

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

This chart is an overview of U.S. state laws requiring tobacco-free grounds for mental health and substance use disorder programs. The information was based on a 50-state (plus Washington, D.C.) Westlaw database scan of current state laws and regulations. Whenever possible, hyperlinks to free online resources containing the cited authority are included. Please note, however, that some links go to legislative websites or portals because the laws have not yet been codified or are not otherwise available. In some instances, public domain websites have not yet been updated to include the most recently passed laws. The N/A designation refers to the lack of state laws or regulations related to tobacco-free grounds as of January 1, 2022.

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

As of January 1, 2022, **fourteen (14) states** require tobacco-free grounds for most mental health facilities. **Thirteen (13) states** require tobacco-free grounds for most substance use facilities. "Grounds" includes any portion of the facility that is outdoors. If the law specifies a certain distance from doors, windows, or the building, the chart lists that specification. Please note that this scan focuses on *legal requirements*, not voluntary actions taken by many behavioral health facilities. Feel free to contact the Public Health Law Center for more information about tobacco-free ground restrictions in mental health and substance use facilities where you live.

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State	Requires tobacco-free grounds for mental health facilities?	Requires tobacco-free grounds for substance use treatment facilities?
<b>Alaska</b>	Yes.	Yes.
<b>Connecticut</b>	Yes.	No.
<b>Hawaii</b>	Yes.	Yes.
<b>Idaho</b>	Partially.	Partially.
<b>Illinois</b>	Yes.	Yes.
<b>Indiana</b>	Yes.	Yes.
<b>Maine</b>	Yes.	Yes.
<b>Michigan</b>	Partially.	No.
<b>New Mexico</b>	Yes.	Yes.
<b>New York</b>	Yes.	Yes.
<b>North Carolina</b>	Partially.	Partially.
<b>North Dakota</b>	Yes.	Yes.
<b>Oklahoma</b>	Partially.	Partially.
<b>Oregon</b>	No.	Yes.
<b>Vermont</b>	Partially.	Partially.

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## Detailed State Laws

State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
Alabama	No.	No.	<p>“No person shall smoke in a public place or at a public meeting except as otherwise provided in this subsection . . .” (<a href="#">ALA. CODE § 22-15A-4(a) (2003)</a>).</p> <p>“The person in charge of a public place may designate an area for the use of smokers. Notwithstanding the foregoing, a smoking area may not be designated and no person may smoke in any of the following unless the area is enclosed and well ventilated . . . [h]ospitals, health care clinics, doctors' offices . . .” (<a href="#">ALA. CODE § 22-15A-6(a)(2) (2003)</a>).</p>	<p>“<b>Smoking by patients in a chemical dependency treatment program or mental health program</b> may be allowed in a separated well-ventilated area pursuant to a policy established by the administrator of the program that identifies circumstances in which prohibiting smoking would interfere with the treatment of persons recovering from chemical dependency or mental illness.” (<a href="#">ALA. CODE § 22-15A-4(b) (2003)</a>).</p>	<p>“The Legislature finds as follows: (1) Numerous studies have found that tobacco smoke may be a major contributor to indoor air pollution and that breathing secondhand smoke may be a cause of disease, including lung cancer, in nonsmokers. At special risk are children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease.” (<a href="#">ALA. CODE § 22-15A-2(1) (2003)</a>).</p>	N/A
Alaska	Yes. Smoking is prohibited within 20 feet of entrances, open	Yes. Smoking is prohibited within 20 feet of entrances, open	<p>“An individual may not smoke in an enclosed area . . . at a health care facility, including residential units in the health care facility.”</p>	N/A		<p>“A person who violates [this chapter] and against whom the commissioner</p>

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

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

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	windows, and air intake vents at health care facilities.	windows, and air intake vents at health care facilities.	<p><a href="#">(ALASKA STAT. § 18.35.301(b)(5) (2020))</a>.</p> <p>“An individual may not smoke outdoors . . . at a place of employment or health care facility that has declared the entire campus or outside grounds or property to be smoke-free [or] within . . . 20 feet of an entrance, open window, or heating or ventilation system air intake vent at an enclosed area at a place where smoking is prohibited under this section . . . .” <a href="#">(ALASKA STAT. § 18.35.301(c) (2020))</a>.</p> <p>“‘[H]ealth care facility’ means an office or institution providing care or treatment for physical, mental, emotional, or other medical, dental, physiological, or psychological diseases or conditions . . . psychiatric hospital; residential psychiatric treatment center . . . ; and other facilities, places of employment, or offices operated for use by . . . psychiatrists . . . or other professional health care providers to provide health care.” <a href="#">(ALASKA STAT. § 18.35.399(9) (2020))</a>.</p>			has filed a civil complaint under this section is punishable by a civil fine of [NOT LESS THAN \$10 NOR MORE THAN] \$50.” <a href="#">(ALASKA STAT. § 18.35.340(c) (2018))</a> .
Arizona	No.	No.	“Smoking is prohibited in all public places and places of employment within the state of Arizona.” <a href="#">(ARIZ.</a>	The smoking prohibition does not apply to “[p]rivate residences, except when used as	N/A	N/A

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			<p><a href="#">REV. STAT. ANN. § 36-601.01(B) (2021)</a>).</p> <p>“‘Public place’ means any enclosed area to which the public is invited or in which the public is permitted, including . . . health care facilities . . . A private residence is not a “public place” unless it is used as a . . . health care facility.” <a href="#">(ARIZ. REV. STAT. ANN. § 36-601.01(A)(9) (2021))</a>.</p> <p>“‘Health care facility’ means any <b>enclosed area</b> utilized by any health care institution licensed according to title 36, chapter 4, chapter 6 article 7, or chapter 17 . . . .” <a href="#">(ARIZ. REV. STAT. ANN. § 36-601.01(A)(4) (2021))</a>.</p> <p>“‘Health care institution’ means every place, institution, building or agency, whether organized for profit or not, that provides facilities with medical services, nursing services, <b>behavioral health services</b>, health screening services, other health-related services, supervisory care services, personal care services or directed care services and includes home health agencies as defined in section 36-</p>	<p>a licensed child care, adult day care, or health care facility.” <a href="#">(ARIZ. REV. STAT. ANN. § 36-601.01(B)(1) (2021))</a>.</p>		

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			<p>151, outdoor behavioral health care programs and hospice service agencies.” (<a href="#">ARIZ. REV. STAT. ANN. § 36-401(A)(22) (2021)</a>).</p> <p>“‘Behavioral health services’ means services that pertain to mental health and substance use disorders and that are either: (a) Performed by or under the supervision of a professional who is licensed pursuant to title 32 and whose scope of practice allows the professional to provide these services [or] (b) Performed on behalf of patients by behavioral health staff as prescribed by rule.” (<a href="#">ARIZ. REV. STAT. ANN. § 36-401(A)(22) (2021)</a>).</p>			
Arkansas	No.  “It is a violation for any person to use a tobacco product, vapor product, alternative nicotine product, or e-liquid product in or on the grounds of	No.  “It is a violation for any person to use a tobacco product, vapor product, alternative nicotine product, or e-liquid product in or on the grounds of	<p>“Smoking is prohibited in all public places and enclosed areas within places of employment, including, but not limited to . . . [h]ealthcare facilities.” (<a href="#">ARK. CODE ANN. § 20-27-1804(b)(1) (2020)</a>).</p> <p>“‘Healthcare facility’ means an office or institution providing care or treatment of diseases, <b>whether physical, mental, or emotional, or other medical, physiological, or psychological conditions</b>, including weight control clinics,</p>	<p>“‘Healthcare facility’ does not include: (i) [m]edical facilities under § 20-27-704 et seq.; (ii) [p]sychiatric hospitals as defined by the Department of Health’s rules for hospitals and related institutions; or (iii) [l]ong-term care facilities.” (<a href="#">ARK. CODE ANN. § 20-27-1803(6)(C) (2020)</a>).</p> <p>“An owner or operator of any of the following areas may exempt itself from this</p>	<p>The Licensure Standards for Alcohol and Other Drug Abuse Treatment Programs are part of the Arkansas Clean Indoor Air Act.</p> <p>“Direct smoking of tobacco and indirect smoking of tobacco through inhaling the smoke of those who are smoking nearby are major causes of</p>	<p>“Any person who violates any provision of this subchapter is guilty of a violation and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).”</p>

