

**3701-17-20 Smoking or use of flame producing devices; waste containers and ash trays.**

- (A) No employee, resident of a nursing home, visitors, or other persons in the nursing home shall be permitted to smoke, carry a lighted cigarette, cigar or pipe or use any spark or flame producing device in any room or area in a nursing home where oxygen is stored or in use. Approved terminals of a piped oxygen supply does not constitute storage.
- (B) "No smoking" signs shall be posted in areas and on doors of rooms where oxygen is stored or in use.
- (C) Except as provided for in paragraph (D) of this rule, indoor resident smoking shall only be permitted in separately enclosed and separately ventilated-designated areas as allowed for in division (D) of section 3794.03 of the Revised Code that accommodate the needs of the smokers. Nursing homes that allow outdoor resident smoking shall make accommodations for residents during adverse weather conditions.
  - (1) The nursing home shall not designate as resident smoking areas the dining and recreation area or room, resident rooms, and areas or rooms where oxygen is stored, except smoking may be permitted in the dining and recreation areas or rooms when such areas or rooms meet the requirements of division (D) of section 3794.03 of the Revised Code and are not being used for their stated purpose.
  - (2) The nursing home shall post smoking signs at-all designated resident smoking areas. The nursing home shall take reasonable precautions to ensure the safety of all residents when residents smoke.
- (D) The nursing home may establish a smoke-free environment if all residents are notified of the policy prior to admission. If a nursing home establishes a policy of this nature, the nursing home shall continue to accommodate the needs of smokers living in the home on the effective date of the smoke-free policy by complying with the provisions of paragraph (C) of this rule.
- (E) Ash trays, waste baskets or containers where burnable materials may be placed shall not be made of materials which are flammable, combustible or capable of generating quantities of smoke or toxic gases. Ash trays and waste baskets and containers where burnable materials may be placed shall be noncombustible or carry a fire resistant "UL" or "FM" rating.
- (F) Ash trays shall be provided in all designated resident smoking areas. These ash trays shall be either self-closing or have a cigarette island in the middle and shall not have any cigarette holders located around the outside rim of the tray.

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CERTIFIED ELECTRONICALLY

Certification

03/22/2012

Date

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