



## **U.S. Assisted Living Residence Smoke-free Regulations: A 50-State Summary Chart**

The following chart is a snapshot of the U.S. landscape of state smoke-free regulations in assisted living residences, including adult foster care homes and facilities, as of January 2016.\* This information was based on a 50-state (plus Washington, D.C.) survey of current state statutes and administrative rules and regulations pertaining to the use of tobacco products in adult foster care homes and related assisted living residences.† Because states vary in the terms they use for these homes and facilities, efforts were made to include those assisted living residences that most resemble adult foster care – licensed living arrangements that provide mentally or physically impaired, elderly or ailing adults around-the-clock support, including food, lodging, supervision and household services, both in corporate adult foster care facilities and in private residences. Whenever possible, hyperlinks to online resources containing the cited authority are included.

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\* This chart was prepared as part of a research project funded by ClearWay Minnesota<sup>SM</sup>, Grant Number RC-2014-0017. Please note that the information contained in this document is not intended to constitute or replace legal advice.

† For additional information about specific residential care programs and regulations, see U.S. Dep't of Health & Human Services, *Compendium of Residential Care and Assisted Living Regulations and Policy:2015 Edition* (2015).

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State	“Assisted Living Residences” / “Adult Foster Care” Descriptions	Smoking Prohibited in Assisted Living Residences under State Smoke-free Law? <sup>‡</sup>	Smoking Prohibited in Assisted Living Residences under Other State Laws or Regulations?	Administrative Body Regulating Assisted Living Residences	Additional Information
Alabama	<p><i>Assisted living facilities</i> are individuals or entities that provide or offer to provide residence and personal care to two or more individuals who need assistance with activities of daily living. Specialty care assisted living facilities are assisted living facilities specially licensed and staffed to care for residents with a degree of cognitive impairment that would ordinarily make them ineligible for admission or continued stay in an assisted living facility. Alabama licenses three categories of assisted living facilities based on the number of residents:</p> <ul style="list-style-type: none"> <li>• Family assisted living facilities are authorized to care for 2 to 3 adults</li> <li>• Group assisted living facilities are authorized to care for 4 to 16 adults.</li> <li>• Congregate assisted living facilities are authorized to care for 17 or more adults.</li> </ul> <p><a href="#">Rules of Alabama State Board of Health, Chapter 420-5-4. Assisted Living Facilities; Alabama Dept. of Human Resources, Minimum Standards for Foster Care Homes</a></p>	No. <a href="#">Ala. Code 22-15A-1</a>	<p>Not specified. Smoking provisions are not specified in state rules for adult foster care. The state’s minimum standards for foster care homes state that “The services and facilities of the foster home shall be such that the person in foster care is not taken advantage of and the emotional and physical needs of the person in foster care are met in a way that will <i>protect and promote the client's health, safety, comfort, and well-being.</i>” (Emphasis added.) <a href="#">Ala. Admin. Code R. 660-5-42-.01 (1999)</a></p> <p>In rules for Assisted Living Facilities Food Handling, no smoking or “other use of tobacco products” is permitted by staff, residents, and visitors. <a href="#">Rules of Alabama State Board of Health, Chapter 420-5-4.</a></p>	Alabama Social Services Division, Department of Human Resources	<p>Specialty Care Assisted Living: “Unless prohibited by a facility’s own policies, . . . <i>a cognitively intact resident who uses lighter fluid to fill a personal cigarette lighter, . . . may store small quantities of those materials in a safe and secure manner within his or her own room.</i>” (Emphasis added) <a href="#">Rules of Alabama State Board of Health, Chap. 420-5-20, Health Supp. 9/30/15 5-4-2, Specialty Care Assisted Living Facilities</a></p> <p>Health Care Facilities: Smoking is prohibited except in</p>

<sup>‡</sup> This term includes all state Clean Indoor Air Acts and similar legislation.

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			<a href="#">Assisted Living Facilities.</a>		designated enclosed and well-ventilated areas in most health care facilities. Smoking by patients in a chemical dependency treatment program or mental health program may be allowed in a separated and well-ventilated area. <a href="#">ALA. CODE § 22-15A-1 et seq. (2003)</a>
Alaska	Typical residents in <i>assisted living homes</i> are elderly persons and persons with mental health, developmental, or physical disabilities. Licensure is not required for <i>adult foster homes</i> that serve one or two persons, but these homes may apply for licensure as an assisted living facility, which allows them to participate as a Medicaid waiver program service provider. Assisted living rules apply to all adult foster homes that serve three or more residents. <a href="#">Alaska Admin. Code, Title 7, § 10.1085 (2006)</a>	No. <a href="#">Alaska Stat. §§ 18.35.300 et seq. (2004)</a>	Not specified. Smoking is restricted to designated areas in residential health care institutions or facilities, and public or private mental health facilities. <a href="#">Alaska Admin. Code, Title 7, § 10.1085 (2006)</a>	Alaska Department of Health and Social Services, Division of Health Care Services, and the Department of Administration	Smoking is also restricted in any Alaska Pioneers' Home or Alaska Veterans' Home. Alaska Pioneers' Homes are homes designated for Alaskan residents age 65 or older who have been physically present in the State of Alaska for a minimum of twelve consecutive months

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					prior to application. <a href="#">Alaska Stat. §§ 18.35.300 et seq. (2004)</a>
Arizona	<i>Adult foster care homes</i> are considered part of an “ <i>assisted living facility</i> ”: a residential care institution that provides or contracts to provide supervisory care, personal care, or directed care on a continuing basis and one to four residents are permitted in each home. These facilities include adult foster care homes, where care is provided for up to four people in the home in which the caregiver lives; assisted living homes, which provide care for up to ten people; and assisted living centers, which provide care for eleven or more people. <a href="#">Arizona Department of Health Services Assisted Living Guide</a>	No. <a href="#">Ariz. Rev. Stat. § 36-601.01</a> & <a href="#">Ariz. Admin. Rules §§ R9-2-101 to R9-2-112 (2007)</a>	Not specified. State law prohibits smoking in a private residence licensed or certified by the Department or in areas of a private residence licensed or certified by the Department as a health care institution other than an adult day care. <a href="#">Ariz. Admin. Code § R9-2-106 (2013) (private residence smoking restriction)</a>	Arizona Division of Licensing Services, Office of Assisted Living Licensing; Department of Health Services	
Arkansas	An <i>adult family home</i> is a single family residence that provides 24-hour care for no more than three adults with physical disabilities, dementia, or other conditions, who are not related to the operator. The Arkansas Department of Human Services licenses and regulates assisted living facilities as either Level 1 or Level II, both of which provide services in a home-like setting for elderly and disabled persons. <i>Family Homes 1 and II</i> serve developmentally disabled persons. A "Family Home I" means a community-based residential home licensed by the division that provides room and board,	No. <a href="#">Ark. Code. Ann. §§ 20-27-1801 et seq. (2006)</a>	Not specified. The state, however, does allow smoking in areas within long-term care facilities that are designated by the facility as a smoking area or for supervised patient smoking only. <a href="#">Ark. Code R. § 016.06.61-705 (2010)</a>	Arkansas Department of Human Services	

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	<p>personal care, habilitation services, and supervision in a single-family environment for not more than eight (8) developmentally disabled persons. A "Family Home II" means a community-based residential home licensed by the division that provides room and board, personal care, habilitation services, and supervision in a multi-family environment for more than eight (8), but fewer than sixteen (16), developmentally disabled persons. <a href="#">Ark. Code § 20-48-603 (2010)</a>; <a href="#">Ark. Code § 20-47-301 (2012)</a></p>				
California	<p>The state uses the term “<i>residential care facilities for the elderly</i>.” There is no category of licensure for “adult foster care.” The state admits residents who are capable of administering their own medications; who receive medical care and treatment outside the facility or from a visiting nurse; who because of forgetfulness or physical limitations need only be reminded or assisted to take medication usually prescribed for self-administration; have cognitive impairment; and have mild dementia or a mild temporary emotional disturbance resulting from personal loss or a change in living arrangement. The licensing agency determines the maximum number of residents that a facility may admit based on the licensee’s skills, whether any of the licensee’s family members reside on-site, building features, and staff availability. <a href="#">Cal. Code Regs. tit. 22.6, § 85087, Manual of</a></p>	<p>No. <a href="#">California Indoor Clean Air Act of 1976, §§ 118875 et al.</a>, See also <a href="#">CA Labor Code § 6404.5 (2007)</a>; <a href="#">CA Govt. Code §§ 7596 to 7598 (2007)</a>; <a href="#">CA Educ. Code §§ 48900 &amp; 48901 (1986)</a>; &amp; <a href="#">CA Health and Safety Code § 1596.795 (1993)</a></p>	<p>Not specified. <a href="#">Cal. Code Regs. tit. 22.6, § 85087, Manual of Policies and Procedures: Adult Residential Facilities</a></p>	<p>California Department of Social Services licenses residential care facilities for the elderly</p>	

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	<a href="#">Policies and Procedures: Adult Residential Facilities</a>				
Colorado	The state uses the term “ <i>assisted living residence</i> ” instead of “adult foster care.” An assisted living residence is a residential facility for three or more adults not related to the owner of the facility that provides room, board and protective oversight, personal services, social care needed because of impaired capacity to live independently and regular 24-hour supervision. Residences that are certified to receive Medicaid reimbursement, called alternative care facilities, must meet additional requirements. <a href="#">Colo. Code Regs. § 1011-1, 7-1.104 (2013)</a>	No. Smoking is restricted to designated smoking areas for residents of assisted living facilities and their guests, provided the area is fully enclosed and ventilated. <a href="#">Colorado Clean Indoor Air Act</a>	Not specified in Assisted Living Residences Standards, but permitted by law in designated areas. <a href="#">Colo. Code Regs. § 1011-1, 7-1.104 (2013), Standards for Hospitals and Health Facilities: Chapter 07 – Assisted Living Residences</a>	Colorado Department of Public Health and Environment	
Connecticut	<i>Adult family living services</i> , regulated by the Department of Social Services, provide an individual with continuous monitoring, supervision, coordination of daily living and management of overall health and welfare on a 24-hour basis in a private non-related family residence. The program matches one or two adults who require room, board and personal care services with approved host families or individuals. In exchange for a monthly allowance, the host family provides 24-hour supervision and assistance with activities of daily living, housekeeping, shopping, and meals. <i>Residential care homes</i> , licensed by the Department of Public Health, are another type of community-based care for adults. <a href="#">Connecticut Home Care Program for Elders, Standards for Access Agencies and</a>	No. <a href="#">Connecticut Clean Indoor Air Act, Public Act No. 15-206 (2015)</a>	Not specified. <a href="#">Connecticut Home Care Program for Elders, Standards for Access Agencies and Assisted Living Service Agencies Program Requirements</a>	Connecticut Department of Social Services	