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	any . . . healthcare facility.” <a href="#">(ARK. CODE ANN. § 26-57-254(b)(1) (2020))</a> .	any . . . healthcare facility.” <a href="#">(ARK. CODE ANN. § 26-57-254(b)(1) (2020))</a> .	homes for the chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions [and] includes the building or buildings in which a medical facility operates, <b>together with all property owned or operated by a medical facility that is contiguous to the building or buildings in which medical services are provided.</b> <a href="#">(ARK. CODE ANN. § 20-27-1803(6) (2020))</a> .  “Smoking of tobacco is prohibited in and on the grounds of all medical facilities.” <a href="#">(ARK. CODE ANN. § 20-27-706(a) (2020))</a> .  ““Medical facilities’ means hospitals, including both inpatient and outpatient services, as well as hospital-owned and operated ambulatory surgery centers, hospital-owned and operated free-standing medical clinics, and human development centers.” <a href="#">(ARK. CODE ANN. § 20-27-705(2) (2020))</a> .	subchapter: . . . [a]n area within a long-term care facility that is designated by the long-term care facility as a smoking area for supervised patient and supervisory staff smoking; or (B) An area outside of the long-term care facility that is designated for visitors and staff that is beyond twenty-five feet (25’) of any primary entryway or opening of a long-term care facility.” <a href="#">(ARK. CODE ANN. § 20-27-1805(5)(A)-(B) (2020))</a> .	preventable diseases and death. . . . Secondhand smoke is a known cause of lung cancer, heart disease, chronic lung ailments such as bronchitis and asthma, particularly in children, and low birth-weight births. Implementing laws that prohibit tobacco usage in certain public areas, buildings, and facilities is an effective approach to reducing secondhand smoke exposure among nonsmokers.” <a href="#">(ARK. CODE ANN. § 20-27-1802 (2020))</a> .	<a href="#">(ARK. CODE ANN. § 20-27-1809 (2020))</a> .
California	No.	No.	“An employer or owner-operator of an owner-operated business shall	““Place of employment”” does not include . . . <b>Medical</b>		N/A



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			<p>not knowingly or intentionally permit, and a person shall not engage in, the smoking of tobacco products at a place of employment or in an enclosed space.” <a href="#">(CAL. LAB. CODE § 6404.5(c) (2016))</a>.</p>	<p>research or <b>treatment sites, if smoking is integral to the research and treatment being conducted.</b>” <a href="#">(CAL. LAB. CODE § 6404.5(e)(5) (2016))</a>.</p> <p>“Upon receiving a request from the director of a state hospital listed in Section 4100 , the Director of State Hospitals may prohibit the possession or use of tobacco products on the grounds of the requesting facility. The Director of State Hospitals shall provide an implementation plan that shall include a <b>phase-in period</b> for any of the state hospitals listed in Section 4100 that prohibits the possession or use of tobacco products by patients or any other persons on hospital grounds, except on the premises of residential staff housing where patients are not present.” <a href="#">(CAL. WELF. &amp; INST. CODE § 4138(a) (2012))</a>.</p>	<p>“It is the intent of the Legislature in enacting this section to prohibit the smoking of tobacco products in all (100 percent of) <b>enclosed</b> places of employment in this state . . . .” <a href="#">(CAL. LAB. CODE § 6404.5(a) (2016))</a>.</p>	
Colorado	No.	No.	<p>“Except as provided in section 25-14-205, smoking is not permitted and <b>a person shall smoke in any indoor area, including, . . . [h]ealth-care facilities including hospitals, health-care clinics,</b></p>	N/A	<p>“It is in the best interest of the people of this state to protect the public from involuntary exposure to emissions</p>	N/A



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			<p><b>doctor's offices, and other health care related facilities . . . .”</b>  <a href="#">(COLO. REV. STAT. § 25-14-204(1)(j) (2020))</a>.</p>		<p>from secondhand smoke and electronic smoking devices (ESD) in most indoor areas open to the public, in public meetings, in food service establishments, and in places of employment.” <a href="#">(COLO. REV. STAT. § 25-14-202(1)(a) (2019))</a>.</p>	
Connecticut	Yes. Smoking is prohibited within 25 feet of a doorway, window, or air intake vent of a psychiatric facility.	No.	<p>“[N]o person shall smoke . . . in any area of a health care institution, <b>including, but not limited to, a psychiatric facility.</b>” <a href="#">(CONN. GEN. STAT. § 19a-342(b)(1) (2021))</a>.</p> <p>“‘Any area’ means the interior of the facility, building or establishment and the outside area within twenty-five feet of any doorway, operable window or air intake vent of the facility, building or establishment.” <a href="#">(CONN. GEN. STAT. § 19a-342(a)(2) (2021))</a>.</p>	N/A	N/A	<p>“Any person found guilty of smoking in violation of this section . . . shall have committed an infraction.” <a href="#">(CONN. GEN. STAT. § 19a-342(d) (2021))</a>.</p>
Delaware	No.	No.	<p>“[S]moking shall not be permitted and no person shall smoke in any <b>indoor enclosed area</b> to which the general public is invited or in which the general public is permitted, including, but not limited to . . . <b>[h]ealth-care facilities including hospitals, health care clinics,</b></p>	N/A	N/A	N/A

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			<b>doctor’s offices or other health-care-related facilities . . .</b> ” <a href="#">DEL. CODE ANN. tit. 16, § 2903 (2015)</a> .			
District of Columbia	No.	No.	<p>“The Department of Health is authorized to conduct inspections of all places of employment and public places to ensure that the activity of smoking in such places, which is hereby prohibited, is not taking place . . .” <a href="#">(D.C. CODE § 7-741.02 (2021))</a>.</p> <p>“‘Public place’ means an <b>enclosed area</b> to which the public is invited or in which the public is permitted, including banks, educational facilities, <b>health care facilities</b> . . . waiting rooms, and excludes a private residence, unless it is used as a child care, adult day care, or <b>health care facility</b>.” <a href="#">(D.C. CODE § 7-741.01(3) (2021))</a>.</p>	<p>“The following places shall be exempt from the provisions of this subchapter: . . . [a]<b>medical treatment</b>, research, or nonprofit institution where the activity of smoking is conducted for the purpose of medical research or <b>is an integral part of a smoking cessation program</b>.” <a href="#">(D.C. CODE § 7-741.03(a)(5) (2021))</a>.</p> <p>“The Mayor may grant an economic hardship waiver from the requirements of this subchapter; provided . . . the applicant establishes, to the satisfaction of the Mayor, that compliance with the requirements of this subchapter has caused or will cause undue financial hardship.” <a href="#">(D.C. CODE § 7-741.05, (a) (2021))</a>.</p>	N/A	N/A
Florida	No.	No.	“A person may not smoke or vape in an <b>enclosed</b> indoor workplace, except as otherwise provided in s. 386.2045.” <a href="#">(FLA. STAT. § 386.204 (2021))</a> .	“[T]obacco smoking or vaping, or both, may be authorized in each of the following places: . . . [a] <b>n enclosed indoor workplace, to the extent that tobacco smoking or vaping is an integral part of a smoking</b>	“The purpose of this part is to protect people from the health hazards of secondhand tobacco smoke and vapor and to implement the Florida health initiative in s. 20,	N/A

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				<p><b>or vaping cessation program approved by the department, or medical or scientific research conducted therein.”</b>  <a href="#">(FLA. STAT. § 386.2045 (2021)).</a></p>	<p>Art. X of the State Constitution. It is the intent of the Legislature to not inhibit, or otherwise obstruct, medical or scientific research, or smoking or vaping cessation programs approved by the Department of Health.” <a href="#">(FLA. STAT. § 386.202 (2021)).</a></p>	
Georgia	No.	No.	<p>“Except as otherwise specifically provided in Code Section 31-12A-6, smoking shall be prohibited in all <b>enclosed areas</b> within places of employment, including, but not limited to, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, and all other enclosed facilities.” <a href="#">(GA. CODE ANN. § 31-12A-5(a) (2017)).</a></p> <p>“‘Health care facility’ means an office or institution providing care or treatment of diseases, <b>whether physical, mental, or emotional, or</b></p>	<p>“[T]he following areas shall be exempt . . . [l]ong-term care facilities as defined in paragraph (3) of Code Section 31-8-81; . . . <b>[o]utdoor areas of places of employment;</b> . . . [p]rivate and semiprivate rooms in health care facilities licensed under this title that are occupied by one or more persons, all of whom have written authorization by their treating physician to smoke . . . .” <a href="#">(GA. CODE ANN. § 31-12A-6 (2017)).</a></p>	N/A	N/A

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			<p><b>other medical, physiological, or psychological conditions</b>, including, but not limited to, hospitals, rehabilitation hospitals or other clinics . . . and all specialists within these professions . . . [and includes] all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.” (<a href="#">GA. CODE ANN. § 31-12A-2(6) (2017)</a>).</p>			
Hawaii	Yes. Smoking is prohibited within 20 feet of entrances, exits, windows that open, and air vent intakes of health care facilities.	Yes. Smoking is prohibited within 20 feet of entrances, exits, windows that open, and air vent intakes of health care facilities.	<p>“Smoking is prohibited within a presumptively reasonable minimum distance of twenty feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed or partially enclosed area where smoking is prohibited.” (<a href="#">HAW. REV. STAT. § 328J-6 (2016)</a>).</p> <p>“Smoking shall be prohibited in all enclosed or partially enclosed areas open to the public, including but not limited to the following places: . . . [h]ealth care facilities.” (<a href="#">HAW. REV. STAT. § 328J-3(10) (2016)</a>).</p> <p>“‘Health care facility’ means an office or institution, including all</p>	<p>“Notwithstanding any other provision of this chapter to the contrary, the following areas shall be exempt from the provisions of sections 328J-3, 328J-4, and 328J-5: . . . [p]rivate and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted; provided that smoke from these places shall not infiltrate into areas where smoking is prohibited under this chapter.” (<a href="#">HAW.</a></p>	N/A	<p>“A person who smokes in an area where smoking is prohibited by this chapter shall be guilty of a violation and fined not more than \$50 to be deposited into the general fund.” (<a href="#">HAW. REV. STAT. § 328J-12(a) (2011)</a>).</p> <p>“In addition to the fines established by this section,</p>

