

WAC 110-302-0420 Prohibited substances. (1) ONB programs must comply with chapter 70.160 RCW, which prohibits smoking in public places and places of employment.

(2) Pursuant to RCW 70.160.030, ONB providers must comply with the requirements described in this subsection.

(a) Prohibit smoking, vaping, or similar smoking activities in licensed indoor space during business and nonbusiness hours;

(b) Prohibit smoking, vaping, or similar activities in licensed outdoor space unless:

(i) The smoking, vaping, or similar activities occurs during non-business hours; and

(ii) The smoking, vaping, or similar activity occurs in an area reserved for smoking or vaping tobacco products that is not a "public place" or "place of employment" as defined in RCW 70.160.020.

(iii) The ONB program is operated on public land and the law allows members of the public to smoke in the area. If smoking is allowed on the public land, the ONB provider must reasonably protect children from second-hand smoke;

(c) Prohibit smoking, vaping, or similar activities in any motor vehicle that is used to transport ONB program enrolled children;

(d) Prohibit smoking, vaping, or similar activities by any ONB provider who is supervising children, including during field trips;

(e) Prohibit smoking, vaping, or similar activities within 25 feet from entrances, exits, operable windows, and vents, pursuant to RCW 70.160.075; and

(f) Except for ONB programs that enroll only school-age children and operate on public or private school premises, post "no smoking or vaping" signs. Signs must be clearly visible and located at each building entrance wherever possible pursuant to WAC 110-302-0505. For ONB programs operating on private land, it is the landowner's duty to post "no smoking" signs.

(3) ONB providers must:

(a) Prohibit any person from consuming or being under the influence of alcohol on licensed space during business hours;

(b) Prohibit any person from consuming or being under the influence of an illegal drug on licensed space during business hours;

(c) Prohibit any person from consuming prescription drugs to the extent that it interferes with the care of children as required by this chapter;

(d) Prohibit any staff person from consuming smokeless cannabis products in licensed space during business hours;

(e) Store any tobacco or vapor products, packaging of tobacco or vapor products, cannabis or associated paraphernalia, or alcohol (both open and closed containers) in a space that is inaccessible to children;

(f) Prohibit children from accessing cigarette or cigar butts and ashes; and

(g) Protect children from members of the public consuming or under the influence of alcohol, legal drugs, illegal drugs, or misused prescription drugs.

[Statutory Authority: RCW 43.216.742. WSR 23-10-059, § 110-302-0420, filed 5/1/23, effective 6/1/23.]