardship waiver from the requirements of this subchapter; provided . . . the</p>	N/A	N/A



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			health care facility.” <a href="#">(D.C. CODE ANN. tit. 7 §§ 7-741.01, (3) (2017))</a> .	applicant establishes, to the satisfaction of the Mayor, that compliance with the requirements of this subchapter has caused or will cause undue financial hardship.” <a href="#">(D.C. CODE ANN. § 7-741.05, (a) (2006))</a> .		
Florida	No	No	A person may not smoke or vape in an enclosed indoor workplace, except as otherwise provided in s. 386.2045. <a href="#">(FLA Stat. ch. 386.204)</a> .	<b>Tobacco smoking or vaping, or both, may be authorized in each of the following places: . . . (6) An enclosed indoor workplace, to the extent that tobacco smoking or vaping is an integral part of a smoking or vaping cessation program approved by the department, or medical or scientific research conducted therein.</b> Each room in which tobacco smoking or vaping, or both, are authorized must comply with the signage requirements in s. 386.206.” <a href="#">(FLA. STAT. ch. 386.2045, (6) (2003))</a> .	“The purpose of this part is to protect people from the health hazards of secondhand tobacco smoke and vapor and to implement the Florida health initiative in s. 20, Art. X of the State Constitution. It is the intent of the Legislature to not inhibit, or otherwise obstruct, medical or scientific research, or smoking or vaping cessation programs approved by the Department of Health.” <a href="#">(FLA. STAT. ch. 386.202 (2003))</a> .	N/A
Georgia	No	No	Except as otherwise specifically provided in Code Section 31-12A-6, smoking shall be prohibited in all enclosed areas within places of employment, including, but not limited to, common work areas,	“Areas exempt from smoking prohibitions: (4) Long-term care facilities as defined in paragraph (3) of Code Section 31-8-81;(5)	N/A	The Department of Public Health and the county boards of health and their duly authorized agents



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			<p>auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, and all other <b>enclosed facilities</b>. “Health care facility” means an <b>office or institution providing care or treatment of diseases, whether physical mental, or emotional, or other medical, physiologi-cal or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals or other clinics</b>...and all specialists within the professions This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.” <a href="#">(GA. CODE ANN. O.C.G.A. § 31-12A-2, (6) (2005))</a>.</p>	<p><b>Outdoor areas of places of employment;</b> . . . (8) Private and semiprivate rooms in health care facilities licensed under this title that are occupied by oneor more persons, all of whom have written authorization by their treating physician to smoke.” <a href="#">(GA. CODE ANN. O.C.G.A. § 31-12A-6, (a)(4), (a)(5), (a)(8) (2005))</a>.</p>		<p>are authorized and empowered to enforce compliance with this chapter and the rules and regulations adopted and promulgated under this chapter and, in connection therewith, to enter upon and inspect the premises of any establishment or business at any reasonable time and in a reasonable manner, as provided in Article 2 of Chapter 5 of this title.” <a href="#">(GA. CODE ANN. O.C.G.A. §§ 31-12A-10 (2005))</a>.</p>
Hawaii	Yes	Yes	<p>“Smoking shall be prohibited in all <b>enclosed or partially enclosed areas</b> open to the public, including</p>	<p>“Notwithstanding any other provision of this chapter to the contrary, the following areas</p>	N/A	<p>“A person who smokes in an area where smoking is</p>

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	Smoking is prohibited within a presumptively reasonable minimum distance of twenty feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed or partially enclosed area where smoking is prohibited. Owners, operators, managers, employers, or other persons who own or control a place open to the public or place of employment	Smoking is prohibited within a presumptively reasonable minimum distance of twenty feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed or partially enclosed area where smoking is prohibited. Owners, operators, managers, employers, or other persons who own or control a place open to the public or place of employment	but not limited to the following places: . . . (10) Health care facilities.” <a href="#">(HAW. REV. STAT. §§ 328J-3, (10) (2016))</a> .  “‘Health care facility’ means an office or institution, including all waiting rooms, hallways, private rooms, semiprivate rooms, and wards, which provides care or treatment of diseases, <b>whether physical, mental, or emotional, or other medical, physiological, or psychological conditions</b> , including but not limited to hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions.” <a href="#">(HAW. REV. STAT. §§ 328J-1 (2016))</a> .	shall be exempt from the provisions of sections 328J-3, 328J-4, and 328J-5: . . . (4) Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted; provided that smoke from these places shall not infiltrate into areas where smoking is prohibited under this chapter.” <a href="#">(HAW. REV. STAT. §§ 328J-7, (4) (2016))</a> .		prohibited by this chapter shall be guilty of a violation and fined not more than \$50 to be deposited into the general fund. The district courts may assess costs not to exceed \$25 for issuing a penal summons upon any person who fails to appear at the place within the time specified in the citation issued to the person.” <a href="#">(HAW. REV. STAT. §§ 328J-12, (a) (2011))</a> .  “In addition to the fines established by this section, violation of this chapter by a person who owns, manages,

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	<p>may seek to rebut the presumption that twenty feet is a reasonable distance by submitting an application to the department. The presumption will be rebutted if the applicant can show by clear and convincing evidence that, given the circumstances presented by the location of entrances, exits, windows that open, ventilation intakes, or other factors, smoke will not infiltrate</p>	<p>may seek to rebut the presumption that twenty feet is a reasonable distance by submitting an application to the department. The presumption will be rebutted if the applicant can show by clear and convincing evidence that, given the circumstances presented by the location of entrances, exits, windows that open, ventilation intakes, or other factors, smoke will not infiltrate</p>				<p>operates, or otherwise controls any place or facility designated by this chapter may result in the suspension or revocation of any permit or license issued to the person or the place for the premises on which the violation occurred.”  <a href="#">(HAW. REV. STAT. §§ 328J-12, (g) (2011)).</a></p>

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	into the place open to the public or place of employment. <a href="#">(HAW. REV. STAT. §§ 328J-6 (2016)).</a>	into the place open to the public or place of employment. <a href="#">(HAW. REV. STAT. §§ 328J-6 (2016)).</a>				
Idaho	No	No	<p>“No person shall smoke in a public place, publicly-owned building or office, or at a public meeting. . .” <a href="#">(IDAHO CODE §§ 39-5503, (1) (2007))</a>.</p> <p>“‘Public place’ means any enclosed indoor place of business, commerce, banking, financial service or other service-related activity, whether publicly or privately owned and whether operated for profit or not, to which persons not employed at the public place have general and regular access or which the public uses including: . . . (e) Hospitals. . . and within twenty (20) feet of public entrances and exits to such facilities. <a href="#">(IDAHO CODE §§ 39-5502, (6)(e) (2007))</a>.</p> <p>“‘Publicly-owned building or office’ means any enclosed indoor</p>	N/A	<p>“The intent of this chapter is to protect the public health, comfort and environment, the health of employees who work at public places and the rights of nonsmokers to breathe clean air by prohibiting smoking in public places and at public meetings.” <a href="#">(IDAHO CODE §§ 39-5501, (2) (2007))</a>.</p>	<p>“An employer, or other person in charge of a public place or publicly owned building, or the agent or employee of such person, who observes a person smoking in apparent violation of this chapter shall ask the person to extinguish all lighted tobacco products. If the person persists in violating this chapter, the employer, person in charge, agent or employee shall</p>