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			<p>waiting rooms, hallways, private rooms, semiprivate rooms, and wards, which provides care or treatment of diseases, <b>whether physical, mental, or emotional, or other medical, physiological, or psychological conditions</b>, including but not limited to hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions.” (<a href="#">HAW. REV. STAT. § 328J-1 (2016)</a>).</p>	<p><a href="#">REV. STAT. § 328J-7(4) (2016)</a>.</p>		<p>violation of this chapter by a person who owns, manages, operates, or otherwise controls any place or facility designated by this chapter may result in the suspension or revocation of any permit or license issued to the person or the place for the premises on which the violation occurred.” (<a href="#">HAW. REV. STAT. § 328J-12(g) (2011)</a>).</p>
Idaho	Partially. Smoking is prohibited within 20 feet of the entrances and exits of hospitals.	Partially. Smoking is prohibited within 20 feet of the entrances and exits of hospitals.	<p>“No person shall smoke in a public place, publicly-owned building or office, or at a public meeting . . . .” (<a href="#">IDAHO CODE § 39-5503(1) (2021)</a>).</p> <p>“‘Public place’ means any enclosed indoor place of business, commerce, banking, financial</p>	N/A	“The intent of this chapter is to protect the public health, comfort and environment, the health of employees who work at public places and the rights of nonsmokers to breathe clean air by prohibiting	“An employer, or other person in charge of a public place or publicly owned building, or the agent or employee of such person, who

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			<p>service or other service-related activity, whether publicly or privately owned and whether operated for profit or not, to which persons not employed at the public place have general and regular access or which the public uses including: . . . [h]ospitals. . . and <b>within twenty (20) feet of public entrances and exits to such facilities.</b>" (<a href="#">IDAHO CODE § 39-5502(6) (2021)</a>).</p> <p>“‘Publicly-owned building or office’ means any <b>enclosed indoor place</b> or portion of a place owned, leased or rented by any state, county or municipal government, or by any agency supported by appropriation of, or by contracts or grants from, funds derived from the collection of federal, state, municipal or county taxes.” (<a href="#">IDAHO CODE § 39-5502(7) (2021)</a>).</p>		<p>smoking in public places and at public meetings.” (<a href="#">IDAHO CODE § 39-5501(2) (2021)</a>).</p>	<p>observes a person smoking in apparent violation of this chapter shall ask the person to extinguish all lighted tobacco products. If the person persists in violating this chapter, the employer, person in charge, agent or employee shall ask the person to leave the premises. Any person who refuses to either extinguish all lighted tobacco products or leave the premises is guilty of an infraction and is subject to a fine of seventeen dollars and fifty cents (\$17.50). Any violation may be reported to a law</p>

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						<p>enforcement officer.” <a href="#">(IDAHO CODE § 39-5507 (2021))</a>.</p> <p>“Any employer or other person in charge of a public place or publicly-owned building or office who knowingly violates the provisions of this section is guilty of an infraction and is subject to a fine not to exceed one hundred dollars (\$100).” <a href="#">(IDAHO CODE § 39-5506(2) (2021))</a>.</p>
Illinois	Yes. Smoking is prohibited within 15 feet of entrances, exits, windows, and vent intakes of healthcare facilities.	Yes. Smoking is prohibited within 15 feet of entrances, exits, windows, and vent intakes of healthcare facilities.	“No person shall smoke in a public place or in any place of employment or within 15 feet of any entrance to a public place or place of employment. No person may smoke in any vehicle owned, leased, or operated by the State or a political subdivision of the State. An owner shall reasonably assure that smoking is prohibited in indoor	N/A	N/A	“A person, corporation, partnership, association or other entity who violates Section 15 or 20 of this Act shall be liable for a civil penalty pursuant



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State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
			<p>public places and workplaces unless specifically exempted by Section 35 of this Act.” (<a href="#">410 ILL. COMP. STAT. 82/15 (2014)</a>).</p> <p>“Smoking is prohibited within a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under this Act so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means.” (<a href="#">410 ILL. COMP. STAT. 82/70 (2014)</a>).</p> <p>“‘Public place’ means that portion of any building or vehicle used by and open to the public . . . [including] healthcare facilities or clinics . . . .” (<a href="#">410 ILL. COMP. STAT. 82/10 (2014)</a>).</p> <p>“‘Healthcare facility’ means an office or institution providing care or treatment of diseases, whether physical, <b>mental, or emotional, or other medical, physiological, or psychological conditions</b>, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing</p>			<p>to this Section. Each day that a violation occurs is a separate violation. A person who smokes in an area where smoking is prohibited under Section 15 of this Act shall be liable for a civil penalty in an amount that is \$100 for a first offense and \$250 for each subsequent offense. A person who owns, operates, or otherwise controls a public place or place of employment that violates Section 15 or 20 of this Act shall be liable for a civil penalty of (i) \$250 for the first violation, (ii) \$500 for the</p>

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

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			homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions.” <a href="#">(410 ILL. COMP. STAT. 82/10 (2014))</a> .			second violation within one year after the first violation, and (iii) \$2,500 for each additional violation within one year after the first violation.” <a href="#">(410 ILL. COMP. STAT. 82/45(a)-(b) (2014))</a> .
Indiana	Yes. Smoking is prohibited within 8 feet of entrances to all public places.	Yes. Smoking is prohibited within 8 feet of entrances to all public places.	<p>“Except as provided in section 5 of this chapter, smoking is prohibited in the following: (1) A public place. (2) A place of employment. (3) A vehicle owned, leased, or operated by the state if the vehicle is being used for a governmental function. (4) The area within eight (8) feet of a public entrance to: (A) a public place; or (B) a place of employment.” <a href="#">(IND. CODE § 7.1-5-12-4(a) (2019))</a>.</p> <p>“‘[P]lace of employment’ means an enclosed area of a structure that is a place of employment. The term does not include a private vehicle.” <a href="#">(IND. CODE § 7.1-5-12-1 (2019))</a>.</p> <p>“‘[P]ublic place means an enclosed area of a structure in which the</p>		Indiana Department of Mental Health and Addiction (DMHA) requires that facilities receiving funding from DMHA be tobacco-free and address treatment as a component. <a href="#">(IND. DEP’T HEALTH, Request for Funding Announcement)</a> .	N/A

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

State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
			public is invited or permitted.” <a href="#">(IND. CODE § 7.1-5-12-2 (2019))</a> .			
Iowa	No.	No.	<p>“Smoking is prohibited and a person shall not smoke in . . . public places [or] enclosed areas within places of employment including . . . medical facilities . . .” <a href="#">(IOWA CODE § 142D.3 (2021))</a>.</p> <p>“‘Public place’ means an <b>enclosed area</b> to which the public is invited or in which the public is permitted, including common areas, and including but not limited to . . . [h]ealth care provider locations . . . .” <a href="#">(IOWA CODE § 142D.2(16) (2021))</a>.</p> <p>“‘Health care provider location’ means an office or institution providing care or treatment of disease, whether physical, <b>mental, or emotional, or other medical, physiological, or psychological conditions</b> . . . .” <a href="#">(IOWA CODE § 142D.2(10) (2021))</a>.</p>	<p>Areas where smoking is not regulated: “[p]rivate 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, . . . . [o]utdoor areas that are places of employment [unless the grounds are owned, leased, or operated by the state government,] . . . . [a]n <b>enclosed area within a place of employment or public place that provides a smoking cessation program or a medical or scientific research or therapy program, if smoking is an integral part of the program</b> . . . .” <a href="#">(IOWA CODE § 142D.4 (2021))</a>.</p>	<p>“The general assembly finds that environmental tobacco smoke causes and exacerbates disease in nonsmoking adults and children. These findings are sufficient to warrant measures that regulate smoking in public places, places of employment, and outdoor areas in order to protect the public health and the health of employees. . . . The purpose of this chapter is to reduce the level of exposure by the general public and employees to environmental tobacco smoke in order to improve the public health of Iowans.” <a href="#">(IOWA CODE § 142D.1 (2021))</a>.</p>	