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	<a href="#">Assisted Living Service Agencies Program Requirements</a>				
Delaware	The state licenses two types of adult foster care (called “rest homes”) – <i>family care homes</i> and <i>residential care homes</i> , which provide room, board and personal care services for two to three residents who can no longer live independently or who need supervision and a family living situation. Family care homes can provide a higher level of care than residential care homes, but individuals admitted must be able to perform all activities of daily living and self-administer medications. <a href="#">Delaware Department of Health and Social Services, Division of Long Term Care Residents Protection, 16 Del. Admin. Code § 3225-5.0 (2011)</a> . <a href="#">This link goes to a site with regulations for assisted living residences and both family care and residential care rest homes.</a>	No. <a href="#">Clean Indoor Air Act, 16 Del. Code Ann. § 2901 et seq. (2002)</a> . Note: State law prohibits smoking in retirement communities and nursing homes, but not private residences.	Not specified. <a href="#">16 Del. Admin. Code § 3225-5.0 (2011)</a>	Delaware Department of Health & Social Services, Division of Long Term Care Residents Protection	
District of Columbia	The state licenses <i>assisted living residences</i> and <i>community residence facilities</i> . There is no separate licensure for adult foster care. Assisted living residence is an entity, whether public or private, that combines housing, health services, and personal assistance – in accordance with individually developed service plans – for the support of individuals who are unrelated to the owner or operator of the entity. A community residence facility is a residence that provides safe, hygienic, sheltered living arrangements	No. <a href="#">D.C. Code Ann. tit 7 § 7-741 to 7-747 (2011)</a> Note: Smoking is prohibited in “adult day care.”	Not specified. <a href="#">District of Columbia Municipal Regulations, Title 22, Chap. 31: Licensing of Health Care and Community Residence Facilities</a>	Washington, D.C. Department of Health, Health Regulation and Licensing Administration	

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	<p>for one or more individuals 18 years of age or older who are not related by blood or marriage to the residence director, and who are ambulatory and able to perform activities of daily living with minimal assistance. These facilities cover the elderly and physically disabled and group homes for persons with intellectual disabilities that provide a sheltered living arrangement for persons who desire or require supervision or assistance within a protective environment because of physical, mental, familial or social circumstances, or intellectual disability. <a href="#">D.C. Assisted Living Residences Regulation, D.C. Stat., § 44-101.01, et seq. (2012)</a></p>				
Florida	<p>The state uses the term “<i>adult family care home</i>,” which is defined as a licensed, full-time, family-type living arrangement in a private home, under which individuals who own or rent a home provide room, board and personal care on a 24-hour basis to no more than five disabled adults or frail elders who are not relatives. <a href="#">Agency for Health Care Administration, Adult Family Care Home</a> (website); <a href="#">Agency for Health Care Administration, Assisted Living Facility</a> (website)</p>	<p>No. <a href="#">Fla. Stat. ch. 386.201 et seq. (2011)</a> Note: Tobacco smoking is permitted in “a private residence whenever it is not being used commercially to provide adult care.” Florida’s regulation of smoking is preemptive.</p>	<p>Not specified. Smoking policies are up to the individual programs. Note: In mental health residential treatment facilities, policies regarding smoking in the facilities need to be in writing, posted conspicuously and made known to all residents, staff and visitors. Smoking is prohibited in any area of the facility where combustible supplies, materials, liquids or gases are in use or stored. Moreover,</p>	<p>Florida Bureau of Health Facility Regulation; Department of Children and Family Services</p>	

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			smoking is prohibited in bed for ambulatory residents and unsupervised bed-ridden residents and near areas with combustible supplies, materials, liquids, or gases. <a href="#">Fl. Rule, 65E-4.016, Mental Health Residential Treatment Facilities</a>		
Georgia	The state does not license “adult foster care,” but instead licenses <i>assisted living communities</i> and <i>personal care homes</i> . It defines “assisted living community” as a personal care home that serves 25 or more persons and is licensed to provide “assisted living care (that is, the provision of personal services, the administration of medications by a certified medication aide, and the provision of assisted self-preservation.” A “personal care home” is a setting that provides or arranges for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator. A third type of facility, “memory care units,” are specialized units of an assisted living community or personal care home that provide memory care services or personal services in secured surroundings to persons with diagnoses of probable Alzheimer’s disease or other dementia. <a href="#">Georgia</a>	No. <a href="#">Ga. Code Ann. §§ 31-12A-1 et seq. (2010)</a>	Not specified. <a href="#">Georgia Department of Community Health, Official Rules and Regulations for the State of Georgia, including Assisted Living Communities and Personal Care Homes</a>	Georgia Department of Community Health; Department of Behavioral Health and Developmental Disabilities	Note: Long-term care facilities are exempt from the smoke-free law, as well as private and semiprivate rooms in healthcare facilities, as long as the residents have written authorization by their treating physician to smoke.

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	<a href="#">Department of Community Health, Official Rules and Regulations for the State of Georgia, including Assisted Living Communities and Personal Care Homes</a> (website).				
Hawaii	<p>The state licenses <i>assisted living facilities</i>, which are community settings that provide 24-hour access to services based on the individual needs of each resident, and “adult residential care homes,” which are facilities providing 24-hour living accommodations to adults, unrelated to the provider, who require at least minimal assistance in activities of daily living. The state also certifies private homes as <i>community care foster family homes</i> that serve one to three adults who have been certified by a physician to need care in a nursing facility. <a href="#">Hawaii Admin. Rules, Title 11, Chap 90: Assisted Living Facilities and Chap. 101.1: Adult Residential Care Homes</a>. Also see <a href="#">Hawaii Admin. Rules, Chap. 1454: Regulation of Home and Community-based Care Case Management Agencies and Community Care Foster Family Homes</a></p>	<p>Unclear. <a href="#">Haw. Rev. Stat. §§ 328J-1 to 328J-15 (2009)</a>.            Note: Smoking is prohibited in health care facilities. “Health care facility” is defined as an office or institution, including all waiting rooms, hallways, private rooms, semiprivate rooms, and wards, which provides care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to hospitals, rehabilitation hospitals or other clinics, including weight control clinics, <i>nursing homes</i>, <i>homes for the aging</i> or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions.</p>	<p>Not specified.            Community care foster family homes are required to have policies regarding smoking on the property that: (1) Prohibit smoking in enclosed living and recreational areas used by clients; and (2) Identify designated areas that may be used for purposes of smoking. <a href="#">Hawaii Admin. Rules, Chap. 1454: Regulation of Home and Community-based Care Case Management Agencies and Community Care Foster Family Homes</a></p>	<p>Hawaii Department of Health, Office of Health Care Assurance</p>	<p>Private and semiprivate rooms in <i>nursing homes and long-term care facilities</i> 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, are exempt from the smoke-free law. (Emphasis added) <a href="#">Haw. Rev. Stat. §§ 328J-1 to 328J-15 (2009)</a></p>

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		<i>Health care facilities in private residences are specifically included.</i>			
Idaho	The Department of Health and Welfare sets standards for <i>certified family homes</i> to care for one to two adults who are unable to reside on their own and require help with personal care, protection and security. <i>Residential care/assisted living facility</i> means a residence operated on either a profit or nonprofit basis for the purpose of providing necessary supervision, personal assistance, meals and lodging to three or more adults not related to the owner. <a href="#">Idaho Administrative Procedure Act 16, Title 03, Chap. 19: Rules Governing Certified Family Homes</a> ; see also <a href="#">Idaho Administrative Code, Idaho Administrative Procedure Act 16, Title 03, Chap. 22: Residential Care or Assisted Living Facilities in Idaho</a>	No. <a href="#">Idaho Code §§ 39-5501 et seq. (2007)</a>	Not specified. <a href="#">Idaho Administrative Procedure Act 16, Title 03, Chap. 19: Rules Governing Certified Family Homes</a> ; <a href="#">Idaho Administrative Code, Idaho Administrative Procedure Act 16, Title 03, Chap. 22: Residential Care or Assisted Living Facilities in Idaho</a>	Idaho Department of Health and Welfare	
Illinois	The state does not license adult foster care. It regulates <i>assisted living establishments</i> and <i>shared housing establishments</i> through one set of rules. Assisted living provides three or more unrelated adults single-occupancy living units with a private bathroom and space for small kitchen appliances. Shared housing establishments are publicly or privately operated freestanding residences for 3 to 16 adults who are unrelated to the facility owners and/or managers. Supportive living facilities are certified by the Department of Healthcare and Family	Not clear. <a href="#">Smoke Free Illinois Act, 410 Ill. Comp. Stat. 82/1 et seq. (2014)</a> . Note: Smoking is prohibited in all places of employment; a private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a “place of employment.”	Not specified. Smoking is allowed in “ <i>Common smoking rooms in long-term care facilities operated under the authority of the Illinois Department of Veterans’ Affairs or licensed under the Nursing Home Care Act that are accessible only to residents who are smokers and have requested in writing to</i>	Illinois Department of Public Health	

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	Services to provide residential care and supportive services to either low-income older adults or younger adults with disabilities who are eligible for Medicaid. Sheltered care facilities provide maintenance and personal care, but not routine nursing care. <a href="#">Administrative Code, Title 77, Chapter I, Subchapter c, Part 295: Assisted Living and Shared Housing Establishment Code (2012)</a> See also <a href="#">Administrative Code, Title 89, Chapter I, Subchapter d, Part 146, subpart B: Supportive Living Facilities (2014)</a> .		have access to the common smoking room where smoking is permitted and the smoke shall not infiltrate other areas of the long-term care facility.” (Emphasis added.) <a href="#">Smoke Free Illinois Act, 410 Ill. Comp. Stat. 82/1 et seq. (2014)</a>		
Indiana	The state certifies <i>adult family care homes</i> that service Medicaid-eligible residents under the state’s Medicaid Aged and Disabled (A&D) and Traumatic Brain Injury (TBI) 1915(c) waiver programs. Adult family care includes the provision of personal care, homemaker, chore, attendant care and companion services, and medication oversight, to the extent permitted under state law. Providers may serve up to four residents who are elderly or have physical and/or cognitive disabilities and who are not members of the provider’s or primary caregiver’s family. <a href="#">Indiana Residential Care Facility Licensing Program website</a> (with laws and regulations)	No. <a href="#">Ind. Code §§ 7.1-5-12 et seq. (2013)</a>	Not specified. <a href="#">Indiana Residential Care Facility Licensing Program website</a> (with laws and regulations)	Indiana Family and Social Services Agency	
Iowa	<i>Elder group homes</i> are licensed as a single-family residence operated to provide room, board and personal care and health-related services for three to five elderly residents who are not related to the person providing	Unclear. <a href="#">Iowa Code §§ 142D.1 to 142D.9 (2008)</a> . No person shall smoke in a public place or in any place of employment, including .	Not specified. Smoking is not prohibited in “private and semiprivate rooms in long-term care facilities” when the residents	Iowa Department of Inspections and Appeals, Health Facilities	