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			<p>place or portion of a place owned, leased or rented by any state, county or municipal government, or by any agency supported by appropriation of, or by contracts or grants from, funds derived from the collection of federal, state, municipal or county taxes.”  <a href="#">(IDAHO CODE §§ 39-5502, (7) (2007))</a>.</p> <p>“No person shall smoke in a public place, publicly-owned building or office, or at a public meeting. . .”  <a href="#">(IDAHO CODE §§ 39-5503, (1) (2007))</a>.</p>			<p>ask the person to leave the premises. Any person who refuses to either extinguish all lighted tobacco products or leave the premises is guilty of an infraction and is subject to a fine of seventeen dollars and fifty cents (\$17.50). Any violation may be reported to a law enforcement officer.”  <a href="#">(IDAHO CODE §§ 39-5507 (2016))</a>.</p> <p>“Any employer or other person in charge of a public place or publicly-owned building or office who knowingly violates the provisions of this</p>

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						section is guilty of an infraction and is subject to a fine not to exceed one hundred dollars (\$100).” <a href="#">(IDAHO CODE §§ 39-5506, (2) (2016)).</a>
Illinois	Yes (partially)	No	<p>“Smoking in public places, places of employment, and governmental vehicles prohibited. No person shall smoke in a public place or in any place of employment or within 15 feet of any entrance to a public place or place of employment. No person may smoke in any vehicle owned, leased, or operated by the State or a political subdivision of the State. An owner shall reasonably assure that smoking is prohibited in indoor public places and workplaces unless specifically exempted by Section 35 of this Act.” <a href="#">(ILL. COMP. STAT. 410 ILCS 82/15 (2014)).</a></p> <p>“Smoking is prohibited within a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is</p>	N/A	N/A	<p>“A person, corporation, partnership, association or other entity who violates Section 15 or 20 of this Act shall be liable for a civil penalty pursuant to this Section. Each day that a violation occurs is a separate violation. A person who smokes in an area where smoking is prohibited under Section 15 of this Act shall be liable for a civil penalty in an</p>

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			<p>prohibited under this Act so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means.” (<a href="#">ILL. COMP. STAT. 410 ILCS 82/70 (2014)</a>).</p> <p>““Healthcare facility" means an office or institution providing care or treatment of diseases, whether physical, <b>mental, or emotional, or other medical, physiological, or psychological conditions</b>, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions.” (<a href="#">ILL. COMP. STAT. 410 ILCS 82/10 (2014)</a>).</p>			<p>amount that is \$100 for a first offense and \$250 for each subsequent offense. A person who owns, operates, or otherwise controls a public place or place of employment that violates Section 15 or 20 of this Act shall be liable for a civil penalty of (i) \$250 for the first violation, (ii) \$500 for the second violation within one year after the first violation, and (iii) \$2,500 for each additional violation within one year after the first violation.” (<a href="#">410 ILL. COMP. STAT. 410 ILCS 82/45, (a)-(b) (2014)</a>).</p>



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Indiana	No	No	<p>“Except as provided in section 5 of this chapter, smoking is prohibited in the following: (1) A public place. (2) A place of employment. (3) A vehicle owned, leased, or operated by the state if the vehicle is being used for a governmental function. (4) The area within eight (8) feet of a public entrance to: (A) a public place; or (B) a place of employment.” <a href="#">(IND. CODE. §§ 7.1-5-12-4, (a)-(a)(4) (2015))</a>.</p>	Grant funding is offered to sites to use toward tobacco programming.	Indiana Department of Mental Health and Addiction (DMHA) requires that facilities receiving funding from DMHA be tobacco-free and address treatment as a component.	N/A
Iowa	Yes	No	<p>“Smoking is prohibited in public places, places of employment, including health care provider locations, and <b>outside areas</b> (i.e., the grounds of any public buildings owned, leased, or operated by or under the control of the state government or its political subdivisions, including the grounds of a private residence of any state employee any portion of which is open to the public). . .” <a href="#">(IOWA CODE §§ 142D.3, (1), (2)(e) (2008))</a>.</p> <p>“Health care provider location” means an office or institution providing care or treatment of disease, whether physical, <b>mental, or emotional, or other medical, physiological, or psychological</b></p>	<p>Areas where smoking not regulated: Private and semiprivate rooms in long-term care facilities, occupied by one or more individuals, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted, provided that smoke from these locations does not infiltrate into areas in which smoking is otherwise prohibited under this chapter. . . 6. Outdoor areas that are places of employment except those areas where smoking is prohibited pursuant to section 142D.3, subsection 2. 8. <b>An enclosed area within a place of employment or public place that provides a smoking</b></p>	<p>“The general assembly finds that environmental tobacco smoke causes and exacerbates disease in nonsmoking adults and children. These findings are sufficient to warrant measures that regulate smoking in public places, places of employment, and outdoor areas in order to protect the public health and the health of employees. 3. The purpose of this chapter is to reduce the level of exposure by the general public and employees to environmental tobacco smoke in order to</p>	<p>“A person who smokes in an area where smoking is prohibited pursuant to this chapter shall pay a civil penalty pursuant to section 805.8C, subsection 3, paragraph “a”, for each violation. . . . 4. In addition to the penalties established in this section, violation of this chapter by a person who owns, operates,</p>

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			<p>conditions.” <a href="#">(IOWA CODE §§ 142D.2, (10) (2008))</a>.</p>	<p>cessation program or a medical or scientific research or therapy program, if smoking is an integral part of the program.” <a href="#">(IOWA CODE §§ 142D.4, (1), (4), (6), (8) (2008))</a>.</p>	<p>improve the public health of Iowans.” <a href="#">(IOWA CODE §§ 142D.1, (2)-(3) (2008))</a>.</p>	<p>manages, or who otherwise has custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area regulated under this chapter may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.” <a href="#">(IOWA CODE §§ 142D.9, (1), (4) (2008))</a>.</p>

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Kansas	No	No	<p>“Smoking in public places, public meetings and enclosed places of employment, (<a href="#">KAN. STAT. ANN. §§ 21-6110, (a)(1), (a)(6) (2015)</a>).</p> <p>“‘Public place’ means any enclosed areas open to the public or used by the general public including, but not limited to: . . . health care institutions or any other place where health care services are provided to the public, medical care facilities.” (<a href="#">KAN. STAT. ANN. §§ 21-6109, (n) (2015)</a>)</p> <p>“‘Medical care facility’ means a physician's office, general hospital, special hospital, ambulatory surgery center or recuperation center, as defined by K.S.A. 65-425, and amendments thereto, and any psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto.” (<a href="#">KAN. STAT. ANN. §§ 21-6109, (h) (2015)</a>).</p>	N/A	The <a href="#">Kansas Tobacco Guideline for Behavioral Health Care</a> sets the standard for tobacco-free grounds for all behavioral health facilities. This is a voluntary standard.	N/A
Kentucky	No	No	<p>“Smoking is allowed in most public places and workplaces. There are no broad restrictions on smoking in public places and workplaces. Tobacco and e-cigarette use are prohibited in and on property owned, leased or contracted for use by the executive branch with some</p>	N/A	N/A	N/A