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

State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
Kansas	No.	No.	<p>“It shall be unlawful, with no requirement of a culpable mental state, to smoke in an enclosed area or at a public meeting including . . . public places . . .” (<a href="#">KAN. STAT. ANN. § 21-6110(a) (2020)</a>).</p> <p>“‘Public place’ means any <b>enclosed areas</b> open to the public or used by the general public including . . . health care institutions or any other place where health care services are provided to the public [and] medical care facilities . . .” (<a href="#">KAN. STAT. ANN. § 21-6109(n) (2020)</a>).</p> <p>“‘Medical care facility’ means a physician’s office, general hospital, special hospital, ambulatory surgery center or recuperation center . . . and <b>any psychiatric hospital</b> . . .” (<a href="#">KAN. STAT. ANN. § 21-6109(h) (2020)</a>).</p>	<p>“[T]he proprietor or other person in charge of an adult care home . . . or a medical care facility, may designate a portion of such adult care home, or the licensed long-term care unit of such medical care facility, as a smoking area, and smoking may be permitted within such designated smoking area.” (<a href="#">KAN. STAT. ANN. § 21-6110(c) (2020)</a>).</p> <p>“The provisions of this section shall not apply to . . . [t]he outdoor areas of any building or facility beyond the access points of such building or facility [or] that portion of a licensed long-term care unit of a medical care facility that is expressly designated as a smoking area by the proprietor or other person in charge of such medical care facility.” (<a href="#">KAN. STAT. ANN. § 21-6110(d) (2020)</a>).</p>	The <a href="#">Kansas Tobacco Guideline for Behavioral Health Care</a> sets the standard for tobacco-free grounds for all behavioral health facilities. This is a voluntary standard.	N/A
Kentucky	No.	No.	<p>“[A] policy for smoking in governmental office buildings or workplaces shall be adopted by state government. This policy shall</p>	N/A	N/A	N/A

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

State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
			<p>apply to all state-owned or state-operated office buildings, workplaces, and facilities, including but not limited to state-operated hospitals and residential facilities for the intellectually disabled, state-operated veterans' nursing homes and health facilities, and any correctional facility owned by, operated by, or under the jurisdiction of the state. . . . [A]ny policy relating to smoking in state office buildings or workplaces shall . . . [p]rohibit indoor smoking.”  <a href="#">(State Legislated Actions on Tobacco Issues; see also KY. REV. STAT. ANN. § 61.165 (2010)).</a></p>			
Louisiana	No.	No.	<p>“[S]moking shall be prohibited in enclosed areas of all hospitals licensed pursuant to this Part. . . . For purposes of this Section, ‘enclosed area’ shall be determined by the governing board of the hospital but shall include, at a minimum, all areas of the building that are air conditioned or heated.” <a href="#">(LA. STAT. ANN. § 40:2115 (2012)).</a></p> <p>“‘Hospital’ means any institution, place, building, or agency, public or private, whether for profit or not, with facilities for the diagnosis,</p>	<p>“[T]he governing board of a private psychiatric hospital and the Department of Public Safety and Corrections shall establish rules and policies to reasonably accommodate inpatients and inmates who smoke.” <a href="#">(LA. STAT. ANN. § 40:2115 (2012)).</a></p>	<p>“The legislature finds and determines that it is in the best interest of the people of this state to protect nonsmokers from involuntary exposure to secondhand smoke.” <a href="#">(LA. STAT. ANN. § 40:1291.2 (2015)).</a></p>	N/A

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State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
			<p>treatment, or care of persons who are suffering from illness, injury, infirmity, or deformity or other physical condition for which obstetrical, medical, or surgical services would be available and appropriate and which operates or is affiliated with facilities for the overnight care, observation, or recovery of those persons.” (<a href="#">LA. STAT. ANN. § 40:2102 (2018)</a>).</p>			
Maine	Yes. Smoking is prohibited within 20 feet of entrances, exits, vents, and doorways of workplaces.	Yes. Smoking is prohibited within 20 feet of entrances, exits, vents, and doorways of workplaces.	<p>“Each employer shall establish . . . [a policy which] prohibit smoking indoors subject to paragraph A, prevent environmental tobacco smoke from circulating into enclosed areas and prohibit smoking outdoors except in designated smoking areas.” (<a href="#">ME. STAT. tit. 22, § 1580-A (2009)</a>).</p> <p>“‘Business facility’ means a structurally enclosed location or portion thereof at which employees perform services for their employer. . . . A business facility is a place of employment. . . . A residential facility, nursing home or a hospital is a business facility.” (<a href="#">ME. STAT. tit. 22, § 1580-A(2)(A) (2009)</a>).</p> <p>“‘Designated smoking area’ means an outdoor area where smoking is</p>	N/A	Maine’s tobacco prevention and control program provides funding to <a href="#">MaineHealth Center for Tobacco Independence</a> to support behavioral health facilities in developing best practice tobacco-free policies, screening clients, and referring for treatment. The <a href="#">Gold Star Standards of Excellence initiative</a> annually recognizes organizations that voluntarily meet evidence-based standards.	“Any violation of this section is a civil violation for which a fine of not more than \$100 may be adjudged, except that a fine of not more than \$1,500 may be adjudged for each violation of this section in cases in which the employer has engaged in a pattern of conduct that demonstrates a lack of good faith in complying with the requirements of

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

State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
			permitted, which must be at least 20 feet from entryways, vents and doorways.” ( <a href="#">ME. STAT. tit. 22, § 1580-A(2)(A-2) (2009)</a> ).			this section.” ( <a href="#">ME. STAT. tit. 22, § 1580-A(4) (2005)</a> ).
Maryland	No.	No.	<p>“[A] person may not smoke in: [a]n <b>indoor area</b> open to the public; or [a]n indoor place of employment.” (<a href="#">MD. CODE ANN., HEALTH-GEN. § 24-504 (2019)</a>).</p> <p>“Every director of a nursing home, health clinic, or physician’s office shall make and carry out a plan that adequately protects the health of nonsmoking patients by regulating the smoking of tobacco products on the premises. . . . An individual may not smoke in any area of a hospital.” (<a href="#">MD. CODE ANN., HEALTH-GEN. § 24-205 (2019)</a>).</p>	This smoke-free requirement “does not apply to patients who are: (i) In a facility for the treatment of mental disorders as defined in § 10-101(e) of this article; (ii) In a facility where the average patient stay is more than 30 days; or (iii) In an acute care hospital and the attending physician authorizes smoking, in writing, as part of the care for the patient.” ( <a href="#">MD. CODE ANN., HEALTH-GEN. § 24-205(d) (2019)</a> ).	“It is the intent of the General Assembly that the State protect the public and employees from involuntary exposure to environmental tobacco smoke in indoor areas open to the public, indoor places of employment, and certain designated private areas.” ( <a href="#">MD. CODE ANN., HEALTH-GEN. § 24-502 (2019)</a> ).	N/A
Massachusetts	No.	No.	“Smoking shall be prohibited in workplaces, work spaces, common work areas, classrooms, conference and meeting rooms, offices, elevators, hallways, medical facilities, . . . [and in a] health care facility . . . .” ( <a href="#">MASS. GEN. LAWS ch. 270, § 22(b)(2) (2018)</a> ). “Health care facility’ [means] any hospital, nursing home, extended care facility, state health or mental institution, clinic, physician’s office or health maintenance organization	“[A]ny acute care <b>substance abuse treatment center</b> under the jurisdiction of the commonwealth, may apply to the local board of health having jurisdiction over the facility for designation of part of the facility as a residence[, but the] entire facility may not be designated as a residence.” ( <a href="#">MASS. GEN. LAWS ch. 270, § 22(f) (2018)</a> ).	N/A	N/A



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

State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
			licensed or otherwise operating legally within the commonwealth.” <a href="#">(MASS. GEN. LAWS ch. 112, § 9C (2018))</a> .			
Michigan	Partially. Michigan requires state-owned inpatient psychiatric facilities to be tobacco-free campus wide. This was an add on requirement to an appropriations bill that was effective on 10/1/2008.	No.	<p>“An individual shall not smoke in a public place . . . .” <a href="#">(MICH. COMP. LAWS § 333.12603(1) (2021))</a>.</p> <p>“‘Public place’ [means an] <b>enclosed, indoor</b> area that . . . is used by the general public, and is any of the following: . . . county medical care facility, hospice, or hospital long-term care unit.” <a href="#">(MICH. COMP. LAWS § 333.12601(1)(q) (2021))</a>.</p> <p>“‘Health care facility’ means a health facility or agency licensed under article 17, except a home for the aged, nursing home, county medical care facility, hospice, or hospital long-term care unit.” <a href="#">(MICH. COMP. LAWS § 333.12601(1)(h) (2021))</a>.</p>	“‘Hospital’ . . . <b>does not include a mental health hospital</b> licensed or operated by the department of health and human services or a hospital operated by the department of corrections.” <a href="#">(MICH. COMP. LAWS § 333.20106(5) (2021))</a> .	N/A	“A person or state or local governmental agency [in violation] shall be directed to comply . . . and is subject to a civil fine of not more than \$100.00 for a first violation and not more than \$500.00 for a second or subsequent violation.” <a href="#">(MICH. COMP. LAWS § 333.12611 (2021))</a> .
Minnesota	No.	No.	“Smoking shall not be permitted in and no person shall smoke in a public place, at a public meeting, in a place of employment, or in public transportation, except as provided in this section or section 144.4167.” <a href="#">(MINN. STAT. § 144.414(1) (2021))</a> .	“[S]moking by patients in a locked psychiatric unit may be allowed in a separated well-ventilated area in the unit under a policy established by the administrator of the program that allows the treating physician to approve smoking	N/A	N/A

