



A Guide to Smokefree Multi-Unit Housing Policies: safer housing, happier residents, and increased profits



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Introduction:

This toolkit is a guide for implementing a smokefree policy in your rental properties. The goal is to protect the health of your community from secondhand smoke and keep your property free of thirdhand smoke. While this toolkit contains some useful sample language, please note that it is guidance, not legal advice. For legal advice or representation, please contact a local landlord-tenant law attorney or contract law attorney in your area.

Why Go Smokefree?

Exposure to secondhand smoke poses significant health risks to both children and adults, with the U.S. Surgeon General saying that there is no safe level of such exposure. The sole effective measure to shield nonsmokers from the detrimental effects of tobacco smoke is by eliminating indoor smoking.

Secondhand smoke can drift from neighboring units and shared outdoor spaces, through doorways, cracks in walls, electrical lines, plumbing, and ventilation systems.

Over the past decade, the availability of smokefree multi-unit housing has increased due to heightened awareness of the dangers of secondhand smoke, increased resident demand, and state and local advocacy efforts. This trend is further supported by recommendations from federal authorities, including the U.S. Department for Housing and Urban Development (HUD) and the Environmental Protection Agency (EPA).^{1,2}

This guide provides information on the advantages of smokefree multi-unit housing policies for residents and property owners. Going smokefree protects residents' health from secondhand smoke and improves a property manager's financial standing by reducing turnover costs and minimizing fire risks. The guide includes the steps involved in creating and implementing a new smokefree policy, policy samples and additional resources.



Secondhand Smokes Affects Everyone

According to the 2006 Surgeon General's report, any level of exposure to secondhand smoke is unsafe, with even brief exposure posing potential dangers.³

- ▶ Secondhand smoke contains over 7,000 chemicals, with about 70 known to be carcinogenic to humans.⁴ Secondhand smoke can also affect household pets, including dogs, cats, and birds. It has been shown to lead to cancer in animals, as well as cause or worsen lung issues.⁵
- ▶ Electronic cigarettes, commonly known as “vapes” release ultrafine particles and cancer causing chemicals in their secondhand aerosol.⁶
- ▶ Non-smokers face up to a 30% increased risk of developing lung cancer when exposed to secondhand smoke, contributing to tens of thousands of annual deaths in the United States from smoke-related illnesses.^{7,8}
- ▶ Negative health impacts of secondhand smoke extend to various conditions in both children and adults, including lung cancer, respiratory infections, asthma, Chronic Obstructive Pulmonary Disease (COPD), and Sudden Infant Death Syndrome (SIDS).
- ▶ Secondhand smoke is not confined to its source; it passes through cracks, under doors, and via electrical outlets, vents, pipes, shared walls, and drywall. Traditional ventilation systems (filters, air purifiers) are ineffective in removing the chemicals present in secondhand smoke.⁹
- ▶ Secondhand smoke from marijuana has many of the same chemicals as tobacco smoke, including those linked to lung cancer.¹⁰
- ▶ Exposure to secondhand marijuana smoke impairs blood vessel function and has longer-lasting effects on blood vessel function than exposure to secondhand tobacco smoke.¹⁰
- ▶ Those exposed to secondhand marijuana smoke can have detectable levels of THC in their systems, and recent studies have found strong relationships between someone in the home using marijuana and the child living there having detectable levels of THC.¹⁰



Economic Benefits

- ▶ **Attract tenants.** The majority of renters express a preference for smokefree housing, with some stating they are willing to pay extra or relocate to avoid exposure to secondhand smoke.
- ▶ **Minimize turnover costs.** The expenses associated with preparing a previously smoked-in apartment for a new tenant are much higher compared to a unit free from tobacco smoke.¹¹
- ▶ **Reduce fire risk.** Cigarette-related fires cause considerable damages, resulting in hundreds of millions of dollars in losses, along with deaths and injuries each year. Between 2016 and 2020, there were an estimated 15,900 house fires, which caused 620 deaths, 1,030 injuries, and \$549 million in property damage annually.¹²
- ▶ **Lessen liability.** Non-smoking tenants with disabilities or health conditions made worse by exposure to secondhand smoke may pursue legal action under the Fair Housing Act and the Americans with Disabilities Act. This legal action can be based on the failure to provide reasonable accommodations that protect residents from the negative effects of secondhand smoke.