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	<p>the services. Homes must be staffed by an on-site manager 24 hours a day, 7 days a week. <a href="#">Iowa Code, Chapter 231C: Assisted Living Programs (2011)</a>. See also <a href="#">Iowa Finance Authority website: Affordable Assisted Living Operator Toolkit</a>, including information for providers and links to regulations and resources.</p>	<p>. . . private and semiprivate rooms in long-term care facilities under certain conditions. However, state law permits smoking in “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. . . . ‘Long-term care facility’ means a health care facility as defined in section 135C.1, an elder group home as defined in section 231B.1, or an assisted living program as defined in section 231C.2.” (Emphasis added.)</p>	<p>occupying those rooms are all smokers. <a href="#">Iowa Code §§ 142D.1 to 142D.9 (2008)</a></p>	<p>Division</p>	
<p>Kansas</p>	<p>The state licenses several residential service delivery settings under the term <i>adult care homes</i>, including <i>assisted living facilities</i> and <i>residential health care facilities</i>. It uses the term “<i>Home Plus</i>” and “<i>boarding care</i></p>	<p>No. The state permits smoking in “that portion of an adult care home, as defined in K.S.A. 39-923, and amendments thereto,</p>	<p>Not specified. Adult care homes where smoking is allowed must provide a public use area or areas for residents, visitors and</p>	<p>Kansas Department of Aging and Disability</p>	

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	<p><i>home,</i>” instead of “adult foster care.” These residences serve up to 10 and 12 residents, who are not related to the operator or owner by blood or marriage, and do not provide the level of services available in assisted living and residential health care facilities. Assisted living facilities care for six or more individuals who, by choice or because of functional impairments, may need personal care and supervised nursing care. Residential health care facilities are any place or facility, or a contiguous portion of a place or facility, caring for six or more individuals. It permits 1 to 12 residents per home. <a href="#">Kansas Statutes Annotated, Chapter 39: Statutes and Regulations for the Licensure and Operation of Assisted Living and Residential Health Care Facilities.</a></p>	<p>that is expressly designated as a smoking area by the proprietor or other person in charge of such adult care home pursuant to subsection (c) and that is fully enclosed and ventilated.” <a href="#">Kan. Stat. Ann. §§ 21-6109 to 21-6116 (2012).</a></p>	<p>employees in which smoke is exhausted to the outside and ensure that residents who desire to live in a smoke-free environment may do so. <a href="#">Kansas Statutes Annotated, Chapter 39: Statutes and Regulations for the Licensure and Operation of Assisted Living and Residential Health Care Facilities.</a></p>	<p>Services</p>	
<p>Kentucky</p>	<p><i>Family care homes</i> are licensed by the Cabinet for Health and Family Services and provide 24-hour supervision and personal care services in a residential accommodation to up to three individuals who, because of impaired capacity for self-care, elect to have or require a protective environment but do not have an illness, injury or disability for which constant medical care or skilled nursing services are required. Residents must be ambulatory or mobile non-ambulatory and able to manage most of the activities of daily living.</p> <p>Assisted living communities are certified by</p>	<p>No. <a href="#">Ky. Rev. Stat. Ann. §§ 61.165 (2006), §§ 61.167 (2004).</a> Note: Under executive order, skilled nursing facilities, intermediate care facilities, acute care hospitals and <i>personal care homes</i> under the administration of the Cabinet for Health and Family Services (CHFS) are required to go tobacco-free and ban e-cigarette/vaping devices in a manner and timeframe</p>	<p>Not clear. Under Executive Order, the use of tobacco and e-cigarettes and similar assisted living devices is prohibited in <i>personal care homes</i> under the administration of the Cabinet for Health and Family Services. Exec. Order 2014-0747 (2014).</p>	<p>Kentucky Cabinet for Health and Family Services; assisted living communities are certified by the Kentucky Department for Aging and Independent Living</p>	

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	<p>the Kentucky Department for Aging and Independent Living, and are not eligible for public funding. Personal care homes are licensed as long-term care facilities by the Kentucky Cabinet for Health Services, Office of Inspector General, Division of Health Care. Services may be reimbursed from the state general fund. "Personal care homes" and "Family Care Homes" are NOT the same as assisted living communities, and offer different levels of services than Assisted Living facilities. In addition, Kentucky regulations and license requirements are different for Personal Care Homes and Family Care Homes. <a href="#">Ky. Rev. Stat., Title XVII, Chapter 194A, 700 to 729: Assisted Living Communities (2014)</a>; see also <a href="#">Kentucky Administrative Regulations, Title 902, Chapter 20:041: Operation and Services; Family Care Homes (1999)</a></p>	<p>established by the Secretary under guidelines established by CHFS and Finance and Administration Cabinet. The guidelines will take into account certain federal regulations as well as the specific needs of any residents of these facilities. Exec. Order 2014-0747 (2014). (Emphasis added.)</p>			
Louisiana	<p>The state defines “adult foster care” as a “<i>personal care home</i>,” which is considered a Level 1 “<i>adult residential care home</i>” that provides room and board and personal services to two but no more than eight residents in a group living and dining setting, and is located in a home that is designed as any other private dwelling in the neighborhood. All adult residential care facilities (also known as <i>board and care facilities, assisted living facilities, personal care homes, shelter care homes, foster homes</i>, and other names) must be licensed,</p>	<p>No. Smoking is permitted in 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</p>	<p>Not specified. <a href="#">Louisiana Administrative Code, Title 48, Chapter 88: Adult Residential Care Minimum Standards (1999)</a>; see also <a href="#">Louisiana Administrative Code, Title 48, Chapter 68: Adult Residential Care Providers Licensing Standards, Alzheimer’s Special Care Units (2009)</a></p>	Louisiana Department of Health and Hospitals	

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	<p>including facilities or agencies owned or operated by any governmental, profit, no-profit, private, or church organization. <a href="#">Louisiana Administrative Code, Title 48, Chapter 88: Adult Residential Care Minimum Standards (1999)</a>; see also <a href="#">Louisiana Administrative Code, Title 48, Chapter 68: Adult Residential Care Providers Licensing Standards, Alzheimer’s Special Care Units (2009)</a></p>	<p>apartments does not infiltrate into areas where smoking is prohibited are exempt. The smoke-free law also exempts designated and well ventilated smoking rooms in nursing homes, provided that the designated smoking room is not the reception area, lobby, waiting room, dining room, or any other room or area defined as a public place. <a href="#">La. Rev. Stat. Ann. §§ 40:1300.251 to 1300.263 (2014)</a></p>			
Maine	<p>The state licenses nine types of <i>assisted housing programs</i>: assisted living programs and four levels each of residential care facilities and private non-medical institutions. It does not specifically license “adult foster care.” An <i>adult family care home</i> (AFCH) is a residential-style home for eight or fewer residents, which is licensed by DHHS as an Assisted Housing Program Residential Care Facility, Level III or IV, and is primarily engaged in providing services to the elderly. “<i>Assisted living services</i> means the provision by an assisted housing program of (1) assisted housing services, which include personal supervision; protection from environmental hazards; assistance with activities of daily living and instrumental</p>	<p>No. <a href="#">Me. Rev. Stat. Ann. tit. 22, §§ 1541 to 1545 (2009), 1547 (2007), 1580-A (2009) &amp; Code of Maine Rules 10-144, Ch. 249 (2006)</a></p>	<p>Not specified. <a href="#">Code of Maine Regulations, Title 10-144, Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs. Department of Health and Human Services, Division of Licensing and Regulatory Services (2008)</a></p>	Maine Department of Health and Human Services	

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	<p>activities of daily living; diversional, motivational or recreational activities; dietary services; and care management services; (2) assisted housing services with the addition of medication administration; or (3) assisted housing services with the addition of medication administration and nursing services. Assisted living services may be provided in several settings. “<i>Independent housing with services program</i>” means a program of assisted living services provided to residents in private apartments in buildings that include a common dining area, either directly by the provider or indirectly through contracts with persons, entities, or agencies. “<i>Residential care facility</i>” means a house or other place that is maintained wholly or partly for the purpose of providing residents with assisted living services. Residential care facilities provide housing and services to residents in private or semi-private bedrooms in buildings with common living areas and dining areas. <a href="#">Code of Maine Regulations, Title 10-144, Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs. Department of Health and Human Services, Division of Licensing and Regulatory Services (2008)</a></p>				
Maryland	<p>The state licenses two types of adult foster care. The first type, called “<i>adult foster care</i>,” provides a family setting in the community for an aged adult or an adult with</p>	<p>No. <a href="#">Md. Code Ann., Health-Gen. §§ 24-501 to 24-511 (2008)</a> &amp; <a href="#">Md. Code Ann., Lab &amp; Employ. §§ 5-</a></p>	<p>The assisted living program shall have a written smoking policy that indicates whether or</p>	<p>Maryland Department of Health and</p>	

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	<p>disabilities who requires protective oversight, assistance with activities of daily living and room and board. The second type of program, <i>Certified Adult Residential Environment (CARE)</i>, licenses individuals to provide in their own homes room and board, assistance, and supervision to adults with disabilities who are capable of living in the community but are unable to live alone. <a href="#">Md. Code. Ann., Health-Gen. §§ 24-501 to 24-511 (2008)</a> &amp; <a href="#">Md. Code Ann., Lab &amp; Employ. §§ 5-101 &amp; 5-608 (2008)</a></p>	<p><a href="#">101 &amp; 5-608 (2008)</a></p> <p>Note: Indoor areas of Assisted Living Programs must be smoke-free in compliance with the Clean Indoor Air Act of 2007.</p>	<p>not the program permits smoking. When smoking is permitted, the assisted living program shall 1) Establish smoking policies and procedures which are designed to minimize the risk of fire; 2) Provide in the policies and procedures at least the following: (a) Prohibit smoking in any hazardous location and in any room or compartment where flammable liquids, combustible gases, or oxygen are used or stored; (b) Designate smoking areas; (c) Provide the smoking areas with ash trays of noncombustible material and safe design; and (3) Provide smoking areas that comply with COMAR 09.12.23, if the facility is considered an "enclosed work place" as defined in COMAR 09.12.23, including the ventilation requirements set forth in that regulation. <a href="#">Maryland Annotated Code, Title 10, Subtitle 7,</a></p>	<p>Mental Hygiene</p>	