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State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
			<p>“Smoking is prohibited in any area of a hospital, health care clinic, doctor's office, licensed residential facility for children, or other health care-related facility, except that a patient or resident in a nursing home, boarding care facility, or licensed residential facility for adults may smoke in a designated separate, enclosed room maintained in accordance with applicable state and federal laws.” <a href="#">(MINN. STAT. § 144.414(3) (2021))</a>.</p> <p>“No patient, staff, guest, or visitor on the grounds or in a state regional treatment center, the Minnesota Security Hospital, or the Minnesota Sex Offender Program may possess or use tobacco or a tobacco-related device.” <a href="#">MINN. STAT. § 246.0141 (2021)</a></p>	if, in the opinion of the treating physician, the benefits to be gained in obtaining patient cooperation with treatment outweigh the negative impacts of smoking.” <a href="#">(MINN. STAT. § 144.414(3)(b) (2021))</a> .		
Mississippi	No.	No.	Smoking is not restricted in public places, workplaces, bars, restaurants, or health care facilities. Smoking is prohibited in most government buildings (see exception). <a href="#">(MISS. CODE ANN. § 29-5-161(2) (2021))</a> .	“The State Veterans Affairs Board may designate smoking areas in the state veteran’s homes operated by the board in which smoking will be permitted.” <a href="#">(MISS. CODE ANN. § 29-5-161(2) (2021))</a> .	N/A	N/A
Missouri	No.	No.	“A person shall not smoke in a public place or in a public meeting except in a designated smoking	N/A	N/A	N/A

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			<p>area. . . . No public place shall have more than thirty percent of its entire space designated as a smoking area.” <a href="#">(MO. REV. STAT. § 191.767 (2016))</a>.</p> <p>“‘Public place’ [includes] any <b>enclosed indoor area</b> used by the general public or serving as a place of work including, but not limited to: . . . [h]ealth 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(5)(b) (2016))</a>.</p>			
Montana	No.	No.	<p>“[S]moking in an <b>enclosed</b> public place is prohibited.” This includes health care facilities. <a href="#">(MONT. CODE ANN. § 50-40-104 (2021))</a>.</p> <p>“‘Health care facility’ or ‘facility’ means all or a portion of an institution, building, or agency, private or public, excluding federal facilities, whether organized for profit or not, that is used, operated, or designed to provide health services, medical treatment, or</p>	N/A	“The legislature finds and declares that the purposes of this part are as follows: (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; (2) to recognize the right of nonsmokers to breathe smoke-free air; and (3) to recognize that the	N/A

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			<p>nursing, rehabilitative, or preventive care to any individual. The term includes <b>chemical dependency facilities</b>, critical access hospitals, . . . hospitals, infirmaries, long-term care facilities, intermediate care facilities for the developmentally disabled, medical assistance facilities, <b>mental health centers</b>, . . . rehabilitation facilities, residential care facilities, and residential treatment facilities[, but] does not include offices of private physicians, dentists, or other physical or mental health care workers regulated under Title 37, including licensed addiction counselors.” (<a href="#">MONT. CODE ANN. § 50-5-101(26) (2021)</a>).</p>		<p>need to breathe smoke-free air has priority over the desire to smoke.” (<a href="#">MONT. CODE ANN. § 50-40-102 (2021)</a>).</p>	
Nebraska	No.	No.	<p>“[I]t is unlawful for any person to smoke in a place of employment or a public place.” (<a href="#">NEB. REV. STAT. § 71-5729 (2021)</a>).</p> <p>“Public place means an <b>indoor area</b> to which the public is invited or in which the public is permitted, whether or not the public is always invited or permitted.” (<a href="#">NEB. REV. STAT. § 71-5726 (2021)</a>).</p>	<p>“The following <b>indoor areas</b> are exempt from section 71-5729: . . . [i]ndoor areas used in connection with a research study on the health effects of smoking conducted in a scientific or analytical laboratory . . . .” (<a href="#">NEB. REV. STAT. § 71-5730 (2021)</a>).</p>	<p>“The purpose of the Nebraska Clean Indoor Air Act is to protect the public health and welfare by prohibiting smoking in public places and places of employment with limited exceptions for guestrooms and suites, research, tobacco retail outlets, and cigar shops.” (<a href="#">NEB. REV.</a></p>	N/A

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					<a href="#">STAT. § 71-5717 (2021)</a> .	
Nevada	No.	No.	<p>“[T]he smoking of tobacco in any form is prohibited if done in any: . . . [p]ublic waiting room, lobby or hallway of any . . . [m]edical facility or <b>facility for the dependent as defined in chapter 449 of NRS</b> [or] [o]ffice of any chiropractor, dentist, physical therapist, physician, podiatric physician, psychologist, optician, optometrist or doctor of Oriental medicine.” (<a href="#">NEV. REV. STAT. § 202.2491 (2011)</a>).</p> <p>“‘Facility for the treatment of abuse of alcohol or drugs’ means any public or private establishment which provides residential treatment, including <b>mental and physical restoration, of persons with alcohol or other substance use disorders</b>. It does not include a medical facility or services offered by volunteers or voluntary organizations.” (<a href="#">NEV. REV. STAT. § 449.00455 (2015)</a>).</p> <p>“‘Psychiatric hospital’ means a hospital for the diagnosis, care and treatment of mental illness which</p>	N/A	N/A	N/A

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State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
			provides 24-hour care.” ( <a href="#">NEV. REV. STAT. § 449.0165 (2017)</a> ).			
New Hampshire	No.	No.	<p>“[S]moking is prohibited in: . . . [h]ospitals and other acute care facilities.” (<a href="#">N.H. REV. STAT. ANN. § 155:66(I)(b) (2020)</a>).</p> <p>“Smoking may be permitted in enclosed places of public access and publicly-owned buildings and offices, including workplaces, other than those listed in paragraph I, in effectively segregated smoking-permitted areas designated by the person in charge. Smoking shall be totally prohibited in any such enclosed place, if smoking cannot be effectively segregated. The person in charge may declare any facility non-smoking in its entirety.” (<a href="#">N.H. REV. STAT. ANN. § 155:66(II) (2020)</a>).</p> <p>“‘Health care facility’ means any <b>enclosed</b> place or portion of such place used for the purpose of providing medical or dental treatment, physical or mental health services, or any combination of such treatment or services.” (<a href="#">N.H. REV. STAT. ANN. § 155:65(VII) (2020)</a>).</p>	<p>“The following shall be exempted . . . [r]esident rooms in facilities such as nursing homes, sheltered care facilities, and residential treatment and rehabilitation facilities, . . . [h]ealth care facilities, except for hospitals and other acute care facilities, . . . [and] [p]atients with extraordinary medical conditions, <b>psychiatric disorders</b>, or patients in an <b>alcohol and drug withdrawal program</b>, provided that the patient's physician has written a prescription or an order allowing the patient to smoke.” (<a href="#">N.H. REV. STAT. ANN. § 155:67 (2020)</a>).</p>	<p>DHHS Community Mental Health Centers (CMHCs) will be working toward tobacco-free grounds over the next 10 years. A SAMHSA grant is also working towards smoke-free grounds in three sites where primary care and behavioral health are co-located.</p> <p>Tobacco-free grounds for substance use disorder treatment facilities are more challenging (cultural norm, workforce capacity; resistance) and are unlikely to be addressed within the next two years.</p>	N/A

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State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
New Jersey	No.	No.	<p>“Smoking is prohibited at the following locations . . . an <b>indoor</b> public place, a workplace . . .” <a href="#">(N.J. REV. STAT. § 26:3D-58(4)(a) (2021))</a>.</p> <p>“A State psychiatric hospital <b>may</b> prohibit smoking on its grounds, if it offers a smoking cessation program for both employees, and residents and patients, as applicable. . . . The Commissioner of Human Services may, by regulation, prohibit smoking on the grounds of other Human Services facilities . . .” <a href="#">(N.J. REV. STAT. § 26:3D-58.1(1) (2021))</a>.</p>	<p>“The provisions of this act shall not apply to . . . research laboratories and other facilities that have been approved by the Department of Health to permit smoking for the purpose of medical research related to the health effects of smoking, in an indoor facility that is separately ventilated for the purpose of medical or scientific research that is conducted under physician supervision and has been approved by an Investigational Review Board (IRB), if the facility is used solely and exclusively for clinical research activities . . . .” <a href="#">(N.J. REV. STAT. § 26:3D-59 (2021))</a>.</p>	<p>“The Legislature finds and declares that . . . [t]obacco smoke constitutes a substantial health hazard to the nonsmoking majority of the public . . . .” <a href="#">(N.J. REV. STAT. § 26:3D-56 (2)(b) (2021))</a>.</p>	N/A
New Mexico	Yes. Smoking is prohibited near entrances, doors, windows, and vents of all public buildings.	Yes. Smoking is prohibited near entrances, doors, windows, and vents of all public buildings.	<p>“It is unlawful for a person to smoke in any <b>indoor</b> workplace or indoor public place or in buses, taxicabs, or other means of public transit not specifically exempted pursuant to the Dee Johnson Clean Indoor Air Act.” <a href="#">(N.M. STAT. ANN. § 24-16-4(A) (2021))</a>.</p> <p>“[S]moking shall not be permitted <b>near any building entrance</b>, including a door, window or</p>	N/A	<p>“The legislature finds and declares that the smoking of tobacco, or any other weed or plant, is a positive danger to health and a health hazard to those who are present in enclosed places and that smoking in such areas should be confined to designated smoking areas.” <a href="#">(N.M.</a></p>	<p>“The local fire, police or sheriff’s department with appropriate jurisdiction over the location where a violation of the provisions of the Dee Johnson Clean Indoor Air Act occurs shall</p>