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			exceptions for certain outdoor areas. Smoking is restricted to designated areas in legislative branch buildings and in schools.” <a href="#">(SLATI; see also KY REV. STAT. ANN. §§ 61.165, (1) (2006); 61.167, (1) (2004).</a>			
Louisiana	No	No	“General smoking prohibitions; exemptions. A. Except as permitted by Subsection B of this Section, no person shall: (1) Smoke in any public building. (2) Smoke in any school. (3) Smoke in any public place and in any enclosed area within a place of employment. (4) Smoke in any outdoor area proximate to a state office building where smoking is prohibited pursuant to the provisions of R.S. 40:1293.3. <a href="#">(LA REV. STAT. ANN. §§ 40:1291.11, Sub. B. (A)(1)-(4), (B)-(1) (2015)).</a>	“Nothing in this Part shall prohibit smoking in any of the following places: . . . (7) Private and semiprivate rooms or apartments in assisted living residences, and other long-term care facilities that are occupied by one or more persons, who are all smokers and who have requested in writing to be placed in a room where smoking is permitted; provided that smoke from such rooms or apartments does not infiltrate into areas where smoking is prohibited under the provisions of this Part.” <a href="#">(LA REV. STAT. ANN. §§ 40:1291.11, Sub. B. (B)(7) (2015)).</a>	“The legislature finds and determines that it is in the best interest of the people of this state to protect nonsmokers from involuntary exposure to secondhand smoke.” <a href="#">(LA REV. STAT. ANN. §§ 40:1291.2 (2015)).</a>	
Maine	No	No	Smoking, including use of electronic smoking devices, is prohibited in all enclosed areas of public places, outdoor eating areas as specified and all public restrooms, as well as in all	N/A	Maine’s tobacco prevention and control program provides funding to MaineHealth Center for Tobacco Independence to support	“Any violation of this section is a civil violation for which a fine of not more than \$100 may be

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			<p>workplaces that have one or more employees, and within 20 feet of entrances/exits, vents and doorways of workplaces. The grounds do not have to be tobacco-free. (<a href="#">ME REV. STAT. ANN. tit. 22, § 1580-A, (2)(A) (2009)</a>).</p> <p>““Business facility" means a structurally enclosed location or portion thereof at which employees perform services for their employer. . . A business facility is a place of employment. . . A residential facility, nursing home or a hospital is a business facility.” (<a href="#">ME REV. STAT. ANN. tit. 22, § 1580-A, (3) (2009)</a>).</p>		<p>behavioral health facilities in developing best practice tobacco-free policies, screening clients, and referring for treatment. The Gold Star Standards of Excellence initiative annually recognizes organizations that voluntarily meet evidence-based standards.</p>	<p>adjudged, except that a fine of not more than \$1,500 may be adjudged for each violation of this section in cases in which the employer has engaged in a pattern of conduct that demonstrates a lack of good faith in complying with the requirements of this section. The Bureau of Health has authority to enforce provisions of this section. The Attorney General may bring an action to enforce this section in District Court or Superior Court and may seek injunctive relief, including a preliminary or final injunction</p>

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						and fines, penalties and equitable relief, and may seek to prevent or restrain violations of this section by any person.” <a href="#">(ME REV. STAT. ANN. tit. 22, §§ 1580-A, (4)-(4-A) (2005)).</a>
Maryland	No	No	<p>Smoking is prohibited in (1) An <b>indoor area</b> open to the public; (2) An <b>indoor place</b> in which meetings are open to the public in accordance with Title 3 of the General Provisions Article; (3) A government-owned or government-operated means of mass transportation including buses, vans, trains, taxicabs, and limousines; or (4) An indoor place of employment.” <a href="#">(MD. CODE ANN., HEALTH-GEN. § 24-504, (1)-(4) (2008)).</a></p> <p>“Every director of a nursing home, health clinic, or physician’s office shall make and carry out a plan that adequately protects the health of nonsmoking patients by regulating</p>	<p>This smoke-free requirement does not apply to patients who are: (i) In a facility for the treatment of mental disorders as defined in § 10-101(e) of this article; (ii) In a facility where the average patient stay is more than 30 days; or (iii) In an acute care hospital and the attending physician authorizes smoking, in writing, as part of the care for the patient. (2) Smoking permitted under this section shall be in designated areas that are considered safe and provide nonsmoking patients, family members, and employees protection from tobacco smoke. (3) Smoking may not be permitted where nonsmoking</p>	<p>“It is the intent of the General Assembly that the State protect the public and employees from involuntary exposure to environmental tobacco smoke in indoor areas open to the public, indoor places of employment, and certain designated private areas.” <a href="#">(MD. CODE ANN., HEALTH-GEN. §§ 24-502 (2008)).</a></p>	N/A

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			the smoking of tobacco products on the premises. (c) (1) An individual may not smoke in any area of a hospital.” <a href="#">(MD. CODE ANN., HEALTH-GEN. § 24-205, (b) (2008))</a> .	patients sleep. <a href="#">(MD. CODE ANN., HEALTH-GEN. § 24-205, (d) (2008))</a> .		
Massachusetts	No	No	<p>“Smoking shall be prohibited in workplaces, work spaces, common work areas, classrooms, conference and meeting rooms, offices, elevators, hallways, <b>medical facilities</b>, . . . health care facility as defined in section 9C of chapter 112.” <a href="#">(MASS. GEN. LAWS ch. 270, § 22, (b)(2) (2018))</a>.</p> <p>“‘Health care facility’ includes any hospital, nursing home, extended care facility, state health or mental institution, clinic, physician’s office or health maintenance organization licensed or otherwise operating legally within the commonwealth.” <a href="#">(MASS. GEN. LAWS ch. 112, § 9C (2018))</a>.</p>	“Notwithstanding subsection (b), smoking may be permitted in the following places and circumstances: . . . A nursing home, licensed pursuant to section 71 of chapter 111 and any acute care <b>substance abuse treatment center</b> under the jurisdiction of the commonwealth, may apply to the local board of health having jurisdiction over the facility for designation of part of the facility as a residence.” <a href="#">(MASS. GEN. LAWS ch. 270, § 22, (f)(1) (2018))</a> .	N/A	N/A
Michigan	Yes (partial).  Michigan requires state-owned inpatient psychiatric facilities to be	No	Smoking is prohibited in almost all public places and workplaces, including restaurants and bars, as well as health care facilities. <a href="#">(MICH. COMP. LAWS §§ 333.12603, (1) (2010))</a>	“‘Hospital’ . . . <b>does not include a mental health hospital</b> licensed or operated by the department of health and human services or a hospital operated by the department of corrections.” <a href="#">(MICH. COMP.</a>	N/A	“A person or state or local governmental agency in violation shall be directed to comply and is subject to a civil



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	tobacco-free campus wide. This was an add on requirement to an appropriations bill that was effective on 10/1/2008.		“Health care facilities” include state and local government owned or operated or privately owned or operated homes for the aged, nursing homes, county medical care facilities, hospices and hospital long-term care units. ( <a href="#">MICH. COMP. LAWS §§ 333.12601, (1)(h) (2018)</a> ).	<a href="#">LAWS §§ 333.20106, (5) (2018)</a> .		fine of not more than \$100.00 for a first violation and not more than \$500.00 for a second or subsequent violation.” ( <a href="#">MICH. COMP. LAWS §§ 333.12611 (2010)</a> ).
Minnesota	No	No	<p>“Smoking is prohibited in a public place, at a public meeting, in a place of employment, or in public transportation, except as provided in this section or section 144.4167.” (<a href="#">MINN. STAT. § 144.414, Sub. (1) (2014)</a>).</p> <p>“Health care facilities and clinics. (a) Smoking is prohibited in any area of a hospital, health care clinic, doctor's office, licensed residential facility for children, or other health care-related facility, except that a patient or resident in a nursing home, boarding care facility, or licensed residential facility for adults may smoke in a designated separate, enclosed room maintained in accordance with applicable state</p>	“Smoking by patients in a locked psychiatric unit may be allowed in a separated well-ventilated area in the unit under a policy established by the administrator of the program that allows the treating physician to approve smoking if, in the opinion of the treating physician, the benefits to be gained in obtaining patient cooperation with treatment outweigh the negative impacts of smoking.” ( <a href="#">MINN. STAT. § 144.414, Sub. (3)(b) (2014)</a> ).	N/A	“Any proprietor, person, or entity that owns, leases, manages, operates, or otherwise controls the use of an area in which smoking is prohibited under sections 144.414 to 144.417, and that knowingly fails to comply with sections 144.414 to 144.417, is guilty of a petty misdemeanor.” ( <a href="#">MINN. STAT.</a>

