§ 131E-143. Smoking prohibited; penalty.

(a) Home care agencies and home assistance services providers shall prohibit their employees from smoking while providing services to an individual in the individual's home. Home care agencies and home assistance services providers shall inform their clients that employees are prohibited from smoking in a client's home. As used in this section:

(1) "Employee" includes an individual under contract with the home care agency to provide home care services and an individual under contract with a home assistance services provider to provide home assistance services.

(2) "Smoking" means the use or possession of any lighted cigar, cigarette, pipe, or other lighted smoking product.

(b) The Department may impose an administrative penalty not to exceed two hundred dollars ($200.00) for each violation on any person who owns, manages, operates, or otherwise controls the home care agency or home assistance services provider and fails to comply with this section. A violation of this section constitutes a civil offense only and is not a crime. (2007-459, s. 4; 2023-150, s. 1(a).)