

FACT SHEET

Residential Care Regulation

Community Care and Assisted Living Act

Smoking in Residential Care

Section 23 of the Residential Care Regulation requires that licensees ensure that:

- no one other than a person in care smokes while on the premises of a facility
- employees do not smoke while supervising persons in care, and
- if necessary for his/her safety, a person in care who is smoking is supervised

Are persons in care allowed to smoke at a residential care facility?

Persons living in care facilities that are licensed under the *Community Care and Assisted Living Act* can smoke in designated smoking rooms if one is provided.

However, municipalities, health authorities, and facilities may have stringent restrictions on where people can smoke and, if so, those restrictions apply.

Are facility staff allowed to smoke at a residential care facility?

Staff may not smoke at a care facility at any time, even if they are accompanying a resident to ensure his or her safety in a designated smoking area. Staff are not permitted to smoke while they are providing care and supervision for persons in care while away from the care facility.

How can a person in care be adequately supervised while smoking (Section 23 [c]) without placing staff at risk of the effects of second-hand smoke?

Each situation of ensuring the safety of a person in care is different depending on the needs and abilities of the person in care, the layout of the facility, and other factors. Staff exposure to second-hand smoke may be avoided by supervising residents from a distance. For example, staff could observe a resident through a window or by electronic means. Family members could be asked to accompany and supervise the person in care while smoking.

Licensing officers are available to discuss issues, make site visits, and help licensees understand the requirements of the regulations.

For more information

Contact the local health authority community care licensing program and speak with a licensing officer.

This information is not to be regarded as a substitute for the *Community Care and Assisted Living Act* and regulations or legal advice. If you require legal advice about the issues the issues discussed here please contact independent legal counsel.