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Massachusetts	<p>The state uses the term “<i>adult family care</i>” to refer to a program for frail elderly adults and adults with disabilities who cannot live alone safely but want to live in a family setting rather than in a nursing home or similar facility. Under this program, trained caregivers provide 24-hour supervision, companionship, and personal care services for up to three adult residents in a home. Caregivers may be family members (except legally responsible relatives). The state certifies “assisted living residences” for three or more adult residents who are not related by blood or marriage to their care provider. <a href="#">Code of Massachusetts Regulations, Title 651, Section 12.00: Certification Procedures and Standards for Assisted Living Residences (2015)</a>; <a href="#">Massachusetts Medicaid Provider Manual Series: Adult Foster Care Manual</a> (website)</p>	<p>Yes. State law prohibits smoking in all indoor areas of workplaces. Workplace is defined as an indoor area, structure or facility or a portion thereof, at which one or more employees perform a service for compensation for the employer. “Assisted living homes” are not included in the definition of “lodging homes” or “residence,” which are exempted from the smoke-free law. <a href="#">Mass. Gen. Laws ch. 270, § 22 (2004)</a>.</p>	<p><a href="#">Chap. 14.47.47</a></p> <p>Not clear. State law prohibits smoking in all indoor areas of workplaces. Workplace is defined as an indoor area, structure or facility or a portion thereof, at which one or more employees perform a service for compensation for the employer. “Assisted living homes” are not included in the definition of “lodging homes” or “residence,” which are exempted from the smoke-free law. <a href="#">Mass. Gen. Laws ch. 270, § 22 (2004)</a>.</p> <p>The state’s assisted living consumer guide recommends that consumers review their Residency Agreements and possible rules that might make prospective residents uncomfortable, such as restrictions on smoking in their room, in designated areas, or not at all. <a href="#">Commonwealth of Massachusetts Executive</a></p>	Massachusetts Executive Office of Elder Affairs	

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			<a href="#">Office of Elder Affairs, Assisted Living in Massachusetts: A Consumer’s Guide.</a>		
Michigan	The state licenses and regulates “adult foster care” homes and homes for the aged. Adult foster care covers family homes that serve up to six residents, where the licensee resides in the home; small group homes that service 1 to 12 residents; and large group homes that serve 13 to 20 residents. Licensees are not required to reside in these last two settings. Homes for the aged are personal care facilities, other than hotels, adult foster care homes, hospitals, nursing homes or county medical care facilities, that provide supervised personal care to 21 or more individuals who are aged 60 years or older. <a href="#">Bureau of Children and Adult Licensing, Department of Human Services: Licensing Rules for Homes for the Aged</a> ; <a href="#">Bureau of Children and Adult Licensing, Department of Human Services: Licensing Rules for Adult Foster Care Family Homes.</a>	Yes. Smoking is prohibited in public places, the definition of which includes <i>state and local government owned or operated or privately owned or operated homes for the aged</i> , nursing homes, county medical care facilities, hospices and hospital long-term care units. Smoking is also prohibited in places of employment defined as an enclosed indoor area that contains one or more work areas for one or more persons employed by a public or private employer. (Emphasis added.) <a href="#">Mich. Comp. Laws §§ 333.12601 to 333.12615 (2010)</a>	The Michigan Attorney General concluded that the state bans smoking inside homes for the aged and inside adult foster care homes whenever staff is employed within the facility. <a href="#">Memo</a> from Adult Foster Care and Home for the Aged Licensing Bureau of Children and Adult Licensing to Adult Foster Care and Home for the Aged Licensing Staff (April 30, 2010) (summarizing Michigan Attorney General opinion).	Michigan Department of Human Services. The Department of Community Health enforces the smoke-free policy.	
Minnesota	The state uses the term “ <i>adult foster home</i> ,” which is a residence operated by an operator who, for financial gain or otherwise, provides food, lodging, protection, supervision, and household services on a 24-hr. basis to no more than four functionally impaired residents. The state issues a family adult	No. <a href="#">Minn. Stat. §§ 144.411 to 144.417 (2014)</a>	Not specified. A patient or resident in a nursing home, boarding care facility, or licensed residential facility for adults may smoke in a designated separate,	Minnesota Department of Human Services	

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	<p>foster home license if the home is the primary residence of the license holder and is the primary caregiver; it issues a corporate adult foster home license if the license holder does not reside in the home. A provider can also be licensed as a <a href="#">Basic Home Care</a> provider or a <a href="#">Comprehensive Home Care</a> provider. <a href="#">Minnesota Department of Health website: Comprehensive Home Care Provider Licensing (2014)</a></p> <p>Housing with services establishments provide sleeping accommodations to one or more adult residents, at least 80 percent of whom are 55 years of age or older, and offer or provide one or more regularly scheduled health-related services or two or more regularly scheduled supportive services. <a href="#">Minnesota Department of Health website: Housing with Services Establishments/ Assisted Living Designation (2014)</a>; <a href="#">Minnesota Statutes, Chapter 144G: Assisted Living Services (2014)</a>; <a href="#">Minnesota Administrative Rules, Rule 203, Parts 9555.5105 to 9555.6265: Administration of Adult Foster Care Services and Licensure of Adult Foster Homes</a></p>		<p>enclosed room maintained in accordance with applicable state and federal laws. Smoking by patients in locked psychiatric units is also allowed under certain specified conditions. The state definition of smoking includes electronic cigarettes, including the inhaling or exhaling of vapor from an electronic delivery device. <a href="#">Minn. Stat. §144.414(3) (2014)</a></p>		
Mississippi	<p>The state licenses two types of personal care homes: <i>assisted living</i> and <i>residential living</i>. Residential living communities cannot admit or retain individuals who cannot ambulate independently. The state uses the term “adult foster care” to describe a setting for</p>	<p>No. <a href="#">Miss. Code Ann. §§ 29-5-161 (2007), 41-114-1 (2010), 97-32-29 (2000) &amp; Miss. Admin Code Tit. 15, Part III, Subpart 55 §</a></p>	<p>Not specified. <a href="#">Mississippi State Department of Health, Health Facilities Licensure and Certification: Minimum Standards for Adult Foster</a></p>	<p>Mississippi Department of Health, Health Facilities Licensure and Certification</p>	

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	vulnerable adults who are unable to live independently due to physical, emotional, developmental, or mental impairments or who are in need of emergency and continuing protective social services to prevent further abuse or neglect; and to safeguard and enhance the welfare of abused or neglected vulnerable adults. The definition does not specify the maximum number of beds. <a href="#">Mississippi State Department of Health, Health Facilities Licensure and Certification: Minimum Standards for Adult Foster Care Facilities (2012)</a>	<a href="#">103.02 (2009).</a>	<a href="#">Care Facilities (2012)</a>		
Missouri	The state licenses <i>assisted living</i> and <i>residential care facilities</i> . The main difference between assisted living and residential care facilities is that assisted living facilities can admit and retain individuals who require a higher level of assistance to evacuate the building than residential care facilities whose residents must be able to evacuate without assistance. Assisted living facilities must have a physician available to supervise care and must adhere to social model of care principles. Missouri does not have a licensure category for adult foster care. <a href="#">Code of State Regulations, Title 19, Division 30, Chapter 86: Licensure and Regulation of Residential Care Facilities and Assisted Living Facilities (2012)</a>	No. <a href="#">Mo. Rev. Stat. §§ 191.765 to 191.777 (1992)</a>	Not specified. Note: Smoking is restricted to designated areas in health care facilities, 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 to 191.777 (1992)</a>	Missouri Department of Health and Senior Services, Division of Regulation and Licensure, Section for Long-Term Care Regulation	
Montana	The state licenses <i>assisted living facilities</i> for frail, elderly or disabled persons and provides	Yes. <a href="#">Mont. Code Ann. §§ 50-40-101 et seq. (2011)</a>	Yes. Smoking is prohibited in all enclosed	Montana Department of	

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	<p>supportive health and service coordination to maintain the resident’s independence, individuality, privacy, and dignity. <i>Adult foster homes</i> are private homes licensed by the Department of Public Health and Human Services to offer light personal care, custodial care, and supervision to aged or disabled adults who require assistance in meeting their basic needs and who are not related to the operator by blood or marriage. These homes do not provide skilled nursing care. <a href="#">Mont. Code Ann. § 50-5-227. Licensing Assisted Living Facilities (2015)</a>; <a href="#">Mont. Code Ann. § 50-5-226. Placement in Assisted Living Facilities (2015)</a>; <a href="#">Administrative Rules of Montana, 37.100, Subchapter 1: Licensure of Adult Foster Care Homes (2014)</a></p>		<p>public places, which includes home-based health care facilities. Smoking is not allowed in private residences that are licensed and used as a family day-care home, group day-care home, <a href="#">adult foster care home</a> or a health care facility. <a href="#">Mont. Code Ann. §§ 50-40-101 et seq. (2011) (Emphasis added.)</a></p>	<p>Public Health and Human Services</p>	
Nebraska	<p>The state licenses <i>assisted living facilities</i>, but the term does not include a home, apartment or facility where casual care is provided at irregular intervals or where less than 25 percent of the residents contract for their own personal or professional services. <i>Adult family homes</i> provide a home-like living arrangement to meet the needs of individuals who are unable to live independently but who can function adequately with minimal supervision and protection. <a href="#">Neb. Admin. Code, Title 473, Chapter 6: Adult Family Homes (1983)</a>, <a href="#">Neb. Admin. Code, Title 175, Chapter 4: Assisted Living Facilities (2007)</a></p>	<p>No. <a href="#">Neb. Rev. Stat. §§ 71-5716 to 71-5735 (2015)</a></p>	<p>Not specified. <a href="#">Neb. Admin. Code, Title 473, Chapter 6: Adult Family Homes (1983)</a>, <a href="#">Neb. Admin. Code, Title 175, Chapter 4: Assisted Living Facilities (2007)</a></p>	<p>Nebraska Division of Public Health, Department of Health and Human Services, Department of Licensure and Regulation (assisted living facilities); Nebraska Department of Social Services</p>	

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				(adult family homes)	
Nevada	<p>The state licenses residential facilities for groups, which generally care for elderly persons or persons with physical disabilities. Those facilities that care for special populations, such as those with Alzheimer’s disease or other dementia, mental illness, or intellectual disabilities, or persons with chronic illnesses, such as Hepatitis C and HIV, or those that provide assisted living services, need to apply for special endorsements to their licenses and meet additional requirements. Instead of “adult foster care,” the state uses the terms “<i>homes for individual residential care</i> and <i>supported living arrangement programs</i>.” These homes are licensed to provide food, shelter, assistance, and supervision for no more than two persons who are aged, infirm, physically disabled, or intellectually disabled. <a href="#">Nevada Aging and Disability Services Division website: Home and Community-Based waiver Program information (2014)</a></p>	<p>No. <a href="#">Nev. Rev. Stat. § 202.2483 (2013)</a></p>	<p>Not specified. <a href="#">Nevada Aging and Disability Services Division website: Home and Community-Based waiver Program information (2014)</a> Note: Smoking is prohibited in indoor places of employment, which include health care facilities. Health care facilities in a private residence are specifically included. <a href="#">Nev. Rev. Stat. § 202.2483 (2013)</a></p>	<p>Nevada Division of Health, Bureau of Health Care Quality and Compliance</p>	
New Hampshire	<p>The state licenses two types of assisted living residences: <i>supported residential health care facilities</i> that may retain nursing home-eligible residents if appropriate care and services are provided; and <i>residential care facilities</i> that provide a lower level of care. <i>Adult family care residences</i> are certified to provide social or health services to one or</p>	<p>No. Note: The state’s clean indoor air act allows smoking in resident rooms in dormitories, public housing facilities and in facilities such as nursing homes, sheltered care facilities, and residential</p>	<p>Not specified. If providers (licensees) allow smoking, a designated smoking area shall be provided which has, at a minimum: (1) A dedicated ventilation system, so that smoke or odors cannot escape or be</p>	<p>New Hampshire Department of Health and Human Services, Bureau of Health Facilities</p>	