Ensure Your Policy is Comprehensive

Comprehensive smokefree policies include electronic cigarettes, commonly referred to as vapes and other branded devices. These devices utilize a battery to heat a solution, typically containing nicotine or marijuana, transforming it into an inhalable aerosol for users. The exhaled secondhand aerosol from these devices contains nicotine, ultra-fine particles, volatile organic compounds, and other toxins and carcinogens.¹³

The American Lung Association recommends that property owners incorporate e-cigarettes and other heated devices into their smokefree policies. This approach eliminates confusion and protects residents from the secondhand aerosols emitted by users. Additionally, we advocate for the inclusion of marijuana secondhand smoke in smokefree policies for comprehensive protection.

Steps for Going Smokefree:

1. **Gain staff & resident buy-in**
 - a. Talk to residents to hear about their thoughts and experiences
 - b. Make sure staff understand the policy
2. **Plan the policy & set an implementation timeline**
 - a. Create a policy to add as a part of the lease
 - b. Decide what areas will be smokefree
 - c. Create a timeline for when the policy will apply
3. **Post signage & remind residents**
 - a. Give residents reminders and plenty of notice the policy will be put in place
 - b. Post smokefree signs
4. **Enforce the Policy**
 - a. Enforce the policy like any other rule or lease requirement
 - b. Keep up with violations and complaints from residents
5. **Advertise the policy**
 - a. Promote the policy in rental listings
6. **Evaluate & maintain the policy**
 - a. Conduct a survey to assess the policy
 - b. Continue to address any resident questions or concerns
 - c. Educate new residents as needed



1 | Gain staff and resident buy-in

The success of any change relies on the active participation and agreement of both staff and residents. This is the time to conduct a pre-implementation survey for residents. This survey aids in collecting anonymous data that can ease the transition and inform residents about the upcoming smokefree policy. The surveys can help determine:

- The number of residents who smoke in their units
- The number of residents who detect smoke in their units despite not using tobacco
- Whether residents desire a smokefree apartment community



In addition to preparing residents for this policy change, it is important to prepare your staff as well. Assist your staff in understanding the new policy and supporting residents during the transition by providing:

- Training on community enforcement
- Information on cessation for staff, residents, and visitors
- Resident meetings as needed

2 | Plan the Policy & Set Implementation Timeline

Policy Development: Craft a written policy to be included as a lease addendum. Revise your existing lease to incorporate the policy for new tenants. An example lease addendum is included in this toolkit.

► Smokefree policy checklist:

- Does your policy...
 - List the places on your property where smoking is and is not allowed
 - State that the policy applies to everyone (tenants, guests, staff, service persons, etc.)
 - Define smoking, the definition should include smoke from marijuana and electronic cigarettes or vapes.: The American Lung Association suggests this definition: “smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form.
 - Define Electronic Smoking Device: The American Lung Association suggests this definition: “electronic smoking device” means any electronic device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other substances to the user. “Electronic Smoking Device” includes any such electronic smoking device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

- State who is responsible for enforcing the policy.
- State the consequences for violating the smokefree policy.
- State the effective date of the policy.

Policy Implementation: Determine the best timing for introducing the new policy and communicate with residents about the reasons behind adopting a smokefree environment. For current residents, wait until lease renewal to add the lease addendum. It is recommended to give residents several months' notice before the policy will take effect.

For new or future residents, include the policy in the initial lease.

The policy should prohibit smoking anywhere inside the property. Outdoor smoking restrictions may be planned in various ways:

- Prohibiting smoking on the grounds and outdoor areas of the entire property.
- Restricting smoking within 25 feet of the building(s), including entryways, balconies, patios, windows, air vents, and intakes, as well as in shared outdoor recreational and dining areas (e.g., patios, hot tubs, pools, play equipment, and trash/recycling areas).
- Allowing smoking only in designated outdoor areas located at least 25 feet away from the building, including entryways, balconies, patios, windows, air vents, and intakes, as well as in shared outdoor recreational and dining areas. Designated smoking areas should be appropriately marked.

3 | Remind Residents & Post Signage

Remind Residents: Call attention to the new policy by issuing announcements thirty (30) days and seven (7) days prior to its implementation. Clearly outline allowed smoking areas (if applicable), the consequences for policy violations, and actions residents can take if they witness a violation.

Post Signage: Install signs at all building entrances and in common areas. If your property allows smoking in specific areas, display signage in those locations. Complimentary signage is available from the American Lung Association and Missouri Department of Health and Senior Services.