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			and federal laws.” ( <a href="#">MINN. STAT. § 144.414, Sub. (3) (2014)</a> ).			<a href="#">§§ 114.417, Sub. (2)(a) (2007)</a> .
Mississippi	No	No	Smoking is not restricted in public places, workplaces, bars, restaurants, or health care facilities. Smoking is prohibited in most government buildings (see exception). ( <a href="#">MISS. CODE ANN. §§ 29-5-161, (2) (2007)</a> ).	The State Veterans Affairs Board may designate smoking areas in the state veteran’s homes operated by the board in which smoking will be permitted. ( <a href="#">MISS. CODE ANN. §§ 29-5-161, (2) (2007)</a> ).	N/A	N/A
Missouri	No	No	Smoking is restricted to designated areas in public places and at public meetings. No more than 30 percent of the space of any public place may be designated as a smoking area. “‘Public place’ includes any enclosed indoor area used by the general public or serving as a place of work including, but not limited to: . . . (b) <b>Health care facilities</b> , health clinics or ambulatory care facilities including, but not limited to, laboratories associated with health care treatment, hospitals, nursing homes, physicians' offices and dentists' offices.” ( <a href="#">MO. REV. STAT. §§ 191.765, (5)(b) (1992)</a> ).	“A person shall not smoke in a public place or in a public meeting except in a designated smoking area. 2. A smoking area may be designated by persons having custody or control of public places, except in places in which smoking is prohibited by the fire marshal or by other law, ordinance or regulation. 3. No public place shall have more than thirty percent of its entire space designated as a smoking area. 4. A designated smoking area where state employees may smoke during the workday shall be provided by each state executive department and institution of higher education, provided such area can be adequately ventilated at minimum cost, within the	N/A	N/A

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				physical confines of each facility.” <a href="#">(MO. REV. STAT. §§ 191.767, (1)-(4) (1992))</a> .		
Montana	No	No	<p>Smoking in an <b>enclosed public place</b> is prohibited. This does not apply to (a) a private residence unless it is used for any of the following purposes, . . . (iii) a <b>health care facility</b>, as defined in 50-5-101 and licensed pursuant to Title 50, chapter 5.” <a href="#">(MONT. CODE ANN. §§ 50-40-104, (1)-(2), (4) (2011))</a>.</p> <p>“‘Health care facility’ or ‘facility’ means all or a portion of an institution, building, or agency, private or public, excluding federal facilities, whether organized for profit or not, that is used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any individual. The term <b>includes chemical dependency facilities</b>, critical access hospitals, . . . hospitals, infirmaries, long-term care facilities, intermediate care facilities for the developmentally disabled, medical assistance facilities, <b>mental health centers</b>, . . . rehabilitation facilities, residential care facilities, and residential</p>	N/A	<p>“The legislature finds and declares that the purposes of this part are as follows: (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; (2) to recognize the right of nonsmokers to breathe smoke-free air; and (3) to recognize that the need to breathe smoke-free air has priority over the desire to smoke.” <a href="#">(MONT. CODE ANN. §§ 50-40-102, (1)-(3) (2011))</a>.</p>	N/A

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			treatment facilities. (b) The term does not include offices of private physicians, dentists, or other physical or mental health care workers regulated under Title 37, including licensed addiction counselors.” <a href="#">(MONT. CODE ANN. §§ 50-5-101, (26) (2017))</a> .			
Nebraska	No	No	“Except as otherwise provided in section 71-5730, it is unlawful for any person to smoke in a place of employment or a public place.” Place place and place of employment include health care facilities, but only indoor areas. <a href="#">(NEB. REV. STAT. §§ 71-5729 (2015))</a> .	N/A	“The purpose of the Nebraska Clean Indoor Air Act is to protect the public health and welfare by prohibiting smoking in public places and places of employment with limited exceptions for guestrooms and suites, research, tobacco retail outlets, and cigar shops.” <a href="#">(NEB. REV. STAT. §§ 71-5717 (2015))</a> .	N/A
Nevada	No	No	Smoking is prohibited in indoor places of employment including, but not limited to, . . . Government buildings and public places; public elevators, Public building. (c) Public waiting room, lobby or hallway of any: (1) <b>Medical facility</b> or facility for the dependent as defined in chapter 449 of NRS; or (2) Office of any chiropractor,	N/A	N/A	N/A

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			<p>dentist, physical therapist, physician, podiatric physician, psychologist, optician, optometrist or doctor of Oriental medicine.” <a href="#">(NEV. REV. STAT. NRS § 202.2491, (1)-(1)(c) (2011))</a>.</p> <p>“‘Facility for the treatment of abuse of alcohol or drugs’ means any public or private establishment which provides residential treatment, including <b>mental and physical restoration, of abusers of alcohol or drugs</b>. It does not include a medical facility or services offered by volunteers or voluntary organizations.” <a href="#">(NEV. REV. STAT. NRS § 449.00455 (2015))</a>.</p> <p>“‘Psychiatric hospital’ means a hospital for the diagnosis, care and treatment of mental illness which provides 24-hour care.” <a href="#">(NEV. REV. STAT. § 449.0165 (2017))</a>.</p>			
New Hampshire	No	No	Smoking is prohibited in certain specified public places, including restaurants and bars. Smoking may be permitted in enclosed places of public access and publicly-owned buildings and offices, including workplaces, other than those listed, in effectively segregated smoking-	Exceptions: Resident rooms in facilities such as nursing homes, sheltered care facilities, and residential treatment and rehabilitation facilities, and prisons and detention facilities, but such facilities shall follow any appropriate procedures	DHHS Community Mental Health Centers (CMHCs) will be working toward tobacco-free grounds over the next 10 years. A SAMHSA grant is also working towards	N/A

