

State Smoke-Free Indoor Air Fact Sheet: Day Care Centers

Secondhand smoke is particularly harmful to children

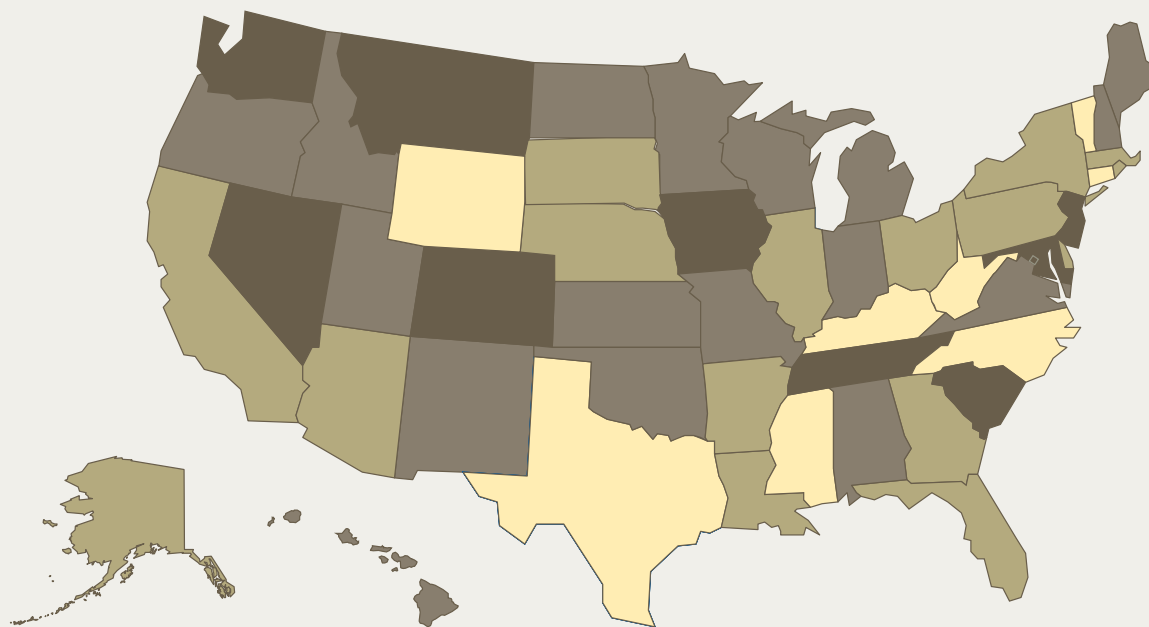
According to the U.S. Surgeon General, secondhand smoke exposure is hazardous to the health of nonsmoking adults and children. The harmful effects of secondhand smoke on children are especially of concern because their bodies are still developing. Secondhand smoke increases the risk of serious respiratory problems in children, such as more severe asthma attacks and lower respiratory tract infections, as well as middle ear infections.¹ Infants who are exposed to secondhand smoke are more susceptible to sudden infant death syndrome, the leading cause of mortality among infants ages 1 to 12 months.²

Reductions in secondhand smoke exposure have been slower to take place among children than among adults during the last decade. Expanding workplace smoking restrictions now protect

the majority of adults, while day care centers, homes, and vehicles remain the most common place of exposure for children. It is estimated that nearly a quarter of children under age five spend a substantial part of their week (32 hours on average) in commercial or home-based day care.³

According to the U.S. Surgeon General's 2006 report, there is no risk-free level of secondhand smoke, and even the use of designated smoking areas or separately ventilated smoking areas do not protect individuals from the harmful effects of smoke.¹ Thus, the establishment of designated or separately ventilated areas for day care centers is not sufficient to reduce children's exposure to secondhand smoke. Additionally, although smoking when children are not present in a day care center prevents immediate exposure to secondhand smoke, tobacco smoke lingers in the air hours after cigarettes have been extinguished.⁴

States with Smoke-free Indoor Air Laws for Home-based and Commercial Day Care Centers (n=51; laws in effect as of December 31, 2008)



 Ban in both locations at all times (n=10)

 Contains a restriction, but does not ban at all times in either location (n=17)

 Ban in one location at all times (n=16)

 No restriction (n=8)

¹ U.S. Department of Health and Human Services. The health consequences of involuntary exposure to tobacco smoke: a report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, national Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2006.

² Markowitz S. The effectiveness of cigarette regulations in reducing cases of Sudden Infant Death Syndrome. *J Health Econ* 2008;27(1):106–33.

³ Overturf Johnson J. Who's minding the kids? Child care arrangements: Winter 2002. *Curr Popul Rep* 2005:P70–101.