- Order smokefree signage to help with the announcement of your new policy.
- Provide materials and sample documents for announcing the updated policy.
- Conduct presentations for residents regarding the new smokefree policy.
- Offer smoking cessation resources to residents and staff interested in quitting tobacco.
 - The Lung Association's Freedom From Smoking program freedomfromsmoking.org.
 - The Missouri Tobacco Quit Services offers free help to Missourians wanting to quit smoking. Call 1-800-QUIT-NOW or go to YouCanQuit.org.
 - Talk to experts at the Lung Association's Lung Helpline 1-800-LUNG-USA.



4 | Enforce the Policy

The majority of residents express a preference for a smokefree environment, making smokefree policies easier to manage. Enforce the policy in a manner consistent with other rules. Ensure that your staff is thoroughly familiar with both the policy and the procedures for enforcement. In the event of a violation, respond promptly and thoroughly document the incident.

- A graduated enforcement plan is recommended. See below for a sample set of steps.
 - Sample Enforcement Plan:
 - 1st violation = verbal warning, reminder of the smokefree policy, and smoking cessation resources/materials.
 - 2nd violation = verbal warning and smoking cessation resources/materials to the resident.
 - 3rd violation = written warning and smoking cessation resources/materials.
 - 4th violation = notice to vacate with an option to remedy/cure, and smoking cessation resources/materials.
 - 5th violation = may result in a notice to vacate without the option to remedy or cure.
- Evictions for smokefree policy violations are rare.
- There should not be penalty fines for enforcement of this policy.
- Maintain documentation of complaints of smoking violations. Respond to these complaints in a timely manner.
- Make it clear to residents that the policy also extends to guests, for whom they are responsible for.
- Deliver community enforcement training for both staff and residents.



5 | Advertise the policy

There is a high demand for smokefree housing. Advertise your smokefree policy to attract residents looking for smokefree homes.

- Post smokefree signage to advertise your smokefree status.
- Include that the property is smokefree on rental listings.

6 | Evaluate & Maintain the Policy

Evaluate the policy to see if any adjustments need to be made, in addition to addressing resident complaints and handling violations. Ongoing engagement with residents is needed to address emerging questions and concerns, as well as to educate incoming residents about the policy. Marking the anniversary of the policy is an opportunity to celebrate the achievement of creating healthier living environments for all residents and visitors. Distribute post-implementation resident survey

- Analyze post-implementation survey data and share the results
- Make recommendations based on the findings of post-implementation surveys

Sample Documents



- ▶ [Sample lease addendum](#)
- ▶ [Sample resident letter](#)
- ▶ [Sample resident survey – pre and post implementation](#)
- ▶ [Sample infographics](#)
- ▶ [Sample signage/information on how to get signage through Missouri Department of Health and Senior Services](#)
- ▶ [Samples for enforcement - Sample smoking notice form, compliance letter after violation](#)
- ▶ [Sample property owner letter from resident requesting smokefree policy/action](#)

Sample Lease Addendum

It is advisable that landlords consult a local housing attorney to ensure these provisions are consistent with Missouri law.

Model Smokefree Lease Addendum

Date: _____ Property Name: _____

Apartment/Unit Number: _____

Tenant Name(s): _____

Tenant Address: _____

Tenant and all members of Tenant's household are parties to a written lease ("the Lease") with the property owner or "Landlord." This Addendum states the following additional terms, conditions, and rules that are incorporated into the Lease through this addendum ("Lease Addendum"), effective _____. A breach of this Lease Addendum gives each party all the rights contained herein, as well as the rights in the Lease.

Section 1. Purpose of Smokefree Policy

The parties desire to mitigate a) the irritation and known adverse health effects of secondhand smoke; b) the health dangers and property damage caused by thirdhand smoke; c) the increased maintenance, cleaning, and redecorating costs from smoke; d) the increased risk of fire from smoking; and e) the higher costs of property insurance for a non-smokefree building.

Section 2. Definitions

"Electronic smoking device" means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product, including, but not limited to, a(n) e-cigarette, e-cigar, e-pipe, vape pen, Juul, or e-hookah.

"Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic smoking device.

