

SB 25/Statewide prohibition on smoking in indoor public areas
House Health & Human Services Committee

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Rep. Landwehr and members of the House Committee on Health and Human Services, thank you for the opportunity to offer clarification on the exemptions for adult care homes in SB 25.

KDOA has testified in the past on similar legislative proposals as a neutral conferee, requesting that adult care homes be exempt from the public ban on smoking. That exemption was approved and included in those bills. When SB 25 was drafted, the KHPA included that exemption based on our past testimony.

The KDOA is responsible for the regulation of adult care homes in Kansas. This includes adult day care, nursing facilities, nursing facilities for mental health, intermediate care facilities for the mentally retarded, assisted living facilities, residential health care facilities, homes plus, and boarding care homes. With the exception of adult day care, these facilities are the private homes of the residents. Some residents of these homes smoke.

One of the purposes of SB 25 is to prohibit smoking in places of employment thereby limiting the amount of second hand smoke employees are exposed to on the job. The bill also recognizes that individuals, who choose to, can smoke in their homes or private residences. Adult care homes are both private homes and places of employment.

Specifically, adult care homes, as defined in K.S.A. 39-923, should be exempt from the Kansas uniform smoking prohibition act, provided, the adult care homes give notice to potential residents and employees of their smoking policy prior to their admission or employment. This would permit adult care homes to continue to allow smoking indoors, if they chose to do so. Potential or prospective residents would be informed as to whether or not they would be able to smoke somewhere in the facility. It would also let prospective employees know that they will be exposed to secondhand smoke.

Currently, adult care homes make the decision if they want to allow smoking indoors or be a smoke-free facility. Adult care homes are expected to let potential residents know the smoking policy through the admissions process. As written, SB 25 gives the owner/operator of the adult care home the flexibility to determine if smoking is allowed and where residents can smoke.

Because adult care homes are the residents' home, the KDOA would oppose the removal of the language in SB 25 that exempts adult care home from the ban on public smoking.