⁴ California Environmental Protection Agency. Proposed identification of environmental tobacco smoke as a toxic air contaminant [online]. 2005. [cited 2008 Nov 6]. Available from: <http://www.arb.ca.gov/toxics/ets/ets.htm>.



STATE

State Tobacco Activities Tracking & Evaluation System

State Smoke-Free Indoor Air Restrictions in Day Care Centers as of December 31, 2008

State	Commercial		Home-Based	
	Day Care Centers	Time Restrictions	Day Care Centers	Time Restrictions
Alabama	D		D	
Alaska	B	A	D	C
Arizona	B	A	B	C
Arkansas	B	A	B	C
California	B	A	B	C
Colorado	B	A	B	A
Connecticut				
Delaware	B	A	B	C
District of Columbia	B	A	B	A
Florida	B	A	B	C
Georgia	B	A	B	C
Hawaii	B	C	B	C
Idaho	B	C	B	C
Illinois	B	A	B	C
Indiana	D		D	
Iowa	B	A	B	A
Kansas			B	C
Kentucky				
Louisiana	B	A	B	C
Maine	B	C	B	C
Maryland	B	A	B	A
Massachusetts	B	A	B	C
Michigan	B	C	B	C
Minnesota	B	C	B	C
Mississippi				
Missouri	B	C	B	C
Montana	B	A	B	A
Nebraska	B	A	B	C
Nevada	B	A	B	A
New Hampshire	B	C		
New Jersey	B	A	B	A
New Mexico	B	C	B	C
New York	B	A	B	C
North Carolina				
North Dakota	B	C	B	C
Ohio	B	A	B	C
Oklahoma	D	C	B	C
Oregon	S	A	S	A
Pennsylvania	B	A	B	C
Rhode Island	B	A	B	C
South Carolina	B	A	B	A
South Dakota	B	A	B	C
Tennessee	B	A	B	A
Texas				
Utah	B	C	B	C
Vermont				
Virginia	D	A		
Washington	B	A	B	A
West Virginia				
Wisconsin	B	C		
Wyoming				

A=All Times, B=Banned, C=If Child Present/During Hours of Operation, D=Designated Areas, S=Separate Ventilated Areas

What states are doing to protect children from second-hand smoke in day care centers

Some states have enacted laws to protect children from exposure to secondhand smoke in commercial and home-based day care centers. As of December 31, 2008, 37 states have enacted laws prohibiting smoking in commercial day care centers. Smoking in home-based day care centers is also banned in 36 states. Three states (New Hampshire, Virginia, and Wisconsin) have enacted smoking restrictions that address smoking only in commercial day care centers. Eight states do not have any laws that address smoking in commercial and home-based day care centers.

Four states (Alabama, Indiana, Oklahoma, and Virginia) allow smoking in designated areas of commercial day care centers, and three states (Alabama, Alaska, and Indiana) permit smoking in designated areas of home-based day care centers. Oregon is the only state that allows smoking in separately ventilated areas in commercial and home-based day care centers.

Certain states have also placed time restrictions on smoking in day care centers. These states have either banned smoking in day care centers at all times or restricted smoking to non-business hours. So while 26 states ban smoking in commercial day care centers at all times, 11 states ban smoking in commercial day care centers only when children are on the premises. Conversely, while 10 states ban smoking at all times in home-based day care centers, another 26 states allow smoking when children are no longer present in the home-based day care center. These data suggest that state laws are more lenient towards home-based day care centers than commercial day care centers when allowing smoking when children are no longer present.

Opportunities to fully protect children from second-hand smoke

Currently, 8 states do not restrict smoking in day care centers. While six states restrict smoking to designated areas or separately ventilated areas, such restrictions cannot ensure children are fully protected from second-hand smoke. Smoke-free air laws in day care centers have a high level of public support; approximately 96% of adults support smoking bans in day care centers.⁵ Eliminating smoking at all times and implementing a total ban on smoking in day care centers is the only way to ensure children avoid exposure to secondhand smoke and keep their risks of respiratory and other diseases caused by inhalation of secondhand smoke to a minimum.

The STATE System contains data synthesized from state-level statutory laws. It does not contain state-level regulations; measures implemented by counties, cities, or other localities; opinions of Attorneys General; or relevant case law decisions for tobacco control topics other than preemption; all of which may vary significantly from the laws reported in the database, fact sheets, and publications.

⁵ CDC. State-specific prevalence of current cigarette smoking among adults, and policies and attitudes about secondhand smoke—United States, 2000. MMWR 2001;50(49):1101–6.

State Tobacco Activities Tracking and Evaluation (STATE) System
<http://www.cdc.gov/tobacco/statesystem>

Centers for Disease Control and Prevention
 National Center for Chronic Disease Prevention and Health Promotion