Section 3. Scope of Smokefree Policy

Tenant agrees and acknowledges that the premises to be occupied by Tenant and members of Tenant's household have been designated as a smokefree living environment. Tenant, members of Tenant's household, and any guests under control of the Tenant will not smoke anywhere: a) In the unit rented by Tenant, including any associated balconies, decks, or patios; b) In the common areas of the property, including, but not limited to, lobbies, hallways, stairwells, elevators, laundry rooms, community rooms, community bathrooms, or offices; or c) On the outdoor grounds of the property, including, but not limited to, entryways, playgrounds, pool areas, walking paths, or sitting areas.

Section 4. Tenant to Promote Smokefree Policy and Alert Landlord of Violations

Tenant will inform Tenant's guests of the smokefree policy. Tenant may also promptly give Landlord a written statement of any incident where Tenant observes smoking not allowed by this policy or believes smoke is migrating into the Tenant's unit from sources outside the Tenant's unit.

Section 5. Landlord to Enforce Smokefree Policy

Landlord will post no-smoking signs at entrances and exits, common areas, and in conspicuous places adjoining the property grounds. Landlord will also take reasonable steps to promptly remedy known and reported violations of the smokefree policy. Landlord is not required to take steps in response to smoking unless Landlord knows of the violation.

Section 6. Other Tenants are Third-Party Beneficiaries of Tenant's Agreement

Tenant agrees that other Tenants of the rental community are third-party beneficiaries of Tenant's smokefree Lease Addendum with Landlord. A Tenant may sue another Tenant for an injunction to prohibit smoking or for damages but does not have the right to evict another Tenant. Any lawsuit between Tenants does not create a presumption that the Landlord breached this Lease Addendum.

Section 7. Effect of Breach and Right to Terminate Lease

Tenant acknowledges that a breach of this Lease Addendum may render Tenant liable to Landlord for the costs to repair Tenant's unit due to damage from smoke odors or residue. A breach of this Lease Addendum is a breach of the Lease and grounds for immediate enforcement action, including potential termination of the Lease by the Landlord.

Section 8. Enforcement

- a) The first violation shall result in a verbal warning and reminder of the smokefree policy and provision of smoking cessation resources and materials.
- b) The second violation shall result in a verbal warning and provision of smoking cessation resources and materials.
- c) The third violation shall result in a written warning and provision of smoking cessation resources and materials.
- d) The fourth violation shall result in a 10-day notice to vacate with an option to remedy/cure, and provision of smoking cessation resources and materials.
- e) The fifth violation may result in a 10-day notice to vacate without the option to remedy or cure.

Section 9. Disclaimer by Landlord

Tenant acknowledges that Landlord's adoption of a smokefree living environment and the efforts to designate the premises as smokefree do not in any way change the standard of care that Landlord or its managing agents owes a Tenant and do not ensure that the smokefree designated buildings and premises are any more safe, habitable, or improved in terms of air quality standards than any other rental premises. Landlord specifically disclaims any implied or express warranties that the building, common areas, or Tenant's premises will have any higher or more improved air quality standards than any other rental property. Landlord cannot and does not warranty or promise that the rental premises or common areas will be free from secondhand smoke. Landlord and its managing agents are not the guarantor of Tenant's health or the smokefree condition of the premises. Tenant acknowledges that Landlord's ability to police, monitor, or enforce the agreements of this Lease Addendum is dependent in significant part on voluntary compliance by Tenant and Tenant's guests. Tenants with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that Landlord does not assume any higher duty of care to enforce this Lease Addendum than any other landlord obligation under the Lease.

LANDLORD

TENANT(S)

DATE

DATE

Sources:

<https://www.publichealthlawcenter.org/sites/default/files/resources/PHLC-Model-Smoke-Free-Lease-Addendum.pdf>

<https://no-smoke.org/model-smokefree-lease-addendum>

Sample Resident Letter

Date: _____

To our valued residents:

Beginning _____ all NEW residents and residents renewing their current lease will be required to adhere to a newly adopted No-Smoking Policy.

Current residents will be grandfathered in under existing rules but will be required to adhere to the policy beginning _____, except for those residents who are on a lease which expires later than that date. That lease will be honored, and this policy will become effective at the lease expiration date.

The policy outlines the following:

Please make visitors aware of this policy as well.

Please read the attached No-Smoking Lease Addendum thoroughly and let me know if you have any questions.

Thank you for your cooperation in this matter.