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

State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
			<p>ventilation system of any facility where smoking is prohibited under the provisions of the Dee Johnson Clean Indoor Air Act, so as to prevent secondhand smoke from entering the indoor workplace or indoor public place . . . .” <a href="#">(N.M. STAT. ANN. § 24-16-3(D)(1) (2021))</a>.</p> <p>“[S]moking-permitted areas include . . . a private residence, unless it is used commercially to provide child care, adult care or <b>health care</b> or any combination of those activities . . . .” <a href="#">(N.M. STAT. ANN. § 24-16-12(A) (2021))</a>.</p>		<a href="#">STAT. ANN. § 24-16-2 (2021))</a> .	enforce that act by issuance of a citation.” <a href="#">(N.M. STAT. ANN. § 24-16-16(A) (2021))</a> .
New York	Yes. Smoking is prohibited on the grounds of mental health facilities.	Yes. Smoking is prohibited on the grounds of substance abuse treatment hospitals.	<p>“Smoking and vaping shall not be permitted and no person shall smoke or vape in the following <b>indoor areas</b>: . . . places of employment; . . . residential treatment facilities for children and youth as defined in section 1.03 of the mental hygiene law . . . general hospitals and residential health care facilities as defined in article twenty-eight of this chapter, and other health care facilities licensed by the state in which persons reside; provided, however, that the provisions of this subdivision shall not prohibit</p>	<p>“This subdivision shall not prohibit smoking and vaping by a patient or a visitor or guest of a patient of a residential health care facility in a separate area on the grounds designated as a smoking and vaping area by the residential health care facility, provided such designated smoking and vaping area is not within thirty feet of any building structure (other than a non-residential structure wholly contained within the designated smoking and vaping area), including any overhang,</p>	N/A	<p>“The commissioner may impose a civil penalty for a violation of this article in an amount not to exceed that set forth in subdivision one of section twelve of this chapter. Any other enforcement officer may impose a civil</p>

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			<p>smoking and vaping by patients in . . . community mental health residences established under section 41.44 of the mental hygiene law, or facilities where day treatment programs are provided, which are designated as smoking and vaping rooms for patients of such facilities or programs . . .” <a href="#">(N.Y. PUB. HEALTH LAW § 1399-O(1) (2021))</a>.</p> <p>“Smoking and vaping shall not be permitted and no person shall smoke or vape in the following outdoor areas: . . . on the grounds of general hospitals and residential health care facilities as defined in article twenty-eight of this chapter, within fifteen feet of a building entrance or exit or within fifteen feet of the entrance to or exit from the grounds of any such general hospital or residential health care facility.” <a href="#">(N.Y. PUB. HEALTH LAW § 1399-O(2)(b) (2021))</a>.</p> <p>“‘General hospital’ means a hospital engaged in providing medical or medical and surgical services primarily to in-patients by or under the supervision of a physician on a twenty-four hour basis with provisions for admission</p>	<p>canopy, awning, entrance, exit, window, intake or exhaust.” <a href="#">(N.Y. PUB. HEALTH LAW § 1399-O(2)(b) (2021))</a>.</p> <p>“The enforcement officer may grant a waiver from the application of a specific provision of this article, provided that prior to the granting of any such waiver the applicant for a waiver shall establish that: (a) compliance with a specific provision of this article would cause undue financial hardship; or (b) other factors exist which would render compliance unreasonable.” <a href="#">(N.Y. PUB. HEALTH LAW § 1399-U(1)(2021))</a>.</p>		<p>penalty for a violation of this article in an amount not to exceed that set forth in paragraph f of subdivision one of section three hundred nine of this chapter.” <a href="#">(N.Y. Pub. Health Law § 1399-v (2021))</a>.</p>

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State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
			<p>or treatment of persons in need of emergency care and with an organized medical staff and nursing service, including facilities providing services relating to particular diseases, injuries, conditions or deformities.” <a href="#">(N.Y. PUB. HEALTH LAW § 2801(10) (2021))</a>.</p> <p>“‘Residential health care facility’ means a nursing home or a facility providing health-related service.” <a href="#">(N.Y. PUB. HEALTH LAW § 2801(3) (2021))</a>.</p> <p>“‘Health-related service’ means service in a facility or facilities which provide or offer lodging, board and physical care including, but not limited to, the recording of health information, dietary supervision and supervised hygienic services incident to such service.” <a href="#">(N.Y. PUB. HEALTH LAW § 2801(4)(b) (2021))</a>.</p>			
North Carolina	Partially. Smoking is prohibited on the grounds of all state-operated	Partially. Smoking is prohibited on the grounds of all state-operated	“Smoking is prohibited <b>inside</b> long-term care facilities[, including] adult care homes, nursing homes, skilled nursing facilities, facilities licensed under Chapter 122C of the General Statutes, other licensed facilities that provide long-term	“Although <b>not required by law</b> , as of May 2011, 129 hospitals, including all acute-care hospitals, in North Carolina, have put in place policies prohibiting tobacco use completely on their campuses.	All 14 state-operated behavioral health facilities became 100% tobacco free. NC is now working to make all community-based behavioral health	N/A

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

State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
	health facilities.	health facilities.	care services.” <a href="#">(N.C. GEN. STAT. §§ 131D-4.4(b), 122C-6(a) (2020))</a> .	property indoors and outdoors.” <a href="#">(State Legislated Action on Tobacco Issues)</a> .	programs tobacco free. <a href="#">(N.C. DHHS)</a> .	
North Dakota	Yes. Smoking is prohibited within 20 feet of entrances, exits, windows, and vents for all health care facilities. Additionally, smoking is prohibited on the entire property and grounds for any health care facility controlled by the Department of Human Services.	Yes. Smoking is prohibited within 20 feet of entrances, exits, windows, and vents for all health care facilities. Additionally, smoking is prohibited on the entire property and grounds for any health care facility controlled by the Department of Human Services.	Smoking is prohibited in virtually all public places and places of employment in North Dakota, including health care facilities. Smoking is also prohibited <b>within 20 feet of entrances, exits, operable windows, air intakes, and ventilation systems of enclosed areas in which smoking is prohibited.</b> <a href="#">(N.D. CENT. CODE §§ 23-12-9, -10 (2013))</a> .  “‘Health care facility’ means any office or institution providing health care services or treatment of diseases, <b>whether physical, mental or emotional, or other medical, physiological or psychological conditions.</b> Some examples of health care facilities include hospitals; clinics; ambulatory surgery centers; outpatient care facilities; weight control clinics; nursing homes; homes for the aging or chronically ill; nursing, basic, long-term, or assisted living facilities; laboratories; and offices of any medical professional licensed under title 43, including all	Smoking is prohibited on “all outside property or grounds controlled, leased, or shared by DHS,” including all facilities, grounds, vehicles and employee workspaces. <a href="#">(ND Dept. Human Services Tobacco-Free Behavioral Health Facilities, Policy 130-17)</a> .	DHS Policy 130-17 took effect July 29, 2019.	“An individual who smokes in an area in which smoking is prohibited under section 23-12-10 is guilty of an infraction punishable by a fine not exceeding fifty dollars. . . . [A]n owner or other person with general supervisory responsibility over a public place or place of employment who willfully fails to comply with section 23-12-10 is guilty of an infraction, subject to a fine not to exceed one hundred dollars for the first

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			<p>specialties and subspecialties in those fields. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, wards within health care facilities, and any mobile or temporary health care facilities.” <a href="#">(N.D. CENT. CODE § 23-12-09(8) (2013))</a>.</p> <p>“‘Health care services’ means services provided by any health care facility[, including] psychological . . . .” <a href="#">(N.D. CENT. CODE § 23-12-09(9) (2013))</a>.</p>			<p>violation, to a fine not to exceed two hundred dollars for a second violation within one year, and a fine not to exceed five hundred dollars for each additional violation within one year of the preceding violation.” <a href="#">(N.D. CENT. CODE § 23-12-11 (2012))</a>.</p> <p>“Failure by an employee to comply . . . may result in disciplinary action, up to and including dismissal from state service. Contractors and volunteers may have their service terminated.” <a href="#">(ND Dept. Human</a></p>