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			<p>permitted areas designated by the person in charge. Smoking is totally prohibited in any such enclosed place, if smoking cannot be effectively segregated.</p> <p>“‘Health care facility’ means any enclosed place or portion of such place used for the purpose of providing medical or dental treatment, physical or mental health services, or any combination of such treatment or services. <a href="#">(N.H. REV. STAT. ANN. §§ 155:65, (VII.) (2019))</a>.</p> <p>“Except as provided in RSA 155:67 and notwithstanding any law to the contrary, smoking is prohibited in: . . . (b) Hospitals and other acute care facilities.” <a href="#">(N.H. REV. STAT. ANN. §§ 155:66, (I)(b) (2007))</a>.</p>	<p>established under RSA 155:71, I. . . X. Health care facilities, except for hospitals and other acute care facilities, provided that the health care facilities shall follow any appropriate procedures established under RSA 155:71, I. XI. Patients with extraordinary medical conditions, <b>psychiatric disorders</b>, or patients in an <b>alcohol and drug withdrawal program</b>, provided that the patient's physician has written a prescription or an order allowing the patient to smoke.” <a href="#">(N.H. REV. STAT. ANN. §§ 155:67, (VII.), (X.), (XI.) (2009))</a>.</p>	<p>smoke-free grounds in three sites where primary care and behavioral health are co-located.</p> <p>Tobacco-free grounds for substance use disorder treatment facilities are more challenging (cultural norm, workforce capacity; resistance) and are unlikely to be addressed within the next two years</p>	
New Jersey	No	No	<p>“Smoking is prohibited in an indoor public place or workplace, except as otherwise provided in this act.” <a href="#">(N.J. STAT. ANN. §§ 26:3D-58, (4.) (a.) (2010))</a>.</p> <p>“A State psychiatric hospital <b>may</b> prohibit smoking on its grounds, if it offers a smoking cessation program for both employees, and</p>	N/A	<p>“The Legislature finds and declares that: a. Tobacco is the leading cause of preventable disease and death in the State and the nation; b. Tobacco smoke constitutes a substantial health hazard to the nonsmoking majority of</p>	N/A

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			<p>residents and patients, as applicable. b. The smoking cessation program shall be developed in consultation with the Commissioners of Health and Senior Services and Personnel, and shall be initiated one year prior to prohibiting smoking on its grounds and continue to be offered as long as smoking is prohibited. If a smoking cessation program required pursuant to this section was initiated prior to, and is in effect on, the effective date of this act, smoking may be prohibited one year from the date of initiation of the program. c. The Commissioner of Human Services may, by regulation, prohibit smoking on the grounds of other Human Services facilities, subject to the requirements of subsection b. of this section.” <a href="#">(N.J. STAT. ANN. §§ 26:3D-58.1, (1.) (2010)).</a></p>		<p>the public.” <a href="#">(N.J. STAT. ANN. §§ 26:3D-56, (2.)-(2.) (b.) (2010)).</a></p>	
New Mexico	No	No	<p>“It is unlawful for a person to smoke in any <b>indoor</b> workplace or indoor public place or in buses, taxicabs or other means of public transit not specifically exempted pursuant to the Dee Johnson Clean Indoor Air Act.” Smoking is also prohibited near entrances, windows and</p>	N/A	N/A	N/A



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			<p>ventilation systems of public places where smoking is prohibited. (<a href="#">N.M. STAT. ANN. §§ 24-16-4, (A.) (2007)</a>).</p> <p>“Smoking-permitted areas include the following: A. a private residence, [except during hours of business operation while it is being] unless it is used commercially to provide child care, adult care or <b>health care</b> or any combination of those activities.” (<a href="#">N.M. STAT. ANN. §§ 24-16-12, Sec. 4, (A.) (2007)</a>).</p>			
New York	Yes	No	<p>“Smoking and vaping shall not be permitted and no person shall smoke or vape in the following <b>indoor areas</b>: a. places of employment; . . . n. general hospitals and residential health care facilities as defined in article twenty-eight of this chapter, and other health care facilities licensed by the state in which persons reside; provided, however, that the provisions of this subdivision shall not prohibit smoking and vaping by patients in separate enclosed rooms of residential health care facilities, adult care facilities established or certified under title two of article seven of the social services law,</p>	<p>“On the grounds of general hospitals and residential health care facilities as defined in article twenty-eight of this chapter, within fifteen feet of a building entrance or exit or within fifteen feet of the entrance to or exit from the grounds of any such general hospital or residential health care facility. This subdivision shall not prohibit smoking and vaping by a patient or a visitor or guest of a patient of a residential health care facility in a separate area on the grounds designated as a smoking and vaping area by the</p>	N/A	<p>“The commissioner may impose a civil penalty for a violation of this article in an amount not to exceed that set forth in subdivision one of section twelve of this chapter. Any other enforcement officer may impose a civil penalty for a violation of this</p>

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			<p>community mental health residences established under section 41.44 of the mental hygiene law, or facilities where day treatment programs are provided, which are designated as smoking and vaping rooms for patients of such facilities or programs; . . . 2. <b>Smoking and vaping shall not be permitted and no person shall smoke or vape in the following outdoor areas: . . .</b></p> <p><b>b. on the grounds of general hospitals and residential health care facilities as defined in article twenty-eight of this chapter, within fifteen feet of a building entrance or exit or within fifteen feet of the entrance to or exit from the grounds of any such general hospital or residential health care facility. (N.Y. [PUB. HEALTH] LAW §§ 1399-O, (1)(a.), (1)(n.), (2)(b.) (2017)).</b></p>	<p>residential health care facility, provided such designated smoking and vaping area is not within thirty feet of any building structure (other than a non-residential structure wholly contained within the designated smoking and vaping area), including any overhang, canopy, awning, entrance, exit, window, intake or exhaust.”</p> <p><a href="#">(N.Y. [PUB. HEALTH] LAW §§ 1399-O, (2)(b.) (2017)).</a></p> <p>“The enforcement officer may grant a waiver from the application of a specific provision of this article, provided that prior to the granting of any such waiver the applicant for a waiver shall establish that: (a) compliance with a specific provision of this article would cause undue financial hardship; or (b) other factors exist which would render compliance unreasonable.” <a href="#">(N.Y. [PUB. HEALTH] LAW §§ 1399-U, (1)-(2) (2017)).</a></p>		<p>article in an amount not to exceed that set forth in paragraph f of subdivision one of section three hundred nine of this chapter.”</p> <p><a href="#">(N.Y. [PUB. HEALTH] LAW §§ 1399-v (2017)).</a></p>
North Carolina	Yes (for all DHHS-	Yes (for all DHHS-	“Smoking is prohibited inside long-term care facilities. As used in this section: (1) 'Long-term care	Although <b>not required by law</b> , as of May 2011, 129 hospitals, including all acute-care	State Operated Facilities had a pilot phase which included one mental	“The Department may impose an administrative

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	controlled facilities)	controlled facilities)	<p>facilities' include adult care homes, nursing homes, skilled nursing facilities, facilities licensed under Chapter 122C of the General Statutes, <b>State psychiatric hospitals, and other licensed facilities that provide long-term care services.</b>" <a href="#">(N.C. GEN. STAT. §§ 131D-4.4, (b)(1) (2007))</a>.</p> <p>“‘County program’ means a mental health, developmental disabilities, and substance abuse services program established, operated, and governed by a county pursuant to G.S. 122C-115.1.” <a href="#">(N.C. GEN. STAT. §§ 122C-3, (10a) (2019))</a>.</p> <p>“‘Facility’ means any person at one location whose primary purpose is to provide services for the care, treatment, habilitation, or rehabilitation of the mentally ill, the developmentally disabled, or substance abusers.” <a href="#">(N.C. GEN. STAT. §§ 122C-3, (14) (2019))</a>.</p> <p>“‘Public services’ means publicly funded mental health, developmental disabilities, and substance abuse services, whether provided by public or private</p>	hospitals, in North Carolina, have put in place policies prohibiting tobacco use completely on their campuses. property indoors and outdoors. <a href="#">(SLATI; NC Prevention Partners)</a> .	health hospital and one substance use disorder facility. The success of these pilots led to a rule change, and all 14 state-operated behavioral health facilities became 100% tobacco free. NC is now working to make all community-based behavioral health programs tobacco free.	penalty not to exceed two hundred dollars (\$200.00) for each violation on any person who owns, manages, operates, or otherwise controls the long-term care facility and fails to comply with subsection (c) of this section." <a href="#">(N.C. GEN. STAT. §§ 131D-4.4, (d) (2007))</a> .

