

.33 SMOKING

A. If the provider, substitute, or a resident smokes cigarettes, cigars, or pipes, the provider shall make this known in advance to parents who are considering placing their children in the provider's care.

INTENT: Second-hand smoke has been identified as a potential health hazard. Smoking may also result in accidental fires and burn injuries. Parents have a right to know if a child care program they may wish to use provides a healthy and safe environment for their children.

INSPECTION REPORT ITEM: "Parent informed"

COMPLIANCE CRITERIA: If smoking occurs in the home, you have made this known to each parent at or prior to the child's enrollment.

ASSESSMENT METHOD: Through discussion, determine what procedure you use to notify parents about smoking. If notification is documented, verify by reviewing the documentation.

Notes:

It is recommended that the written agreement required by Regulation .41C (see corresponding [Section .41C](#) of this Manual) include a notification statement about any smoking that occurs in the home. As an alternative, you may wish to consider developing a separate smoking notification sheet that would be signed by parents and kept on file.

B. Smoking Restrictions.

(1) A provider and any other individual who has child care responsibilities may not smoke in the immediate presence of a child in care.

(2) During the family day care home's approved hours of operation, if an enrolled child is or will be on the premises, the provider may not smoke or permit smoking anywhere inside the home.

INTENT: Inhalation of second-hand smoke is a health hazard for children. Smoking in the presence of children also presents a risk to them of accidental burns.

INSPECTION REPORT ITEM: "Smoking restrictions observed"

COMPLIANCE CRITERIA:

- If a person with child care responsibilities smokes, the person smokes only where it does not present a second-hand smoke or burning risk to any child in care.
- There is no smoking inside the home on any day that a child is or will be there.

ASSESSMENT METHOD: If smoking occurs, observation of where and when it occurs. If observation is not possible, discussion with you to determine where and when it occurs.

Note:

Even if smoking occurs only where it will present no smoke-related risk to a child, the smoker who has child care responsibilities must, while smoking:

- Continue to provide appropriate care and supervision at all times, and
- Be able to intervene immediately in the event of an emergency involving a child.

C. A provider shall ensure that all cigarettes, cigars, ashes, and butts are kept out of the reach of the children in care.

INTENT: If tobacco products (used or unused) are in reach, they may be ingested by younger children and cause choking or illness. Older children may be tempted to take them for their own personal use later on. Therefore, tobacco products must be made inaccessible to all children in care.

INSPECTION REPORT ITEM: "Smoking materials out of reach"

COMPLIANCE CRITERIA: If any tobacco product (used or unused) is present, it cannot be reached by any child in care.

ASSESSMENT METHOD: Observation to determine if any tobacco product (used or unused) is accessible to any child in care.