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State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
						<a href="#">Services Tobacco-Free Behavioral Health Facilities, Policy 130-17</a> .
Ohio	No.	No.	“No proprietor of a public place or place of employment, except as permitted in section 3794.03 of this chapter, shall permit smoking in the public place or place of employment or in the areas directly or indirectly under the control of the proprietor <b>immediately adjacent to locations of ingress or egress to the public place or place of employment.</b> ” ( <a href="#">OHIO REV. CODE ANN. § 3794.02(A) (2017)</a> ).	“The following shall be exempt from the provisions of this chapter . . . [a]ny nursing home . . . [and an] enclosed space in a laboratory facility at an accredited college or university, when used solely and exclusively for clinical research activities by a person, organization, or other entity conducting institutional review board-approved scientific or medical research related to the health effects of smoking or the use of tobacco products.” ( <a href="#">OHIO REV. CODE ANN. § 3794.03 (2021)</a> ).	N/A	N/A
Oklahoma	Partially. All mental health agencies that are contracted, certified or operated by the state are required to have tobacco-free policies	Partially. All substance abuse treatment agencies that are contracted, certified or operated by the state are required to	“The possession of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor place used by or open to the public, . . . or any indoor workplace, except where specifically allowed by law. . . . As used in this section, ‘indoor workplace’ means any indoor place	“The restrictions on tobacco smoking provided in this section shall not apply to the following . . . [m]edical research or treatment centers, if tobacco smoking is integral to the research or treatment.” ( <a href="#">OKLA. STAT. tit. 21, § 1247(G) (2021)</a> ).	The Oklahoma Department of Mental Health and Substance Abuse Services previously required all mental health and substance use treatment facilities to have tobacco free grounds. However, this administrative	N/A

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

State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
	in facilities and on grounds.	have tobacco-free policies in facilities and on grounds.	<p>of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not.” <a href="#">(OKLA. STAT. tit. 21, § 1247(A) (2021))</a>.</p> <p>“The use of any tobacco product shall be prohibited on any and all properties owned, leased or contracted for use by the State of Oklahoma, including but not limited to all buildings, land and vehicles owned, leased or contracted for use by agencies or instrumentalities of the State of Oklahoma.” <a href="#">(OKLA. STAT. tit. 63, § 1-1529 (2017))</a>.</p>		requirement was revoked as of September 15, 2021. <a href="#">(OKLA. ADMIN. CODE § 450:18-5-3.3 (2021))</a> .	
Oregon	No.	Yes. Smoking is prohibited within 10 feet of a doorway, open window, or ventilation intake of special inpatient care facilities.	“The administrator or person in charge of a hospital may not permit a person to smoke tobacco or use an inhalant delivery system in a manner that creates an aerosol or vapor: (a) In the hospital; or (b) <b>Within 10 feet of a doorway, open window or ventilation intake of the hospital.</b> ” <a href="#">(OR. REV. STAT. § 441.815(2) (2019))</a> .	“‘Health care facility’ <b>does not mean:</b> . . . [f]acilities established by ORS 430.335 for <b>treatment of substance abuse disorders</b> ; or [c]ommunity <b>mental health programs</b> or community developmental disabilities programs established under ORS 430.620.” <a href="#">(OR. REV. STAT. § 442.015(12)(b) (2019))</a> .	N/A	“The Director of the Oregon Health Authority may impose a civil penalty of not more than \$500 per day on a person for violation of subsection (2) of this section. Civil penalties



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			<p>“‘Hospital’ means: (a) A facility with an organized medical staff and a permanent building that is capable of providing 24-hour inpatient care to two or more individuals who have an illness or injury and that provides at least the following health services: [m]edical; [n]ursing; [l]aboratory; [p]harmacy; and [d]ietary; or (b) A special inpatient care facility as that term is defined by the authority by rule.” <a href="#">(OR. REV. STAT. § 442.015(15) (2019))</a>.</p> <p>“‘Health care facility’ means: [a] hospital; [a] long term care facility; . . . or [a]n extended stay center.” <a href="#">(OR. REV. STAT. § 442.015(12)(a) (2019))</a>.</p> <p>“‘Health services’ means clinically related diagnostic, treatment or rehabilitative services, and includes alcohol, drug or controlled substance abuse and mental health services that may be provided either directly or indirectly on an inpatient or ambulatory patient basis.” <a href="#">(OR. REV. STAT. § 442.015(14) (2019))</a>.</p> <p>Special inpatient care facilities“may not permit a person to smoke</p>			<p>imposed against a person under this subsection may not exceed \$2,000 in any 30-day period. Civil penalties imposed under this subsection shall be imposed in the manner provided by ORS 183.745.” <a href="#">(OR. REV. STAT. § 441.815(3) (2019))</a>.</p>

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

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			<p>tobacco in the facility or within 10 feet of a doorway, open window, or ventilation intake of the SICF.” (OR. ADMIN. R. <a href="#">333-071-0570</a>).</p> <p>““Special inpatient care facility’ (SICF) means a facility with inpatient beds that are designed and utilized for special health care purposes, including but not limited to a rehabilitation hospital, substance use disorder treatment facility, freestanding hospice facility, or a religious institution.” (OR. ADMIN. R. <a href="#">333-071-0205</a>).</p>			
Pennsylvania	No.	No.	<p>“[A]n individual may not engage in smoking in a public place.” (<a href="#">2008 Pa. Laws 182</a>).</p> <p>““Public place.’ An enclosed area which serves as a workplace, commercial establishment or an area where the public is invited or permitted. [Including a] facility which provides education, food or health care-related services (<a href="#">2008 Pa. Laws 182</a>).</p>	<p>This requirement does not include:</p> <p>“(i) A long-term care facility regulated under 42 CFR 483.15 (relating to quality of life). . . .</p> <p>(ii) A separate enclosed room or designated smoking room in a residential adult care facility, <b>community mental health care facility, drug and alcohol health care facility or other residential health care facility</b> not covered under subparagraph (i).</p> <p>(iii) <b>A designated smoking room in a facility which provides day treatment</b></p>	N/A	N/A

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State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
				programs.” <a href="#">(2008 Pa. Laws 182)</a> .		
Rhode Island	No.	No.	<p>“Smoking shall be prohibited in all <b>enclosed</b> public places within the state of Rhode Island, including, but not limited to, the following places: . . . [h]ealth care facilities . . . .” <a href="#">(R.I. GEN. LAWS § 23-20.10-3(8) (2015))</a>.</p> <p>“‘Healthcare facility’ means an office or institution providing care whether physical, mental, emotional, or other medical, physiological or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals or other clinics . . . . This definition includes all waiting rooms, hallways, private rooms, semi-private rooms, and wards within health-care facilities.” <a href="#">(R.I. GEN. LAWS § 23-20.10-2(10) (2015))</a>.</p> <p>“‘Public place’ means an enclosed area to which the public is invited or in which the public is permitted, including, but not limited to . . . healthcare facilities.” <a href="#">(R.I. GEN. LAWS § 23-20.10-2(14) (2015))</a>.</p>	<p>“[T]he following areas shall be exempt from the provisions of this chapter: . . . [p]rivate and semi-private rooms or designated areas in assisted living residences and nursing facilities as allowed by regulation of the department of health under chapters 17.4 and 17 of this title.” <a href="#">(R.I. GEN. LAWS § 23-20.20.10-6(a)(4) (2018))</a>.</p>	N/A	N/A
South Carolina	No (but see below).	No (but see below).	“It is unlawful for a person to smoke or possess lighted smoking	N/A	N/A	N/A

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State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
	All <b>community mental health centers</b> in South Carolina were expected to have tobacco-free grounds by the end of December 31, 2019; as an incentive, they are provided grant funding to purchase signage to promote the new policy.	Substance abuse treatment facilities are deciding voluntarily to adopt a tobacco-free policy; there is no uniform adoption date selected for all of them, but those that adopt the policy are offered the signage grant for support.	<p>material in any form in the following public <b>indoor areas except where a smoking area is designated</b> as provided for in this chapter: . . . <b>health care facilities</b> as defined in Section 44-7-130, except where smoking areas are designated in employee break areas. However, nothing in this chapter prohibits or precludes a health care facility from being smoke free . . . .” (<a href="#">S.C. CODE ANN. § 44-95-20 (2019)</a>).</p> <p>“‘Health care facility’ means acute care hospitals, <b>psychiatric hospitals, alcohol and substance abuse hospitals</b>, nursing homes, ambulatory surgical facilities, hospice facilities, radiation therapy facilities, rehabilitation facilities, residential treatment facilities for children and adolescents, intermediate care facilities for persons with intellectual disability, <b>narcotic treatment programs</b>, and any other facility for which Certificate of Need review is required by federal law.” (<a href="#">S.C. CODE ANN. § 44-7-130(10) (2017)</a>).</p>			
South Dakota	No.	No.	“No person may smoke tobacco product or carry any lighted	N/A	N/A	N/A