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	two residents in a home-like environment. Service may include supervision, medical monitoring, supervision of medications and assistance with daily living activities.	treatment and rehabilitation facilities, and prisons and detention facilities; other health care facilities as specified; by patients with extraordinary medical conditions, psychiatric disorders, or by patients in an alcohol and drug withdrawal program, 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. §§ 155:64 to 155:78 (2009) &amp; 178:20-a (2010)</a> <a href="#">N.H. Rev. Stat. Ann. §§ 155:64 to 155:78 (2009) &amp; 178:20-a (2010)</a>	detected outside the designated smoking room; (2) Walls and furnishings constructed of non-combustible materials; and (3) Metal waste receptacles and safe ashtrays. <a href="#">New Hampshire Code of Administrative Rules, Chapter He-P 800, PART He-P 804: Assisted Living Residence- Residential Care Licensing</a> ; <a href="#">New Hampshire Code of Administrative Rules, Chapter He-P 800, PART He-P 805: Assisted Living Residence-Supported Residential Health Care Licensing</a> .	Administration	
New Jersey	The state licenses three types of assisted living services under one set of rules: <i>assisted living residences</i> , which are purpose-built residences for four or more adults unrelated to the proprietor; <i>comprehensive personal care homes</i> , which are converted residential boarding homes that may or may not meet new building code requirements; and <i>assisted living programs (service agencies)</i> that provide services to tenants of publicly subsidized housing. “Adult family care” is a 24-hour living arrangement for no	No. <a href="#">N.J. Stat. Ann. §§ 26:3D-55 to 26:3D-64 (2010)</a>	Not clear. Smoking is prohibited in “workplaces,” which are defined as structurally enclosed locations or portions thereof at which a person performs any type of service or labor. Smoking is also prohibited in “indoor public places,” the definition of which includes all private	New Jersey Department of Health and Senior Services	

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	<p>more than three persons who, because of age or physical disability need assistance with activities of daily living, and for whom services designed to meet their individual needs are provided by licensed caregivers in approved adult family care homes. <a href="#">N.J. Admin. Code, Title 8, Chapter 36: Standards for Licensure of Assisted Living Residences, Comprehensive Personal Care Homes, and Assisted Living Programs</a></p>		<p>workplaces that are open to the public. <a href="#">N.J. Stat. Ann. §§ 26:3D-55 to 26:3D-64 (2010)</a></p>		
New Mexico	<p>The state does not license traditional adult foster care, but licenses and regulates <i>assisted living facilities for adults</i>, which provide programmatic services and assistance with one or more activities of daily living to two or more individuals. <a href="#">N.M. Admin. Code, Title 7, Chapter 8, Part 2: Assisted Living Facilities for Adults (2010)</a></p>	<p>No. Note: Smoking is prohibited in any indoor workplace or indoor public place, the definitions of which cover health care facilities. Smoking is specifically prohibited in private residences during the hours when they are being used commercially to provide health care. Smoking is also prohibited near entrances, windows and ventilation systems of public places where smoking is prohibited. <a href="#">N.M. Stat. Ann. §§ 24-16-1 et seq. (2007)</a></p>	<p>No. The state allows smoking by residents and staff in supervised areas designated by the facility and approved by the state fire marshal or local fire prevention authorities. Smoking is not allowed in a kitchen or food preparation area. All designated smoking areas must be provided with suitable ashtrays that are not made of combustible material. Residents are not permitted to smoke in bed or where oxygen is in use, is present or is stored. <a href="#">N.M. Admin. Code, Title 7, Chapter 8, Part 2: Assisted Living Facilities for Adults (2010)</a></p>		

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State	“Assisted Living Residences” / “Adult Foster Care” Descriptions	Smoking Prohibited in Assisted Living Residences under State Smoke-free Law?*	Smoking Prohibited in Assisted Living Residences under Other State Laws or Regulations?	Administrative Body Regulating Assisted Living Residences	Additional Information
New York	<p>New York licenses three types of adult care facilities that offer different levels of supervision and personal care to five or more adults with functional and/or cognitive impairments: <i>adult homes</i> (lowest level of care), <i>enriched housing programs</i>, and <i>assisted living residences</i> (highest level of care). In lieu of “adult foster care,” the state also licenses family-type homes for adults that provide long-term residential care, room, board, housekeeping, supervision and/or personal care to four or fewer adults unrelated to the operator. <a href="#">New York Codes, Rules and Regulations, Title18, Part 487: Adult Care Facilities, Standards for Adult Homes</a>; <a href="#">New York Codes, Rules and Regulations, Title 10, Chapter X, Part 1001: Adult Care Facilities, Assisted Living Residences</a>; <a href="#">New York Codes, Rules and Regulations, Title18: Part 488: Adult Care Facilities, Standards for Enriched Housing</a>; <a href="#">New York Codes, Rules and Regulations, Title18, Part 490: Adult Care Facilities, Standards for Residences for Adults</a>; <a href="#">New York Codes, Rules and Regulations, Title18, Part 494: Adult Care Facilities, Standards for Assisted Living Programs</a>; <a href="#">New York Codes, Rules and Regulations, Title18, Part 489: Adult Care Facilities, Standards for Family-type Homes</a>.</p>	<p>No. <a href="#">N.Y. [Pub. Health] Law §§ 1399-n et seq. (2003)</a></p>	<p>Not specified. Smoking is prohibited in bed in family-type homes. <a href="#">New York Codes, Rules and Regulations, Title18, Part 489: Adult Care Facilities, Standards for Family-type Homes</a>. Smoking is prohibited on the grounds of residential health care facilities, within 15 feet of a building entrance or exit or the entrance to or exit from the grounds of any such facility. Smoking areas can be designated on the grounds of residential health care facilities as long as they are not within 30 feet of any building structure, including any overhang, canopy, awning, entrance, exit, window, intake or exhaust. <a href="#">N.Y. [Pub. Health] Law §§ 1399-o(2)(b) (2013)</a>.</p> <p>To the extent not covered by the law above, smoking is prohibited in all health care facilities except separate enclosed rooms in specified residential health</p>	<p>New York Department of Health (adult care facilities); Department of Social Services, Office of Children and Family Services or Division of Adult Protective Services (adult foster care)</p>	

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State	“Assisted Living Residences” / “Adult Foster Care” Descriptions	Smoking Prohibited in Assisted Living Residences under State Smoke-free Law?‡	Smoking Prohibited in Assisted Living Residences under Other State Laws or Regulations?	Administrative Body Regulating Assisted Living Residences	Additional Information
			and mental health care facilities. <a href="#">N.Y. [Pub. Health] Law §§ 1399-n et seq. (2003)</a>		
North Carolina	The state uses the term “ <i>assisted living residences</i> ” to cover two types of long-term residential care settings: <i>adult care homes</i> and <i>multi-unit assisted housing with services facilities</i> . Instead of “adult foster care,” it uses the term “ <i>family care homes</i> ” to refer to the licensing of private residences that serve two to six residents. Adult care homes are licensed based on size. They can choose to serve only elderly persons (55 years or older or any adult who has a primary diagnosis of	Not clear, since the definition of “adult care” refers to residences requiring more long-term support than typical “assisted living” facilities. The state’s smoke-free law prohibits smoking in long-term care facilities, which include <i>adult care homes</i> , nursing homes, skilled	Not clear. <a href="#">North Carolina Administrative Code, Chapter 10A, Subchapter 13F: Licensing of Homes for the Aged and Infirm; North Carolina Division of Health Service Regulation, Adult Care Licensure Section: Legal Requirements for Registration and</a>	North Carolina Division of Health Service Regulation	

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	<p>Alzheimer’s disease or other form of dementia). <a href="#">North Carolina Administrative Code, Chapter 10A, Subchapter 13F: Licensing of Homes for the Aged and Infirm; North Carolina Division of Health Service Regulation, Adult Care Licensure Section: Legal Requirements for Registration and Disclosure for Multi-unit Assisted Housing with Services; North Carolina Administrative Code, Chapter 10A, Subchapter 13G: Licensing of Family Care Homes</a></p>	<p>nursing facilities, facilities licensed under <a href="#">Chapter 122C</a> of the General Statutes, and other licensed facilities that provide long-term care services. The person who owns, manages, operates, or otherwise controls a long-term care facility must conspicuously post the appropriate signs indicating smoking is prohibited, ask anyone smoking inside to stop, and provide written notice to people upon admittance that smoking is prohibited. The state may impose an administrative penalty not to exceed \$200 for a violation. <a href="#">N.C. Gen. Stat. §§ 130A-491 to 130A-498 (2010), 115C-407 (2007), 131D-4.4 (2007) &amp; 131E-114.3 (2007)</a></p>	<p><a href="#">Disclosure for Multi-unit Assisted Housing with Services; North Carolina Administrative Code, Chapter 10A, Subchapter 13G: Licensing of Family Care Homes</a></p>		
North Dakota	<p>The state licenses <i>assisted living facilities</i> (at least five living units in which individualized support services are provided to five or more adults) and <i>basic care facilities</i> (facilities that provide room and board, and health, social and personal care to five or more residents to help them attain or maintain their highest level of functioning. <i>Family foster homes for</i></p>	<p>No. <a href="#">N.D. Cent. Code §§ 23-12-9 to 23-12-11 (2013)</a></p>	<p>Not specified. A private residence is not a place of employment unless it is used as a licensed child care, adult day care or health care facility. Health care facilities are defined as any office or institution</p>	<p>North Dakota Department of Health (basic care facilities); N.D. Department of Human Services (assisted living)</p>	

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State	“Assisted Living Residences” / “Adult Foster Care” Descriptions	Smoking Prohibited in Assisted Living Residences under State Smoke-free Law?†	Smoking Prohibited in Assisted Living Residences under Other State Laws or Regulations?	Administrative Body Regulating Assisted Living Residences	Additional Information
	<p><i>adults</i> are defined as occupied private residences in which care is regularly provided to four or fewer adults who are not related by blood or marriage to the owner or lessee. Care includes personal, non-medical services to assist a resident with activities of daily living. <a href="#">North Dakota Legislative Branch, Chapter 75-03-34: Licensing of Assisted Living Facilities</a>; <a href="#">North Dakota Legislative Branch, Chapter 33-03-24.1: Basic Care Facilities</a>; <a href="#">North Dakota Legislative Branch, Chapter 23-09.3: Basic Care Facilities</a>; <a href="#">North Dakota Legislative Branch, Chapter 75-03-21: Licensing of Family Foster Homes for Adults</a>.</p>		<p>providing health care services or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions. <a href="#">N.D. Cent. Code §§ 23-12-9 to 23-12-11 (2013)</a></p>	<p>facilities)</p>	