Sincerely,

Source: Guardian Real Estate Services



Sample Resident Surveys

Pre-Implementation of Smokefree Policy _____

Date: _____

Dear Residents:

Smokefree policies help provide a safe and healthy community for residents and guests. Secondhand smoke is harmful to everyone’s health. Smoking can also cause apartment damage and extra cleaning costs.

We want to hear your thoughts on making our community smokefree. Please fill out the short survey on the following page and return to _____ by _____.

We thank you and appreciate your thoughts.

Sincerely,

(Return survey to rental office)

Do you or anyone in your household smoke in your apartment?

- ☐ Yes
- ☐ No

What best describes the rules you have for smoking inside your apartment?

- ☐ No one is allowed to smoke anywhere in my apartment.
- ☐ Smoking is allowed in some places or at some times.
- ☐ Smoking is permitted anywhere inside my apartment.

Can you smell smoke in your apartment that comes from another apartment?

- ☐ Yes, and it bothers me
- ☐ Yes, and it does not bother me
- ☐ No

Are you or others living in your apartment thinking about quitting smoking?

- ☐ Yes
- ☐ No

Would you prefer to live on a property:

- ☐ Where smoking is allowed everywhere on the property
- ☐ Where smoking is allowed in apartments, but not in indoor common areas
- ☐ Where smoking is allowed outdoors, but not in apartments or indoor common areas (Smokefree Building)
- ☐ Where smoking is NOT allowed anywhere, indoors and outdoors (Smokefree Property)
- ☐ Where smoking is only allowed 25ft away from any entry way or balcony
- ☐ Where smoking is only allowed a designated smoking area

Comments:

Post-Implementation of Smokefree Policy

Subject: Smokefree Policy Feedback

Date: _____

Dear Residents,

Thank you for choosing _____. On _____, we implemented a smokefree policy to protect the health and safety of our residents.

As you are aware, secondhand smoke is a health hazard, especially for children, the elderly, and persons with chronic illnesses. Our smokefree policy also reduces the risk of fire, further protecting the safety of our residents and their belongings.

Our smokefree policy applies to:

We would like to hear what you think about our new smokefree rules. This will help us determine the effectiveness of the policy and help us better educate our residents. Please complete the survey below and return it to _____ by _____.

Sincerely,

(Return survey to rental office)

Since _____, have you witnessed (seen or smelled) smoking in any of the areas mentioned above? (Check one)

- ☐ No.
- ☐ Yes, I witnessed smoking at/in/on _____.

Have you mentioned the smokefree policy to anyone who was smoking? (Check all that apply.)

- ☐ No. I did not have the opportunity to do so.
- ☐ No. Doing so would have been uncomfortable.
- ☐ Yes. I pointed out a sign in my building.
- ☐ Yes. I pointed out a sign in an outdoor area.
- ☐ Yes. I mentioned the policy in the lease.

In your own words, what do you think about the smokefree policy?

Do you have any suggestions regarding education or enforcement?

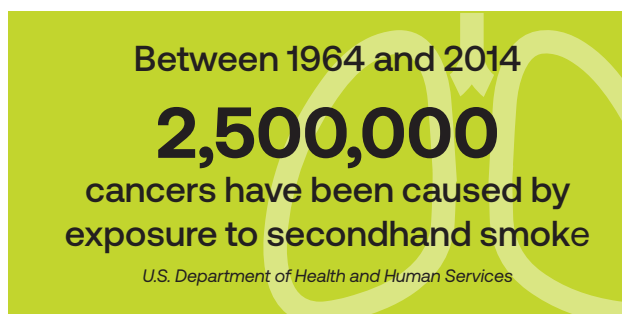
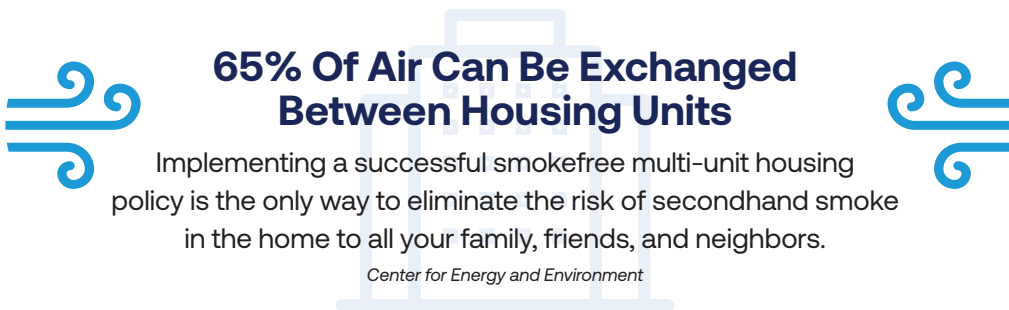
Sample Infographics



*"What about my smoking rights?
I'm not harming anyone!"*



Smoking is a personal choice, not a constitutional right.
There is no safe level of exposure to secondhand smoke.



