



North Carolina Department of Health and Human Services
Division of Health Service Regulation • Mental Health Licensure and Certification Section
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Michael F. Easley, Governor

Dempsey Benton, Secretary

Stephanie M. Alexander, Chief

MEMORANDUM

To: All Licensed Mental Health, Developmental Disability and Substance Abuse Services Providers

From: Stephanie Alexander, Chief, Mental Health Licensure & Certification Section

Date: September 21, 2007

Re: House Bill 1294 "An Act to Prohibit Smoking Inside Long-Term Care Facilities"

House Bill 1294, "An Act to Prohibit Smoking Inside Long-Term Care Facilities" was ratified on August 1, 2007. Section 3 of the bill applies to facilities licensed under General Statute (G.S.) 122C and requires facilities to:

- Conspicuously post signs clearly stating that smoking is prohibited inside the facility. The signs may include the international 'No Smoking' symbol, which consists of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it;
- Direct any person who is smoking inside the facility to extinguish the lighted smoking product (Note: The bill defines 'inside' as "a fully enclosed area". Open and screened in porches would not be considered fully enclosed areas. A "fully enclosed area" would include an area containing a roof, walls and one or more doors. In addition, the term "facility" does not include the entire building but only the part of the building that is licensed under G.S. 122C. Non-licensed areas such as separate apartments, independent living, etc., would not be affected by this law); and
- Provide written notice to individuals upon admittance that smoking is prohibited inside the facility and obtain the signature of the individual or the individual's representative acknowledging receipt of the notice.

The Division of Health Service Regulation is charged with enforcing this bill effective October 1, 2007. The Division may impose a facility with an administrative penalty up to \$200.00 for each violation on any person who owns, manages, operates, or otherwise controls the licensed facility and fails to comply with the above requirements.

This bill can be accessed at:

<http://www.ncga.state.nc.us/sessions/2007/bills/house/html/h1294v6.html>



In addition, DHSR sent out a memorandum dated March 3, 2007 to adult care homes and nursing homes concerning Resident Safety Regarding Smoking. Even though addressed to adult care and nursing homes, the memorandum contains information relative to all provider types, particularly in the area of oxygen use and smoking and can be accessed on the DHSR web site at: <http://facility-services.state.nc.us/news.html>

If there are further questions concerning this bill, please do not hesitate to contact the Mental Health Licensure and Certification Section at (919) 855-3795.

Cc: Rita C. Horton, DHSR Complaint Intake Unit
Bill Warren, Chief DHSR Construction Section
Division of Mental Health, Developmental Disabilities and Substance Abuse Services
N.C. Council of Community Programs
N.C. Providers Council
N.C. Association of Community Based ICF/MR Providers
National Alliance on Mental Illness - North Carolina
Mental Health Association in North Carolina