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State	“Assisted Living Residences” / “Adult Foster Care” Descriptions	Smoking Prohibited in Assisted Living Residences under State Smoke-free Law?*	Smoking Prohibited in Assisted Living Residences under Other State Laws or Regulations?	Administrative Body Regulating Assisted Living Residences	Additional Information
Ohio	<p>The state licenses <i>residential care facilities</i>, and uses the term <i>assisted living</i> interchangeably with residential care to mean a setting that provides either (1) accommodations for 17 or more unrelated residents, and supervision and personal care services for three or more residents who need assistance; or (2) accommodations, supervision, and personal care services for three or more unrelated residents who are dependent on the services of others, and skilled nursing care to at least one resident. <i>Adult foster homes</i> provide personal care services to one to two adults who are unrelated to the residence owner. <a href="#">Ohio Admin. Code, Chap. 3701-17: Nursing Homes and Residential Care Facilities</a>; <a href="#">Ohio Admin. Code, Chap. 5122-35: Adult Foster Homes</a></p>	<p>No. <a href="#">Ohio Rev. Code Ann. §§ 3794.01 to 3794.09 (2006)</a></p>	<p>No. Smoking in residential care facilities is prohibited only in resident bedrooms and other designated areas. <a href="#">Ohio Admin. Code, Chap. 5122-30-12 Licensing of Residential Facilities</a></p>	<p>Ohio Department of Health (residential care facilities); Department on Aging (adult foster homes)</p>	
Oklahoma	<p>The state does not license adult foster care. Instead it licenses <i>assisted living centers</i> and <i>residential care homes</i>. Assisted living centers are homes or establishments that coordinate or provide services to two or more persons who by choice or because of functional impairment need assistance with personal care or nursing supervision, and may need intermittent or unscheduled nursing care, medication assistance, and assistance with transfer and/or ambulation. Residential care homes are facilities that provide accommodations and supportive</p>	<p>No. <a href="#">Okla. Stat. Ann. tit. 21, § 1247 &amp; tit. 63, §§ 1-1521 et seq. (2013)</a></p>	<p>Not specified. <a href="#">Okla. Stat. Ann. tit. 21, § 1247 &amp; tit. 63, §§ 1-1521 et seq. (2013)</a>. Note: Residential care homes can provide indoor smoking rooms for use by residents if they are completely enclosed; they are “exhausted directly to the outside and maintained under negative pressure sufficient to prevent any tobacco smoke from</p>	<p>Oklahoma Department of Health, Protective Health Services, Long-term Care Services</p>	

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	<p>assistance. Residents must be ambulatory and capable of managing their own affairs and may not routinely require skilled nursing care or intermediate care. <a href="#">Okla. Stat. Title 63, Continuum of Care and Assisted Living Act (2013)</a>; <a href="#">Okla. Admin. Code, Title 310, Chapter 680: Residential Care Homes (2010)</a></p>		<p>entering non-smoking areas of the buildings; they allow for visual observation of the resident from outside the smoking room; and the Department of Health approves the plans. To enable better observation and supervision of residents who wish to smoke outside, a facility may designate a smoking area outside an entrance other than the main entrance which may be closer than fifteen (15) feet to the entrance providing consideration is given to minimizing the possibility of smoke entering the building.” The walkway to the main entrance must also be smoke-free; no ashtray must be located closer than fifteen feet to an entrance, except in an indoor smoking room or a designated outdoor smoking area; the facility’s tobacco use policy must be clearly posted near the main</p>		

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			<p>entrance; and prospective residents or their legal representatives must be notified of the policy before residents are accepted for admission.</p> <p><a href="#">Ok. Admin. Code, Title 310, Chapter 680: Residential Care Homes (2010)</a></p>		
O r e g o n	<p>The state licenses two types of residential care: <i>assisted living facilities</i> and <i>residential care facilities</i>. An assisted living facility is a building, complex, or distinct part thereof, consisting of fully self-contained, individual living units, where six or more seniors and adult individuals with disabilities may reside in home-like surroundings. The facility offers and coordinates a range of supportive services available on a 24-hour basis to meet residents’ health and social needs, including assistance with activities of daily living. A residential care facility is a building, complex, or distinct part thereof, consisting of shared or individual living units in a home-like surrounding where six or more seniors and adult individuals with disabilities may reside. The facility offers and coordinates a range of supportive services available on a 24-hour basis to meet residents’ health and social needs, including assistance with activities of daily living. A memory care community is a special care</p>	<p>Not clear. Note: Smoking is prohibited in all public places and places of employment, including adult day care facilities. “Place of employment” means every enclosed area under the control of a public or private employer that employees frequent during the course of employment, including but not limited to work areas, employee lounges, vehicles that are operated in the course of an employer's business that are not operated exclusively by one employee, rest rooms, conference rooms, classrooms, cafeterias, and hallways, meeting rooms, elevators and stairways. <a href="#">Or.</a></p>	<p>Not specified. Residential care and assisted living facilities require that providers assess the ability of residents to smoke without causing burns or injury to themselves or others or damage to property, and evaluate and address this in each resident's service plan.</p> <p><a href="#">Oregon Administrative Rules, Chapter 411, Division 54: Residential Care and Assisted Living Facilities (2007)</a></p> <p>Adult foster care providers (licensees) must identify the home’s smoking policies in the home’s Residency Agreement. If smoking is allowed in or</p>	<p>Oregon Department of Human Services, Office of Licensing and Regulatory Oversight</p>	

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State	“Assisted Living Residences” / “Adult Foster Care” Descriptions	Smoking Prohibited in Assisted Living Residences under State Smoke-free Law?*	Smoking Prohibited in Assisted Living Residences under Other State Laws or Regulations?	Administrative Body Regulating Assisted Living Residences	Additional Information
	<p>unit in a designated, separate area for individuals with Alzheimer’s disease or other dementia that is locked, segregated, or secured to prevent or limit access by a resident outside the designated or separated area. <a href="#">Oregon Administrative Rules, Chapter 411, Division 54: Residential Care and Assisted Living Facilities (2007)</a>; <a href="#">Oregon Administrative Rules, Chapter 411, Division 50: Adult Foster Homes (2013)</a></p>	<p><a href="#">Rev. Stat. §§ 433.835 to 433.990 (2011)</a></p>	<p>on the premises of the home: (A) The Residency Agreement must restrict smoking to designated areas, and prohibit smoking in: (i) Any bedroom, including that of the residents, licensee, resident manager, any other caregiver, occupant, or visitor; (ii) Any room where oxygen is used; and (iii) Anywhere flammable materials are stored. (B) Ashtrays of noncombustible material and safe design must be provided in areas where smoking is permitted. Also, a current and accurate floor plan must include any designated smoking areas in or on the adult foster home premises. <a href="#">Oregon Administrative Rules, Chapter 411, Division 50: Adult Foster Homes (2013)</a></p>		
Pennsylvania	<p>The state licenses <i>assisted living residences</i> and <i>personal care homes</i>. Assisted living residences provide food, shelter, assisted living services and supplemental health care</p>	<p>No. The smoke-free law exempts private homes, private residences or private vehicles unless they</p>	<p>Not specified. Smoking is allowed in residential long-term care facilities regulated under federal</p>	<p>Pennsylvania Department of Aging, Office of Long Term</p>	

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State	“Assisted Living Residences” / “Adult Foster Care” Descriptions	Smoking Prohibited in Assisted Living Residences under State Smoke-free Law?*	Smoking Prohibited in Assisted Living Residences under Other State Laws or Regulations?	Administrative Body Regulating Assisted Living Residences	Additional Information
	<p>services to four or more adults who are not relatives of the operator and who require assistance or supervision with activities of daily living, instrumental activities of daily living, or medication administration. Personal care homes provide food, shelter, and personal assistance or supervision to four or more adults who are not relatives of the operator and who do not require a nursing home level of care. Personal care home residents typically require assistance or supervision with activities of daily living or instrumental activities of daily living. The state licenses domiciliary care (adult foster care) for up to three residents, which provides a supervised living arrangement in a home-like setting to adult clients placed there by Area Agencies on Aging. <a href="#">Pennsylvania Code, Title 55, Chapter 2800: Assisted Living Residences (2011)</a>; <a href="#">Pennsylvania Code; Title 55, Chapter 2600: Personal Care Homes (2007)</a>; <a href="#">Pennsylvania Code, Title 6, Chapter 21: Domiciliary Care Services for Adults (1990)</a></p>	<p>are being used to provide child-care services, <i>adult day-care services or services related to the care of children and youth in State or county custody.</i> (Emphasis added.) <a href="#">35 Pa. Stat. §§ 637.1 to 637.11 (2008)</a></p>	<p>law <a href="#">Title 42 Code of Federal Regulations 483.15</a>; a separate enclosed room or designated smoking room in a residential adult care facility, community mental health care facility, drug and alcohol facility or other residential health care facility; and a designated smoking room in a facility that provides day treatment programs. <a href="#">35 Pa. Stat. §§ 637.1 to 637.11 (2008)</a></p> <p>Assisted living residences and personal care homes must specify in their rules whether the residence is designated as smoking or nonsmoking. A residence that permits smoking inside or outside the premises must develop and implement written fire safety policy and procedures that include (1) Proper safeguards inside and outside the residence to prevent fire hazards involved in</p>	<p>Living, Division of Licensing (assisted living residences); Pennsylvania Department of Public Welfare, Adult Residential Licensing (personal care homes)</p>	

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			<p>smoking, including providing fireproof receptacles and ashtrays, direct outside ventilation, no interior ventilation from the smoking room through other parts of the residence, extinguishing procedures, fire resistant furniture both inside and outside the residence and fire extinguishers in the smoking rooms. (2) Location of a smoking room or outside smoking area a safe distance from heat sources, hot water heaters, combustible or flammable materials and away from common walkways and exits. (3) Prohibition of the use of tobacco during transportation by the resident. (4) Smoking outside the smoking room must be prohibited.</p> <p><a href="#">Pennsylvania Code, Title 55, Chapter 2800: Assisted Living Residences (2011);</a>  <a href="#">Pennsylvania Code; Title 55, Chapter 2600: Personal Care Homes</a></p>		