Secondhand Smoke Causes
Ear Infections
Sudden Infant Death Syndrome
Respiratory Problems
Asthma Attacks



You can quit. We can help.

Call the Missouri Tobacco Quitline for free assistance
at 1-800-QUIT-NOW or visit youcanquit.org

**Apartment
turnover costs
can be \$3,500
or more for
units that allow
smoking.**

**Ready to go
smoke-free?**



Sample Signage

FREE signage is available from the Missouri Department of Health and Senior Services Tobacco Prevention and Control Program. Below are two examples of the available signs. To order please go to: stateofmissouri.wufoo.com/forms/z1rlh8s51a3zdsz or email motobaccoprogram@health.mo.gov.





Samples for Enforcement

Policy Violation Form

Notice Of Smoking Incident

Building: _____ Date: _____

Resident: _____ Unit No: _____

This notice is to inform management of _____ of the following smoking-related incident:

Description of incident:

- ☐ Smoking coming into rental unit
- ☐ Smoking observed in indoor common area
- ☐ Smoking observed in outdoor area
- ☐ Other: _____

Remarks/Detailed Description:

Please submit this form to the rental office.

Tenant _____ Date _____

Source: Created by the Live Smoke Free program (mnsmokefreehousing.org) and the Public Health Law Center (publichealthlawcenter.org) in St. Paul, MN.



Sample Resident Compliance Letter

Date: _____

Dear _____,

As stated in your lease with _____, our no-smoking policy is:

On _____, you were ☐ reported | ☐ observed (*choose one*)
to be smoking in _____ in violation of the lease.

This is considered the _____ violation.

Enclosed with this letter is information regarding quit smoking resources in the community.

If you have questions or concerns, please contact us at:

Thank you,

Sample Secondhand Smoke Communication Record

| Date | Type of Communication <i>(letter, phone call, etc.)</i> | Who did you talk/ write to? | What was the purpose? <i>(What were you asking for?)</i> | What happened? |
|------|--|--------------------------------|---|----------------|
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Source: Portland-Vancouver Metro Area Smokefree Housing Project

Sample Secondhand Smoke Log for Residents

| Date | Time | What did you notice/experience? |
|----------|---------|--|
| 5/1/2011 | 6:00 PM | <i>I noticed a strong smell of cigarette smoke while sitting in my living room. Seems to come from my living room vents. It made me cough. It lasted about 15 minutes.</i> |
| | | |
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Sample Letter to Property Owner or Manager from Resident

Date: _____

Dear Property Owner or Manager,

I am writing this letter to request your help in dealing with secondhand smoke in my unit. Secondhand smoke has been getting into my unit from: _____

So far, I have tried:

to fix this situation.

I would like to request that you (*Choose one or more of the following*):

- ☐ Enforce the building's no-smoking rule (if it already exists)
- ☐ Consider a no-smoking rule for the building or property
- ☐ Conduct a survey to see how many residents would prefer a no-smoking rule
- ☐ Relocate me to a non-smoking building that you own or manage
- ☐ Allow me to break my lease without penalty so I can move to a non-smoking building
- ☐ Other: (*fill in your desired outcome*) _____

Did you know that a no-smoking rule can be good for business? Please visit [Lung.org/policy-advocacy/tobacco/smokefree-environments/multi-unit-housing](https://lung.org/policy-advocacy/tobacco/smokefree-environments/multi-unit-housing) for more information about how smokefree policies can save you money, protect your property, reduce unit turnover time and expenses and help you gain a marketing edge. A no-smoking rule is entirely legal.

Thank you for your consideration. I would appreciate a written response to this letter.

Sincerely,

Tenant _____ Unit _____

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American Lung Association in Missouri

211 N Broadway, Suite 2035
St. Louis, MO 63102



Missouri Department of Health and Senior Services

920 Wildwood
P.O. Box 570
Jefferson City, MO 65102-0570

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