



MICHIGAN LONG TERM CARE  
OMBUDSMAN PROGRAM

## Fact Sheet: **Smoking in a Nursing Home**

### **Can a resident smoke inside a nursing home?**

No. Since 2010, Michigan law has prohibited indoor smoking in public spaces including nursing homes. Nursing homes can no longer have designated indoor “smoking rooms.”

### **Can a resident smoke outside a nursing home?**

Yes. A resident has the right to leave the property to smoke, if the resident can do so safely. Some nursing homes allow residents to smoke on the home’s property and some provide staff to supervise resident smoking times.

### **Can a nursing home require supervised smoking?**

Yes. If a nursing home determines that the resident is unable to smoke safely without supervision, the home can require the resident to only smoke when staff is available to supervise smoking. This determination should be made during the care plan conference through the person-centered planning process.

### **Can a nursing home be smoke-free?**

Yes. A nursing home can be smoke-free, meaning smoking is not allowed on the home’s property. Residents who lived in a nursing home before it was smoke-free may continue to smoke in a **designated outside area** on the home’s property after the home becomes smoke-free.

If a nursing home is smoke-free, new residents must be informed by the nursing home that smoking is prohibited before signing an admission contract.

## Can oxygen be used in designed smoking areas?

No. Oxygen use is prohibited in designated outside smoking areas for the safety of residents because the combination of lighters or matches and oxygen is a serious fire hazard. Residents should **not** wear oxygen cannulas (tubing) while smoking as oxygen can remain in the tube after the tank is turned off.

## What must the nursing home provide in a designed smoking area?

The home is required to provide:

- portable fire extinguishers
- ashtrays made of noncombustible material and safe design
- metal trash containers with self-closing covers to empty ashtrays

## What can a nursing home do to help a resident stop smoking?

A nursing home can offer support to residents, either individually or as a group, to quit smoking. That support may include support groups, prescription drugs, nicotine patch, gum, or lozenges. However, a nursing home cannot force a resident to wear a nicotine patch or receive any type of medical intervention aimed at stopping the resident from smoking. The resident has the right to refuse smoking cessation treatment.

## Does the ban on smoking in public places include e-cigarettes?

No. The Michigan law prohibiting smoking in public places does not address use of e-cigarettes (sometimes called “vaping”) but a home may have a policy prohibiting vaping or other tobacco use.

### Michigan Long Term Care Ombudsman Program

Free and Confidential Help

**1-866-485-9393**

Email: [MLTCOP@meji.org](mailto:MLTCOP@meji.org)

Website: [MLTCOP.org](http://MLTCOP.org)