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			<p>(2007) Similarly, domiciliary care residences for adults must take proper safeguards against the fire hazards involved in smoking, and provide (for example) ashtrays and special smoking areas and nonsmoking areas for residents. <a href="#">Pennsylvania Code, Title 6, Chapter 21: Domiciliary Care Services for Adults (1990)</a></p>		
Rhode Island	<p>The state licenses <i>assisted living residences</i> for individuals who do not require the level of medical or nursing care provided in a health care facility but who require room and board and personal assistance, and may require medication administration. Residences are licensed based on levels according to fire code and medication classifications and also for dementia care. Fire code Level 1 licensure is for residents who are not capable of self-preservation and Level 2 is for residents who are capable of self-preservation in an emergency. The state does not have separate licensing requirements for adult foster care. <a href="#">Rules and Regulations for Licensing Assisted Living Residences. State of Rhode Island and Providence Plantations, Department of Health (2012)</a></p>	<p>No. Smoking is allowed in private residences, except when used as a licensed child care, adult day care or health care facility and in private and semiprivate rooms or designated areas in assisted living residences and nursing facilities. <a href="#">R.I. Gen. Laws §§ 23-20.10-1 et seq. (2005)</a> <a href="#">R.I. Gen. Laws §§ 23-20.10-1 et seq. (2005)</a></p>	<p>Not specified. If an assisted living residence permits smoking, it must have a policy that includes the location of designated smoking area(s) separate from the common area; a prohibition of smoking in any area other than the designated area(s); and adequate ventilation in smoking areas. <a href="#">Rules and Regulations for Licensing Assisted Living Residences, State of Rhode Island and Providence Plantations, Department of Health (2012)</a></p>	Rhode Island Department of Health, Office of Residences Regulation (assisted living residences)	

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South Carolina	The state licenses assisted living facilities, called <i>community residential care facilities</i> , to provide room, board and a degree of personal care to two or more adults unrelated to the owners. These facilities are designed to accommodate residents’ changing needs and preferences, maximize residents’ dignity, autonomy, privacy, independence, and safety, and encourage family and community involvement. Any facility that offers a beneficial or protected environment specifically for individuals who have mental illness or disabilities are included in this definition, as well as facilities that are referred to as “assisted living.” The state has no category of licensure for adult foster care. <a href="#">State Register, Regulation Number 61-84: Standards for Licensing Community Residential Care Facilities. Promulgated by the Board of Health and Environmental Control, administered by the Division of Health Licensing (2015)</a>	No. <a href="#">S.C. Code Ann. §§ 44-95-10 et seq. (2012)</a>	Not specified. In community residential care facilities, smoking is allowed only in designated areas in accordance with the facility’s smoking policy. No smoking is permitted in resident rooms or staff bedrooms or bath/restrooms. <a href="#">State Register, Regulation Number 61-84: Standards for Licensing Community Residential Care Facilities. Promulgated by the Board of Health and Environmental Control, administered by the Division of Health Licensing (2015)</a>	South Carolina Board of Health and Environmental Control, Division of Health Licensing	
South Dakota	The state licenses <i>assisted living centers</i> , which are defined as any premise, institution, rest home, boarding home, or agency that is maintained and operated to provide personal care and services to adults. Facility licensure may include special approvals to provide medication administration, care of the cognitively impaired, care of the physically impaired, oxygen administration, therapeutic diets, hospice care, dining assistance, and/or two-person assistance for activities of daily	No. Note: Smoking is prohibited in public places and places of employment, including the indoor areas of health care facilities. A place of employment is any enclosed indoor area under the control of a public or private employer. <a href="#">S.D. Codified Laws §§ 34-46-13 to 34-46-19 (2010)</a>	No. <a href="#">South Dakota Department of Social Services website: Assisted Living with information and links to licensing regulations; South Dakota Department of Social Services website: Adult Foster Care with information and links to licensing regulations;</a>	South Dakota Department of Health, Office of Health Care Facilities Licensure and Certification	

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	living. The state licenses adult foster care as a family-style residence that provides household service, health services, and supervision of personal care for one to four adults. <a href="#">South Dakota Department of Social Services website: Assisted Living with information and links to licensing regulations</a> ; <a href="#">South Dakota Department of Social Services website: Adult Foster Care with information and links to licensing regulations</a> ; <a href="#">South Dakota Administrative Rules, Article 44:70: Assisted Living Centers</a> .		<a href="#">South Dakota Administrative Rules, Article 44:70: Assisted Living Centers</a> .		
Tennessee	The state licenses <i>assisted care living facilities</i> and <i>residential homes for the aged</i> to provide services to older persons who need assistance with personal care. Assisted care living facilities may provide a higher level of care than residential homes for the aged, including the provision of medical services. The state licenses and administers a “family home for adults program” for up to five adults who are frail, disabled, or victims of abuse. <a href="#">Rules of the Tennessee Department of Health, Board for Licensing Healthcare Facilities, Chapter 1200-08-25: Standards for Assisted Living Care Facility Regulations (2009)</a> ; <a href="#">Tennessee Health Care Association, Guide to Long-Term Care in Tennessee</a>	No. <a href="#">Tenn. Code Ann. §§ 39-17-1801 to 39-17-1810 (2008)</a>	Not specified. Smoking is allowed by residents in licensed nursing homes and long-term care facilities, provided that smoke does not infiltrate into areas where smoking is prohibited and that resident smoking practices are governed by the policies and procedures established by such facilities. Smoke from such areas cannot infiltrate into areas where smoking is prohibited. <a href="#">Tenn. Code Ann. §§ 39-17-1801 to 39-17-1810 (2008)</a>	Tennessee Department of Health, Board for Licensing Health Care Facilities	
Texas	The state licenses several types of assisted living facilities: <i>assisted living apartments</i>	No. <a href="#">Tx. Penal Code Ann. § 48.01 (1997)</a> ; <a href="#">Tx. Educ.</a>	Not specified. Adult foster care facilities must	Texas Department of	

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	<p>(single-occupancy), <i>residential care apartments</i> (double-occupancy), and <i>residential care non-apartments</i>. A facility licensure type – A or B – is based on residents’ capability to evacuate a facility. Any facility that advertises, markets, or otherwise promotes itself as providing specialized care for persons with Alzheimer’s disease or other disorders must be certified as such and have a Type B license. Adult foster care provides a 24-hour living arrangement with supervision in an adult foster home for people who are unable to live independently in their own homes because of physical, mental, or emotional limitations. Providers and residents must live in the same household and share a common living area. With the exception of family members, no more than three adults may live in the foster home unless it is licensed as a Type C assisted living facility, which contains four beds and must have an active contract with the Texas Department of Aging and Disability Services before it can be licensed. <a href="#">Texas Statutes, Health and Safety Code, Title 4, Subtitle B, Chapter 247: Assisted Living Facilities. The chapter is cited as the Assisted Living Facility Licensing Act; Texas Admin. Code, Title 40, Part 1, Chapter 92: Licensing Standards for Assisted Living Facilities; Texas Administrative Code, Title 40, Part 1, Chapter 48, Subchapter K: Minimum Standards for Adult Foster Care; Texas</a></p>	<p><a href="#">Code § 21.927 (1987); and Tx Admin. Code tit. 40, Part 19, Subchapter S, Div. 1 §§ 746.3703(d) (1995) &amp; 747.3503(d) (1990)</a></p>	<p>have “clearly defined house rules, including smoking policies.” <a href="#">Texas Admin. Code, Title 40, Part 1, Chapter 48, Subchapter K: Minimum Standards for Adult Foster Care</a></p>	<p>Aging and Disability Services</p>	

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	<a href="#">Department of Aging and Disability Services Website: Adult Foster Care; Texas Department of Aging and Disability Services Website: How to Become an Adult Foster Care Provider with links to regulations.</a>				
Utah	<p>The state licenses two types of assisted living facilities according to the level of care required by residents. <i>Assisted living facility Type I</i> is a residential facility that provides assistance with activities of daily living and social care to two or more ambulatory residents who are capable of achieving mobility sufficient to exit the facility without the assistance of another person. <i>Assisted living facility Type II</i> is a residential facility that provides an array of coordinated supportive personal and health care services, available 24 hours a day, to residents who are physically disabled but able to direct their own care or who are cognitively impaired or physically disabled but able to evacuate from the facility or to a zone or area of safety, with the physical assistance of one person. Adult foster care is defined as the provision of care to up to three adults in a private home owned by the provider. The services should be conducive to the physical, social, emotional, and mental health of elderly persons and adults with disabilities who are temporarily unable to remain in their own homes due to abuse, neglect or exploitation. <a href="#">Utah Admin. Code, Rule R432-270: Assisted Living Facilities (2015)</a>; <a href="#">Utah Admin. Code, Rule</a></p>	<p>No. Note: Smoking is prohibited in any workplace that is not a place of public access or a publicly owned building or office but has one or more employees who are not owner-operators of the business. Areas not commonly open to the public of owner-operated businesses having no employees other than the owner-operator are exempt. Smoking is also prohibited in enclosed indoor places of public access, which includes offices/buildings of facilities providing health care services, and all common areas of nursing homes and hospitals including the lobbies, hallways, elevators, restaurants, cafeterias, other designated dining areas and restrooms. <a href="#">Utah Code Ann. §§ 26-38-1 et seq. (2012)</a></p>	<p>Not specified. <a href="#">Utah Admin. Code, Rule R432-270: Assisted Living Facilities (2015)</a>; <a href="#">Utah Admin. Code, Rule R432-6: Assisted Living Facility General Construction (2015)</a>; <a href="#">Utah Admin. Code, Rule R501-17: Adult Foster Care (2015)</a></p>	<p>Utah Department of Health, Facility Licensing and Certification (assisted living facilities); Utah Department of Human Services (adult foster care)</p>	

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State	“Assisted Living Residences” / “Adult Foster Care” Descriptions	Smoking Prohibited in Assisted Living Residences under State Smoke-free Law?*	Smoking Prohibited in Assisted Living Residences under Other State Laws or Regulations?	Administrative Body Regulating Assisted Living Residences	Additional Information
	<a href="#">R432-6: Assisted Living Facility General Construction (2015); Utah Admin. Code, Rule R501-17: Adult Foster Care (2015)</a>				
Vermont	<p>The state licenses <i>assisted living residences</i> and <i>residential care homes</i>, both of which provide housing, meals, and supportive services to adults who cannot live independently, but do not require the type of care provided in a nursing home. Assisted living regulations require private apartments that promote resident self-direction and active participation in decision-making, while emphasizing individuality, privacy and dignity. Adult family care is a Medicaid option provided to individuals in the highest and high-needs groups, where authorized agencies contract with private, unlicensed family homes to provide 24-hour care and room and board to one to two people who are not related to the home provider. Services include personal care, companion and adult day services. <a href="#">Division of Licensing and Protection, Department of Disabilities, Aging and Independent Living website: Care Facility Regulations</a> with links to the Assisted Living Residence and Residential Care Home licensing regulations in PDF format; <a href="#">Division of Disability and Aging Services, Department of Disabilities, Aging and Independent Living website: Enhanced Residential Care</a>; <a href="#">Division of Disability and Aging Services, Department of Disabilities,</a></p>	<p>No. <a href="#">Vt. Stat. Ann. tit. 18, §§ 28-1421 to 28-1428 &amp; 37-1741 et seq. (2014)</a>                      Note: The use of lighted tobacco products is prohibited in all workplaces, which means any enclosed structure where employees perform services for an employer. Smoking is also prohibited in the common areas of all indoor places of public access, the definition of which includes offices/buildings of facilities that provide health care services, hospitals and the common areas of nursing homes. Smoking is allowed in any portion of a structure that also serves as the employee's or employer's personal residence; and in the indoor areas of Vermont veterans' homes where smoking is allowed. <a href="#">Vt. Stat. Ann. tit. 18, §§ 28-1421 to 28-1428</a></p>	<p>Not specified. In residential care homes, smoking is permitted in designated areas and residents who object to smoke must have "smoke free" dining or recreation space. <a href="#">Division of Licensing and Protection, Department of Disabilities, Aging and Independent Living website: Care Facility Regulations</a></p>	<p>Vermont Department of Disabilities, Aging and Independent Living</p>	