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			providers.” <a href="#">(N.C. GEN. STAT. §§ 122C-3, (30b) (2019))</a> .			
North Dakota	<p>Yes (for all DHS-controlled facilities)</p> <p>ND prohibits use of tobacco products, including e-cigarettes &amp; other electronic smoking devices, in all behavioral health facilities controlled by the Dept. of Human Services, including all DHS employees, contractors, volunteers, clients and visitors in all interior and exterior spaces</p>	<p>Yes (for all DHS-controlled facilities)</p> <p>ND prohibits use of tobacco products, including e-cigarettes &amp; other electronic smoking devices, in all behavioral health facilities controlled by the Dept. of Human Services, including all DHS employees, contractors, volunteers, clients and visitors in all interior and exterior spaces</p>	<p>Smoking is prohibited in virtually all public places and places of employment in North Dakota, including restaurants, bars and non-tribal casinos/gaming facilities. Smoking is also prohibited <b>within 20 feet of entrances, exits, operable windows, air intakes, and ventilation systems of enclosed areas in which smoking is prohibited</b>. The definition of smoking in the law includes electronic cigarettes. <a href="#">(N.D. CENT. CODE §§ 23-12-10, (1-2) (2013))</a>.</p> <p>“‘Health care facility’ means any office or institution providing health care services or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions. Some examples of health care facilities include hospitals; clinics; ambulatory surgery centers; outpatient care facilities; weight control clinics; nursing homes; homes for the aging or chronically ill; nursing, basic, long-term, or assisted living facilities; laboratories; and offices of any medical professional</p>	N/A	DHS Policy 130-17 took effect July 29, 2019	<p>“An individual who smokes in an area in which smoking is prohibited under section 23-12-10 is guilty of an infraction punishable by a fine not exceeding fifty dollars. 2. Except as otherwise provided in subsection 5 of section 23-12-10, an owner or other person with general supervisory responsibility over a public place or place of employment who willfully fails to comply with section 23-12-10 is guilty of an infraction, subject to a fine not to exceed one</p>

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	<p>controlled, leased, or shared by DHS, including all facilities, grounds, vehicles and employee workspaces. (<a href="#">ND Dept. Human Services Tobacco-Free Behavioral Health Facilities, Policy 130-17</a>)</p>	<p>controlled, leased, or shared by DHS, including all facilities, grounds, vehicles and employee workspaces. (<a href="#">ND Dept. Human Services Tobacco-Free Behavioral Health Facilities, Policy 130-17</a>)</p>	<p>licensed under title 43, including all specialties and subspecialties in those fields. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, wards within health care facilities, and any mobile or temporary health care facilities.” (<a href="#">N.D. CENT. CODE §§ 23-12-09, (8) (2013)</a>).</p> <p>““Health care services’ means services provided by any health care facility. Some examples of health care services are medical . . . psychological.” (<a href="#">N.D. CENT. CODE §§ 23-12-09, (9) (2013)</a>).</p> <p>“Behavioral health” means the planning and implementation of preventive, consultative, diagnostic, treatment, crisis intervention, rehabilitative, and suicide prevention services for individuals with <b>mental, emotional, or substance use disorders, and psychiatric conditions</b>. (Emphasis added) <a href="#">N.D. CENT. CODE § 50-06-01 (2020)</a></p>			<p>hundred dollars for the first violation, to a fine not to exceed two hundred dollars for a second violation within one year, and a fine not to exceed five hundred dollars for each additional violation within one year of the preceding violation.” (<a href="#">N.D. CENT. CODE § 23-12-11, (1)-(2) (2012)</a>).</p> <p>“Failure by an employee to comply . . . may result in disciplinary action, up to and including dismissal from state service. Contractors and volunteers may have their service</p>

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						terminated.” ( <a href="#">ND Dept. Human Services Tobacco-Free Behavioral Health Facilities, Policy 130-17</a> )
Ohio	No	No	“No proprietor of a public place or place of employment, except as permitted in section 3794.03 of this chapter, shall permit smoking in the public place or place of employment or in the areas directly or indirectly under the control of the proprietor <b>immediately adjacent to locations of ingress or egress to the public place or place of employment.</b> ” ( <a href="#">OHIO REV. CODE ANN §§ 3794.02, (A) (2017)</a> ).	N/A	N/A	N/A
Oklahoma	Yes (partial)  All mental health and substance abuse treatment agencies that are <b>contracted, certified or operated by the state</b> are	Yes (partial)  All mental health and substance abuse treatment agencies that are <b>contracted, certified or operated by the state</b> are	“The possession of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor place used by or open to the public, all parts of a zoo to which the public may be admitted, whether indoors or outdoors, public transportation, or any indoor workplace, except where specifically allowed by law. As used in this section, “indoor workplace” means any indoor place	Smoking is allowed in medical research or treatment centers, if smoking is integral to the research or treatment. Nursing homes may also designate smoking rooms. ( <a href="#">OKLA. STAT. ANN. tit. 21 §§ 1247, (A) (2010)</a> ).	This requirement was finalized for contracted and state operated agencies in 2011 and for certified agencies in 2017. This was a major part of SAMHSA's 8 dimensions of wellness	“The State Board of Health or the Department of Human Services, whichever is the appropriate entity, shall impose administrative fines against nursing facilities, employees of nursing facilities,

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	required to have tobacco-free policies in facilities and on grounds.	required to have tobacco-free policies in facilities and on grounds.	<p>of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not . . .” <a href="#">(OKLA. STAT. ANN. tit. 21 §§ 1247, (A) (2010))</a>.</p> <p>“‘Health facility’ means an entity which provides health services, including, but not limited to, hospitals, nursing homes, long-term care facilities, kidney disease treatment centers, health maintenance organizations and ambulatory treatment centers.” <a href="#">(OKLA. STAT. ANN. tit. 63 §§ 1-1522, (2) (2015))</a>.</p>			<p>or both, and child care facilities for violations of Section 1-1521 et seq. of Title 63 of the Oklahoma Statutes, in accordance with this section. If after a hearing in accordance with the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, the appropriate entity as specified in this section shall find any person to be in violation of subsection A of Section 14 of this act, such person shall be subject to an administrative penalty of Fifty Dollars (\$50.00) for the first offense within a</p>



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						one-year period, One Hundred Dollars (\$100.00) for the second offense within a one-year period, and Two Hundred Dollars (\$200.00) for a third or subsequent offense within a one-year period.” <a href="#">(OKLA. STAT. ANN. tit. 63 §§ 1-1526.1 (2015)).</a>
Oregon	No (but see definitions)	No (but see definitions)	No person can smoke, aerosolize or vaporize an inhalant or carry a lighted smoking instrument in a public place or place of employment, including restaurants, bars and non-tribal gaming establishments. "Public place" means any enclosed indoor area open to the public. Smoking, aerosolizing or vaporizing an inhalant or carrying a lighted smoking instrument is also prohibited <b>within 10 feet of entrances, exits, windows that open and ventilation intakes to public places and places of employment.</b>	“‘Health care facility’ <b>does not mean:</b> . . . (D) Facilities established by ORS 430.335 for <b>treatment of substance abuse disorders</b> ; or (E) <b>Community mental health programs</b> or community developmental disabilities programs established under ORS 430.620.” <a href="#">(OR. REV. STAT. § 442.015, (12)(b)-(E) (2015)).</a>	N/A	“The Director of the Oregon Health Authority may impose a civil penalty of not more than \$500 per day on a person for violation of subsection (2) of this section. Civil penalties imposed against a person under this subsection may not exceed \$2,000 in any 30-