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			<p>tobacco product in any public place or place of employment. A violation of this section is a petty offense.” (<a href="#">S.D. CODIFIED LAWS § 34-46-14 (2019)</a>).</p> <p>“‘Public place’ [means] any <b>enclosed</b> area to which the public is invited or in which the public is permitted.” (<a href="#">S.D. CODIFIED LAWS § 34-46-13 (2010)</a>).</p>			
Tennessee	No.	No.	<p>“Smoking is prohibited in all <b>enclosed</b> public places within this state, including, but not limited to, the following places: . . . [h]ealth care facilities . . .” (<a href="#">TENN. CODE ANN. § 39-17-1803(a)(7) (2019)</a>).</p> <p>“‘Health care facility’ means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions. ‘Health care facility’ includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.” (<a href="#">TENN. CODE ANN. § 39-17-1802(6) (2019)</a>).</p>	<p>Exceptions include: “Nursing homes and long-term care facilities licensed pursuant to title 68, chapter 11; provided, that this exemption shall only apply to residents of those facilities and that resident smoking practices shall be governed by the policies and procedures established by those facilities. Smoke from such areas shall not infiltrate into areas where smoking is prohibited pursuant to this part.” (<a href="#">TENN. CODE ANN. § 39-17-1804(5) (2019)</a>).</p>	N/A	N/A
Texas	No.	No.	<p>It is prohibited to possess a burning tobacco product or smoke tobacco in a facility of a public primary or</p>	N/A	N/A	N/A

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			secondary school or an elevator, enclosed theater or movie house, library, museum, hospital, transit system bus, or intrastate bus. Smoking and e-cigarette use is restricted to designated areas in hospitals. ( <a href="#">TEX. PENAL CODE ANN. § 48.01(a) (2015)</a> ).			
Utah	No.	No.	<p>“[S]moking is prohibited in all <b>enclosed</b> indoor places of public access and publicly owned buildings and offices.” (<a href="#">UTAH CODE ANN. § 26-38-3(1) (2012)</a>).</p> <p>“‘Place of public access’ means any <b>enclosed indoor</b> place of business, commerce, banking, financial service, or other service-related activity, whether publicly or privately owned and whether operated for profit or not, to which persons not employed at the place of public access have general and regular access or which the public uses, including: . . . common areas of nursing homes, hospitals . . . .” (<a href="#">UTAH CODE ANN. § 26-38-2(3) (2012)</a>).</p>	N/A	N/A	N/A
Vermont	Partially. Smoking is prohibited on the grounds of any hospital	Partially. Smoking is prohibited on the grounds of any hospital	“The possession of lighted tobacco products or use of tobacco substitutes in any form is prohibited in: (1) the common areas of all <b>enclosed indoor</b> places of public	N/A	N/A	“A proprietor, or the agent or employee of a proprietor, who observes a person

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	or secure residential recovery facility that is owned or operated by the state.	or secure residential recovery facility that is owned or operated by the state.	<p>access and publicly owned buildings and offices; . . . (3) designated smoke-free areas of property or grounds owned by or leased to the State or a municipality; and (4) any other area within 25 feet of State-owned buildings and offices, except that to the extent that any portion of the 25-foot zone is not on State property, smoking is prohibited only in that portion of the zone that is on State property unless the owner of the adjoining property chooses to designate his or her property smoke-free. . . . <b>The possession of lighted tobacco products or use of tobacco substitutes in any form is prohibited on the grounds of any hospital or secure residential recovery facility owned or operated by the State, including all enclosed places in the hospital or facility and the surrounding outdoor property.</b>” (<a href="#">VT. STAT. ANN. tit. 18, § 1742 (2021)</a>).</p> <p>“‘A place of public access’ means any place of business, commerce, banking, financial service, or other service-related activity, whether publicly or privately owned and</p>			<p>in possession of lighted tobacco products or using tobacco substitutes in apparent violation of this chapter shall ask the person to extinguish all lighted tobacco products or cease using the tobacco substitutes. If the person persists in the possession of lighted tobacco products or use of tobacco substitutes, the proprietor, agent, or employee shall ask the person to leave the premises.” (<a href="#">VT. STAT. ANN. tit. 18, § 1745 (2016)</a>).</p>



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

State	Requires tobacco-free grounds for mental health facilities	Requires tobacco-free grounds for substance use treatment facilities	Tobacco-free/Smoke-free Policy & Definitions <sup>1</sup>	Exceptions	Select information on legislative history	Enforcement / Penalties
			<p>whether operated for profit or not, to which the general public has access or which the general public uses. The term includes: . . . common areas of nursing homes and hospitals, including the lobbies, hallways, elevators, restaurants, restrooms, and cafeterias . . .” (<a href="#">VT. STAT. ANN. tit. 18, § 1741(2) (2015)</a>).</p> <p>“‘Hospital’ means a place devoted primarily to the maintenance and operation of diagnostic and therapeutic facilities for inpatient medical or surgical care of individuals suffering from illness, disease, injury, or deformity, or for obstetrics.” (<a href="#">VT. STAT. ANN. tit. 18, § 1741(3) (2015)</a>).</p>			
Virginia	No.	No.	<p>Smoking is prohibited in some specific public places, such as K-12 schools and licensed child care centers, and allowed in designated areas in other public places such as health care facilities and retail/grocery stores “Smoking is prohibited in . . . hospital emergency rooms; local or district health departments; . . . and public restrooms of health care facilities.” (<a href="#">VA. CODE ANN. § 15.2-2824(A) (2020)</a>).</p>	<p>“If an ordinance is enacted by a locality in accordance with this chapter, it may provide that management shall designate reasonable no-smoking areas, considering the nature of the use and the size of the building, in the following places: . . . [h]ealth care facilities.” (<a href="#">VA. CODE ANN. § 15.2-2830(3) (2009)</a>).</p>	N/A	<p>N/A</p> <p>“Any person who smokes or uses an open flame within 25 feet of a medical oxygen source in a health care facility, as defined in § 15.2-2820, when the area is posted as an area where</p>

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						smoking and open flame are prohibited is guilty of a Class 2 misdemeanor.” <a href="#">(VA. CODE ANN. § 18.2-511.1 (2009))</a> .
Washington	No.	No.	<p>“No person may smoke in a public place or in any place of employment.” <a href="#">(WASH. REV. CODE § 70.160.030 (2006))</a>.</p> <p>“‘Public place’ means that portion of any building or vehicle used by and open to the public, . . . and includes a presumptively reasonable minimum distance, as set forth in RCW 70.160.075, of twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited . . . ,[including] hospitals, nursing homes, health care facilities or clinics . . . .” <a href="#">(WASH. REV. CODE § 70.160.020(2) (2006))</a>.</p>	<p>“This chapter is not intended to restrict smoking in private facilities which are occasionally open to the public except upon the occasions when the facility is open to the public.” <a href="#">(WASH. REV. CODE § 70.160.020(2) (2006))</a>.</p>	N/A	N/A
West Virginia	No.	No.	Smoking is not restricted broadly in the state, although some laws, regulations or policies restrict and/or prohibit smoking in state	N/A	N/A	N/A

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			government buildings, schools, and child care facilities. ( <a href="#">W. VA. CODE § 16-9A-1 (2021)</a> ).			
Wisconsin	No.	No.	<p>No person may smoke in any of the following “<b>enclosed</b> places: . . . [i]npatient health care facilities . . . [s]tate institutions . . . [a]ll enclosed places, other than those listed in subds. 1g. to 8r., that are places of employment or that are public places.” (<a href="#">WIS. STAT. § 101.123(2) (2019)</a>).</p> <p>“‘Inpatient health care facility’ means a hospital, as defined in s. 50.33 (2), a county home established under s. 49.70, a county infirmary established under s. 49.72, a nursing home, as defined in s. 50.01 (3), a hospice, as defined in s. 50.90 (1), a Wisconsin veterans home under s. 45.50, or a treatment facility.” (<a href="#">WIS. STAT. § 101.123(1)(b) (2019)</a>).</p> <p>“‘State institution’ means a mental health institute, as defined in s. 51.01 (12), a center for the developmentally disabled, as defined in s. 51.01 (3), or a secure mental health facility at which persons are committed under s. 980.06.” (<a href="#">WIS. STAT. § 101.123(1)(i) (2019)</a>).</p>	“The prohibition against smoking in sub. (2) (a) does not apply to the following: . . . [a] room in an assisted living facility in which 2 or more persons reside 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. § 101.123(3)(j) (2019)</a> ).	N/A	N/A

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			<p>“‘Treatment facility’ means a publicly or privately operated inpatient facility that provides treatment of alcoholic, drug dependent, mentally ill, or developmentally disabled persons.”  <a href="#">(Wis. STAT. § 101.123(1)(ip) (2019))</a>.</p>			
Wyoming	No.	No.	<p>There are “[n]o restrictions on smoking in state law; smoking is restricted in certain government buildings by policy of the Capitol Building Commission . . . .” <a href="#">(State Legislated Actions on Tobacco Issues)</a>.</p>	N/A	N/A	N/A