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	<a href="#">Aging and Independent Living website: Adult Family Care Homes (2013)</a>	<a href="#">§ 37-1741 et seq. (2014)</a>			
Virginia	<p>The state licenses two levels of care in assisted living facilities: <i>assisted living care</i> and <i>residential living care</i>. An assisted living facility is a non-medical group residential setting that provides or coordinates personal and health care services, 24-hour supervision, and moderate assistance for the care of four or more adults who are aged, infirm or disabled. Residential living care is minimal assistance with activities of daily living and/or medication administration. Minimal assistance includes services provided by the facility to individuals who are assessed as capable of maintaining themselves in an independent living status. Assisted living care is defined as moderate assistance with activities of daily living, and is provided to persons who are dependent in two or more activities and/or who are dependent in behavior patterns (for example, they are abusive, aggressive, or disruptive) as documented on a uniform assessment instrument. Adult foster care is a program that provides room and board, supervision, and other services for up to three adults who have a physical or mental health condition, including an emotional or behavioral health issue. <a href="#">Virginia Department of Social Services website: Assisted Living Facilities information</a>; <a href="#">Virginia Department of Social Services website: Adult Services</a></p>	<p>No. <a href="#">Va. Code Ann. §§ 15.2-2820 to 15.2-2828 (2009)</a></p>	<p>Not specified. Smoking by residents, staff, volunteers, and visitors shall be done only in areas designated by the facility and approved by the State Fire Marshal or local fire official. Smoking shall not be allowed in a kitchen or food preparation areas. A facility may prohibit smoking on its premises. <a href="#">Virginia Department of Social Services website: Assisted Living Facilities information</a></p>	<p>Virginia Department of Social Services (assisted living facilities); Virginia Department for Aging and Rehabilitative Services, Adult Protective Services Division (adult foster care)</p>	<p>Reasonable no-smoking areas must be designated in other health care facilities, including hospitals and nursing homes. <a href="#">Va. Code Ann. §§ 15.2-2820 to 15.2-2828 (2009)</a></p>

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State	“Assisted Living Residences” / “Adult Foster Care” Descriptions	Smoking Prohibited in Assisted Living Residences under State Smoke-free Law?‡	Smoking Prohibited in Assisted Living Residences under Other State Laws or Regulations?	Administrative Body Regulating Assisted Living Residences	Additional Information
	<a href="#">information</a>				
Washington	The state licenses <i>assisted living facilities</i> , which are defined as any home or other setting serving seven or more residents (however named), which is advertised, announced, or maintained for the express or implied purpose of providing housing and basic services, and assuming general responsibility for the safety and well-being of three residents. <i>Adult residential care services</i> include assistance with self-administration of medications, limited supervision for safety, and assistance with activities of daily living. The term does not include independent senior housing, independent living units in continuing care retirement communities, or other similar living situations, including those subsidized by the U.S. Department of Housing and Urban Development. The state also licenses <i>adult family homes</i> that provide room and board and personal and special care for two to six adults who are not related by blood or marriage to the person or persons providing the services. <a href="#">Revised Code of Washington, Title 388, Chapter 388-76 RCW: Adult Family Home Minimum Licensing Requirements (2014)</a> ; <a href="#">Washington Administrative Code, Title 388, Chapter 388-78A WAC: Assisted Living Facility Licensing Rules (2014)</a>	No. Smoking is prohibited in all public places, which includes all hospitals, nursing homes, and health care facilities or clinics. A public place does not include a private residence unless the private residence is used to provide licensed child care, foster care, <i>adult care</i> , or other similar social service care on the premises. (Emphasis added.) Smoking is also prohibited in “places of employment,” which include any area under the control of a public or private employer which employees are required to pass through during the course of employment, including, but not limited to, entrances and exits to the places of employment. <a href="#">Wash Rev. Code §§ 70.160.010 et seq. (2005)</a>	Not specified. Adult foster homes are allowed to video monitor and video record activities in the home, without an audio component, in specific areas, including designated smoking areas, as long as residents are assessed as needing supervision for smoking; a staff person watches the video monitor at any time the area is used by such residents; the video camera is clearly visible; the video monitor is not viewable by general public; and the home notifies all residents in writing of the video monitoring equipment. <a href="#">Revised Code of Washington, Title 388, Chapter 388-76-800 RCW: Adult Family Home Minimum Licensing Requirements (2014)</a>	Washington State Department of Social and Health Service, Aging and Long-term Support Administration	
West Virginia	The state licenses two types of residential care settings: <i>assisted living residences</i> and	No. <a href="#">W. Va. Code §§ 16-9A-4 (1987) &amp; 31-20-5b</a>	Not specified. <a href="#">WV Administrative Law</a> ,	West Virginia Department of	

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	<p><i>residential care communities.</i> Assisted living residences are accommodations available for four or more residents, which are advertised, offered, maintained or operated by the ownership or management for the express or implied purpose of providing personal assistance, supervision, or both, to any residents who are dependent upon the services of others because of physical or mental impairment, and who may also require limited nursing care. Small facilities have a bed capacity of 4 to 16; large facilities have 17 or more beds. Residential care community means any group of 17 or more residential apartments which are part of a larger independent living community and which are advertised and operated for the purpose of providing residential accommodations, personal assistance, and supervision to persons who are or may be dependent upon the service of others by reason of physical or mental impairment, or who may require limited and intermittent nursing care but who are capable of self-preservation and are not bedfast. Adult foster care is defined as health care homes, which are licensed with the state and provide accommodations and personal assistance for up to three residents who are not related to the service provider or his or her spouse. Limited and intermittent nursing services may be provided by a registered nurse. <a href="#">WV Administrative Law, Assisted Living</a></p>	<p><a href="#">(1997); WV Div. of Personnel Policy, Smoking Restrictions in the Workplace (2004); WV CSR §§ 64-21-10 (1997), 64-21-20 (1997) &amp; 126-66-1 et seq. (1998)</a></p>	<p><a href="#">Assisted Living Residences (2006); WV Administrative Law, Residential Care Communities (1999); WV Administrative Law, Legally Unlicensed Health Care Home (1999); West Virginia Department of Health and Human Services, Adult Residential Services website</a></p>	<p>Health and Human Resources, Bureau for Public Health, Office of Health Facilities Licensure and Certification</p>	

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	<a href="#">Residences (2006)</a> ; <a href="#">WV Administrative Law, Residential Care Communities (1999)</a> ; <a href="#">WV Administrative Law, Legally Unlicensed Health Care Home (1999)</a> ; <a href="#">West Virginia Department of Health and Human Services, Adult Residential Services website</a>				
Wisconsin	<p>The state licenses, certifies, registers and regulates four types of assisted living settings and programs, including adult day care. <i>Community-based residential facilities</i> provide care, treatment, and other services to five or more unrelated adults who need supportive or protective services or supervision because they cannot or do not wish to live independently, yet do not need the services of a nursing home or a hospital. These facilities provide a living environment that is as home-like and as least restrictive as possible of each resident’s freedom and is compatible with each resident’s need for care and services. <i>Residential care apartment complexes</i> consist of five or more independent apartments, each of which has an individual, lockable entrance and exit; a kitchen, including a stove; independent bathroom, sleeping and living areas; and provide residents up to 28 hours per week of personal, supportive, and nursing services that are appropriate to the needs, abilities, and preferences of individual residents. The state also licenses <i>adult family homes</i>, which are private residences in which the care provider – whose primary domicile is this</p>	<p>No. Smoking is allowed in rooms in assisted living facilities that are used by one or two or more persons if every person who lives in that room smokes and each of those persons has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed. <a href="#">Wis. Stat. Ann. § 101.123 (2010)</a></p>	<p>Not specified. <a href="#">Wisconsin Department of Health website (2015)</a> with information and links to the state’s assisted living regulations.</p>	<p>Wisconsin Department of Health Services, Bureau of Assisted Living, Division of Quality Assurance</p>	

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	<p>residence – furnishes care and maintenance above the level of room and board to three to four adults who are not related to the licensee. Homes serving one to two individuals do not need to be licensed, but if they want to receive public funding, they are regulated by individual county Human Services departments. <a href="#">Wisconsin Department of Health website (2015)</a> with information and links to the state’s assisted living regulations.</p>				
Wyoming	<p>The state licenses <i>assisted living facilities</i>, which are non-institutional dwellings operated by a person, firm or corporation engaged in providing limited nursing care, personal care, and boarding home care, but not habilitative care, for persons not related to the owner of the facilities. Boarding home means a non-institutional dwelling or rooming house operated by any person, firm or corporation engaged in the business of operating a home for the purpose of letting rooms for rent and providing meals and personal daily living care, but not habilitative or nursing care, for persons not related to the owner. The state licenses adult foster care homes that provide care and supervision for up to five adults who are not related to the provider by blood, marriage or adoption (except in certain circumstances), and who need long-term care in a home-like atmosphere. Wyoming currently has no adult foster care providers. <a href="#">Wyoming Rules and</a></p>	<p>No. <a href="#">Wyoming State Govt. Non-Smoking Policy (1989)</a></p>	<p>Not specified. The management of assisted living facilities must develop policies and procedures that are available to residents and staff, including but not limited to smoking. <a href="#">Wyoming Department of Health, Aging Division Rules for Program Administration of Assisted Living Facilities, Chapter 12 (2007)</a></p>	<p>Wyoming Department of Health, Office of Healthcare Licensing and Surveys</p>	

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	<a href="#">Regulations for Licensure of Assisted Living Facilities, Chapter 4</a> ; <a href="#">Wyoming Department of Health, Aging Division Rules for Program Administration of Assisted Living Facilities, Chapter 12 (2007)</a> ; <a href="#">Wyoming Department of Health website: Assisted Living Facility- Wyoming Licensure Information</a> ; <a href="#">Wyoming Department of Health, Rules for Pilot Project-Adult Foster Care Homes, Chapter 13</a>				