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			<p>The administrator or person in charge of a hospital may not permit a person to smoke tobacco or use an inhalant delivery system in a manner that creates an aerosol or vapor: (a) In the hospital; or (b) <b>Within 10 feet of a doorway, open window or ventilation intake of the hospital.</b> <a href="#">(OR. REV. STAT. §§ 441.815, (1)-(2) (2017))</a>.</p> <p>“‘Health care facility’ means: (A) A hospital; (B) A long term care facility.” <a href="#">(OR. REV. STAT. § 442.015, (12)(a)-(B) (2017))</a>.</p> <p>“‘Health services’ means clinically related diagnostic, treatment or rehabilitative services, and includes alcohol, drug or controlled substance abuse and mental health services that may be provided either directly or indirectly on an inpatient or ambulatory patient basis.” <a href="#">(OR. REV. STAT. § 442.015, (14) (2017))</a>.</p> <p>“‘Hospital’ means: (a) A facility with an organized medical staff and a permanent building that is capable of providing 24-hour inpatient care to two or more individuals who</p>			<p>day period. Civil penalties imposed under this subsection shall be imposed in the manner provided by ORS 183.745.” <a href="#">(OR. REV. STAT. § 442.815, (3) (2015))</a>.</p>

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			have an illness or injury and that provides at least the following health services: (A) Medical; (B) Nursing; (C) Laboratory; (D) Pharmacy; and (E) Dietary; or (b) A special inpatient care facility as that term is defined by the authority by rule.” <a href="#">(OR. REV. STAT. § 442.015, (15) (2017)).</a>			
Pennsylvania	No	No	“An individual may not engage in smoking in a public place.” <a href="#">(35 PA. STAT P.L. 182 §§ 27, Sec. 3, (a) (2008))</a> . “‘Public place.’ An enclosed area which serves as a workplace, commercial establishment or an area where the public is invited or permitted. Including, (1) A facility which provides education, food or health care-related services <a href="#">(35 PA. STAT P.L. 182 §§ 27, Sec. 2 (2008))</a> .”	These requirement does not include (5) Any of the following residential facilities: (i) A long-term care facility regulated under 42 CFR 483.15 (relating to quality of life). (ii) A separate enclosed room or designated smoking room in a residential adult care facility, <b>community mental health care facility, drug and alcohol facility or other residential health care facility</b> not covered under subparagraph (i). (iii) <b>A designated smoking room in a facility which provides day treatment programs.</b> ” <a href="#">(35 PA. STAT P.L. 182 §§ 27, Sec. 3, (b)(5) (2008))</a> .	N/A	N/A
Rhode Island	No	No	“Smoking is prohibited in all <b>enclosed</b> public places within the state of Rhode Island, including, but not limited to, the following	Execepted are “private and semi-private rooms or designated areas in assisted living residences and	N/A	N/A

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			<p>places: . . . (8) health care facilities.” <a href="#">(R.I. GEN. LAWS §§ 23-20.10-3, (8) (2015))</a>. “‘Health care facility’ means an office or institution providing care whether physical, mental, emotional, or other medical, physiological or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals or other clinics. . . This definition includes all waiting rooms, hallways, private rooms, semi-private rooms, and wards within health care facilities.” <a href="#">(R.I. GEN. LAWS §§ 23-20.10-2, (10) (2015))</a>.</p> <p>“‘Public place’ means an enclosed area to which the public is invited or in which the public is permitted, including, but not limited to . . . health care facilities.” <a href="#">(R.I. GEN. LAWS §§ 23-20.10-2, (14) (2015))</a>.</p>	<p>nursing facilities as allowed by regulation of the department of health under chapters 17.4 and 17 of this title.” <a href="#">(R.I. GEN. LAWS §§ 23-20.20.10-6, (a)(1) (2015))</a>.</p>		
South Carolina	<p>No (but see below)</p> <p>All <b>community mental health centers</b> in South Carolina were expected to</p>	<p>No (but see below)</p> <p>Substance abuse treatment facilities are deciding voluntarily to adopt a</p>	<p>“It is unlawful for a person to smoke or possess lighted smoking material in any form in the following public <b>indoor areas except where a smoking area is designated</b> as provided for in this chapter: . . . (3) <b>health care facilities</b> as defined in Section 44-7-130, except where smoking areas are designated in employee break</p>	N/A	N/A	N/A

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	have tobacco-free grounds by the end of December 31, 2019; as an incentive, they are provided grant funding to purchase signage to promote the new policy	tobacco-free policy; there is no uniform adoption date selected for all of them, but those that adopt the policy are offered the signage grant for support.	<p>areas. Nothing in this chapter prohibits or precludes a health care facility from being smoke free; (4) government buildings, except health care facilities as provided for in this section, except that smoking may be allowed in enclosed private offices and designated areas of employee break areas.” <a href="#">(S.C. CODE ANN. §§ 44-95-20, (3)-(4) (2012))</a>.</p> <p>“‘Health care facility’ means acute care hospitals, <b>psychiatric hospitals, alcohol and substance abuse hospitals</b>, nursing homes, ambulatory surgical facilities, hospice facilities, radiation therapy facilities, rehabilitation facilities, residential treatment facilities for children and adolescents, intermediate care facilities for persons with intellectual disability, <b>narcotic treatment programs</b>, and any other facility for which Certificate of Need review is required by federal law.” <a href="#">(S.C. CODE ANN. §§ 44-7-130, (10) (2012))</a>.</p>			
South Dakota	No	No	No person may smoke tobacco product or carry any lighted tobacco product in any public place or place of employment. A	N/A	N/A	N/A

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			violation of this section is a petty offense.” <a href="#">(S.D. CODIFIED LAWS §§ 34-46-14 (2010))</a> .			
Tennessee	No	No	<p>“Smoking is prohibited in all enclosed public places within this state, including, but not limited to, the following places: . . . (7) <b>health care facilities.</b>” <a href="#">(TENN. CODE ANN. §§ 39-17-1803, (a)(7) (2018))</a></p> <p>“‘Health care facility’ means an office or institution providing care or treatment of diseases, whether physical, <b>mental, or emotional, or other medical, physiological, or psychological conditions.</b> “Health care facility” includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.” <a href="#">(TENN. CODE ANN. §§ 39-17-1802, (6) (2018))</a>.</p>	Exceptions include: (5) Nursing homes and long-term care facilities licensed pursuant to title 68, chapter 11; provided, that this exemption shall only apply to residents of those facilities and that resident smoking practices shall be governed by the policies and procedures established by those facilities. Smoke from such areas shall not infiltrate into areas where smoking is prohibited pursuant to this part.” <a href="#">(TENN. CODE ANN. §§ 39-17-1804, (5) (2007))</a> .	N/A	N/A
Texas	No	No	It is prohibited to possess a burning tobacco product or smoke tobacco in a facility of a public primary or secondary school or an elevator, enclosed theater or movie house, library, museum, hospital, transit system bus, or intrastate bus, as defined by Section 541.201, Smoking	N/A	N/A	N/A

