

THE TOBACCO CONTROL ACT AND LICENSED RESIDENTIAL CARE FACILITIES IN BC



COMMUNITY CARE FACILITIES LICENSING PROGRAM

Information shared in this INFOsheet provides considerations that will assist in meeting requirements of the *Community Care and Assisted Living Act*, the Residential Care Regulation, the *Tobacco Control Act* and the Capital Regional District - Clean Air Bylaw (applicable to the South Vancouver Island only) in regards to smoking at a licensed residential care facility. Section 23 of the Residential Care Regulation states:

"A licensee must ensure that

- (a) no one other than a person in care smokes while on the premises of a community care facility,
- (b) employees do not smoke while supervising persons in care, and
- (c) if necessary for the safety of the person in care, a person in care who is smoking is supervised."

"Premises" is defined in the *Community Care and Assisted Living Act* and "means a building or structure and includes outside areas adjacent to the building or structure ordinarily used in the course of providing services."

The Tobacco Control Act was implemented in British Columbia on March 31, 2008 and the following now applies to all licensed residential care facilities:

- A **person in care or resident** is permitted to smoke tobacco, or hold lighted tobacco in a room designated for tobacco use within a community care facility, assisted living residence or hospital. However, operators of residential care facilities are free to designate any part of their building or outdoor spaces as smoke-free at anytime. (In South Vancouver Island smoking is prohibited indoors at all times due to Capital Regional District - Clean Air Bylaw.)
- A "person in care or resident" is a person who is:
 - a) Living in a residence as defined by the *Community Care and Assisted Living Act*, or
 - b) A patient of a hospital providing extended care within the meaning of the definition of "hospital" in the *Hospital Act*, or a private hospital
- Family and guests of residents, or staff and volunteers, of residential care facilities are not included in this definition and must not smoke or use tobacco products in any building, structure, vehicle or other place that is fully or substantially enclosed, and which is a public place, a workplace or a prescribed place.

Smoke-free areas include:

- Common areas of multi-unit residences – these include hallways, laundry rooms, and 3-metre buffer zones around doorways, open windows or air intakes.
- Outdoor patios that are substantially enclosed.

WorkSafeBC:

- WorkSafeBC states that the employer must control the exposure of workers to tobacco smoke by prohibiting workers from working in an indoor area where smoking is permitted.
 - Exceptions occur when a worker must enter the area to respond to an emergency endangering life, health or property; or to investigate for illegal activity; or if the tobacco smoke has been effectively removed.
 - To prevent tobacco smoke from entering a workplace, an indoor room where smoking is permitted must be provided with a separate, non-recirculating exhaust ventilation system, which meets all of the WorkSafeBC guidelines.

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Restrictions on the Sale of Tobacco:

- Tobacco cannot be sold in hospitals or other health care services, if they are owned or leased by a regional health board (VIHA).
- If the above does not apply, tobacco can only be sold (or given) to anyone over the age of 19 years (government picture ID is required). There are further restrictions on the display, sale and promotion of tobacco.

For more information contact:

The Tobacco Control Program, Vancouver Island Health Authority:

- Victoria **(250) 360-1450**
- Courtenay **(250) 331-8589**
- Nanaimo **(250) 755-6285**
- Website: www.viha.ca/mho/tobacco

Or check out the following websites:

- <http://www.worksafebcstore.com/Publications.html>
- http://www.crd.bc.ca/_search/Search.aspx?queryText=clean+air+bylaw&html=on&pdf=on&number=10
- <http://www.hls.gov.bc.ca/tobacco/#>

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