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			and e-cigarette use is restricted to designated areas in hospitals. ( <a href="#">TEXAS PENAL CODE ANN. § 48.01, (a) (2015)</a> ).			
Utah	No	No	Smoking is prohibited in all enclosed indoor places of public access and publicly owned buildings and offices. ( <a href="#">UTAH CODE ANN. §§ 26-38-3, (1) (2012)</a> )  “‘Place of public access’ means any enclosed indoor place of business, commerce, banking, financial service, or other service-related activity, whether publicly or privately owned and whether operated for profit or not, to which persons not employed at the place of public access have general and regular access or which the public uses, including: . . . (i) common <b>areas of nursing homes, hospitals</b> . . .” ( <a href="#">UTAH CODE ANN. §§ 26-38-2, (3), (3)(i) (2012)</a> ).	N/A	N/A	N/A
Vermont	Yes (partial for state hospitals)	No	“The possession of lighted tobacco products or use of tobacco substitutes in any form is prohibited in: (1) the common areas of all enclosed indoor places of public access and publicly owned	“The restrictions in this chapter on possession of lighted tobacco products and use of tobacco substitutes do not apply to areas not commonly open to the public of owner-operated	N/A	“A proprietor, or the agent or employee of a proprietor, who observes a person in possession of



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			<p>buildings and offices; . . . (3) designated smoke-free areas of property or grounds owned by or leased to the State or public access and publicly owned buildings and offices; . . . (3) designated smoke-free areas of property or grounds owned by or leased to the State or a municipality; and (4) any other area within 25 feet of State-owned buildings and offices, except that to the extent that any portion of the 25-foot zone is not on State property, smoking is prohibited only in that portion of the zone that is on State property unless the owner of the adjoining property chooses to designate his or her property smoke-free. (b) <b>The possession of lighted tobacco products or use of tobacco substitutes in any form is prohibited on the grounds of any hospital or secure residential recovery facility owned or operated by the State, including all enclosed places in the hospital or facility and the surrounding outdoor property.</b>" <a href="#">(VT STAT. ANN. tit. 18 §§ 37-1742, (a), (a)(1), (a)(3)-(b) (2016))</a></p>	<p>businesses with no employees." <a href="#">(VT STAT. ANN. tit. 18 §§ 37-1743 (2015))</a>.</p>		<p>lighted tobacco products or using tobacco substitutes in apparent violation of this chapter shall ask the person to extinguish all lighted tobacco products or cease using the tobacco substitutes. If the person persists in the possession of lighted tobacco products or use of tobacco substitutes, the proprietor, agent, or employee shall ask the person to leave the premises." <a href="#">(VT STAT. ANN. tit. 18 §§ 37-1745 (2016))</a>.</p>

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			<p>“‘A place of public access’ includes: . . . (R) common areas of nursing homes and hospitals, including the lobbies, hallways, elevators, restaurants, restrooms, and cafeterias; and . . . (3) ‘Hospital’ means a place devoted primarily to the maintenance and operation of diagnostic and therapeutic facilities for inpatient medical or surgical care of individuals suffering from illness, disease, injury, or deformity, or for obstetrics.</p>			
Virginia	No	No	<p>Smoking is prohibited in some specific public places such as K-12 schools and licensed child care centers, and allowed in designated areas in other public places such as health care facilities and retail/grocery stores “Smoking is prohibited in . . . (iv) hospital emergency rooms; (v) local or district health departments; . . . and (x) public restrooms of health care facilities.” <a href="#">(VA. CODE ANN. §§ 15.2-2824, (A) (2009))</a>.</p>	<p>“If an ordinance is enacted by a locality in accordance with this chapter, it may provide that management shall designate reasonable no-smoking areas, considering the nature of the use and the size of the building, in the following places: . . . (3) Health care facilities. <a href="#">(VA. CODE ANN. §§ 15.2-2830, (3) (2009))</a>.</p>	N/A	<p>N/A</p> <p>“Any person who smokes or uses an open flame within 25 feet of a medical oxygen source in a health care facility, as defined in § 15.2-2820, when the area is posted as an area where smoking and open flame are prohibited is guilty of a Class 2 misdemeanor.”</p>

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						<a href="#">(VA. CODE ANN. §§ 18.2-511.1 (2009))</a> .
Washington	No	No	<p>“No person may smoke in a public place or in any place of employment.” <a href="#">(WASH. REV. CODE §§ 70.160.030 (2005))</a>.</p> <p>“‘Public place’ means that portion of any building or vehicle used by and open to the public, . . . and includes a presumptively reasonable minimum distance, as set forth in RCW 70.160.075, of twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited.</p> <p>Public places include . . . hospitals, nursing homes, health care facilities or clinics. <a href="#">(WASH. REV. CODE §§ 70.160.020, (2) (2005))</a>.</p>	<p>“This chapter is not intended to restrict smoking in private facilities which are occasionally open to the public except upon the occasions when the facility is open to the public.” <a href="#">(WASH. REV. CODE §§ 70.160.020, (2) (2005))</a>.</p>	N/A	N/A
West Virginia	No	No	Smoking is not restricted broadly in the state, although some laws, regulations or policies restrict and/or prohibit smoking in state	N/A	N/A	N/A

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State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
			government buildings, schools, and child care facilities. Most of the state is protected by comprehensive county or city ordinances that prohibit smoking in all areas of indoor workplaces. ( <a href="#">SLATI</a> ; see also <a href="#">W. VA. CODE §§ 16-9A-1 (1987)</a> ).			
Wisconsin	No	No	No person may smoke in any of the following “ <b>enclosed</b> places: . . . 3. Inpatient health care facilities . . . 5t. State institutions . . . 8r. State, county, city, village, or town buildings. 9. All enclosed places, other than those listed in subds. 1g. to 8r., that are places of employment or that are public places.” ( <a href="#">WIS. STAT. § 101.123, (2)(a), (2)(a)(3), (2)(a)(5t), (2)(a)(8r), (2)(a)(9) (2010)</a> ) “‘Inpatient health care facility’ means a hospital, as defined in s. 50.33 (2), a county home established under s. 49.70, a county infirmary established under s. 49.72, a nursing home, as defined in s. 50.01 (3), a hospice, as defined in s. 50.90 (1), a Wisconsin veterans home under s. 45.50, or a treatment facility.” ( <a href="#">WIS. STAT. § 101.123, (1)(b) (2010)</a> ).	N/A	N/A	N/A

## U.S. State Laws Requiring Tobacco-Free Grounds for Mental Health and Substance Use Facilities

State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
			<p>“‘State institution’ means a mental health institute, as defined in s. 51.01 (12), a center for the developmentally disabled, as defined in s. 51.01 (3), or a secure mental health facility at which persons are committed under s. 980.06.” <a href="#">(WIS. STAT. § 101.123, (1)(i) (2010))</a>.</p> <p>“‘Treatment facility’ means a publicly or privately operated inpatient facility that provides treatment of alcoholic, drug dependent, mentally ill, or developmentally disabled persons.” <a href="#">(WIS. STAT. § 101.123, (1)(ip) (2010))</a>.</p>			
Wyoming	No	No	<p>“There are no restrictions on smoking in state law; smoking is restricted in certain government buildings by policy of the Capitol Building Commission.” <a href="#">(SLATI; see also Wyoming State Govt. Non-Smoking Policy (1989))</a>.</p>	NA	N/A	N/A