



**Training and Technical
Assistance Team**

**Colorado School of Public
Health**

Smoke-Free and Tobacco Product-Free Policies for Businesses and Organizations

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Introduction

The Colorado School of Public Health developed this model to serve as an educational resource for businesses and organizations interested in creating a smoke-free or tobacco-free policy. The difference between a smoke-free policy and a tobacco-free policy is that smoke-free policies address cigarette smoking and tobacco-free policies address the use of *all* tobacco products including cigarettes and e-cigarettes and similar smoking devices, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco and snuff. Tobacco use remains the leading cause of preventable disease and death in the United States. Policies that promote Smoke-free (and Tobacco Product-free) workplaces are good for business and have been shown to increase productivity while reducing medical costs and time lost due to sick days according to the Centers for Disease Control and Prevention.

Throughout this document the reader will find blanks (e.g., [__]) that prompt general customization of the language provided. Business and organizational policies are unique and therefore require customization to incorporate model language into existing policy structures . Following some of the policy provisions are "NOTES" to provide additional information about the provision provided. Colorado School of Public Health Legal TA is always available to assist with specific customization of a draft model ordinance created from the information contained in this document.

The provisions provided here are considered ideal provisions for maximum impact and represent a benchmark by which other policies should be compared . Policies that include designated areas for smoking and tobacco use are *not* recommended because such policies run counter to an effective, comprehensive policy and can portray the image of an unhealthy business to the public, impact on individuals trying to stop using tobacco products and unwanted exposure to others of secondhand smoke. The provisions included in this model are evidence-based recommendations supported by the Centers for Disease Control and Prevention and Best Practices. This model was revised in March 2020. All legal references are current and consistent with Colorado state laws and federal laws as of this date.

[BUSINESS/ORGANIZATION] SMOKE-FREE (TOBACCO-FREE) POLICY AND

PROCEDURES POLICY AND PROCEDURE [ReferenceXXXXX]

EFFECTIVE DATE: [XX-XX- 201X]

EFFECTIVE PERIOD: Until superseded.

CANCELATION: [business/organization] Policy and Procedure [Reference XXXX] (Previous policy or policies that this smoke -free or tobacco-free policy replaces if applicable).

ENCLOSURE: {Additional supporting documents- if applicable}

REFERENCE:

- A. [Business/Organization] Policies and Procedures Manual, Section [X], Page [X], (Link if available online).
- B. Colorado Clean Indoor Air Act (CCIAA) C.R.S. § 25-14-201 et seq.
- C. C.R.S. § 24-34-402.S Unlawful prohibition of legal activities as a condition of employment.

I. Rationale

Tobacco use remains the leading cause of preventable disease and death in the United States according to the Centers for Disease Control and Prevention. Policies that promote Smoke-free (Tobacco Product- free) workplaces are good for business and have been shown to increase productivity while reducing medical costs and time lost due to sick days.

II. Definitions

"Electronic Smoking Device" means any product containing or delivering nicotine intended for human consumption that can be used by an individual to simulate smoking in the delivery of nicotine or any other substance, even if marketed as nicotine-free, through inhalation from the product. Electronic smoking device includes any refill, cartridge or component part of a product, whether or not marketed or sold separately. Electronic smoking device does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco cessation product or for other medically approved or certified purposes.

"Employee" means any individual under an express or implied contract for hire of [Business/ Organization] including, but not limited to staff, agents, contractors, interns and volunteers.

"Nicotine Replacement Product" means any FDA-approved nicotine replacement therapy products (e.g., nicotine gum, nicotine patches, nicotine lozenges. Note electronic smoking devices (e-cigarettes) and similar devices are not FDA approved cessation devices).

"Policy Manual" means Employee Policies and Guidelines available at: [_____] .

"Property" means physical areas under the control of [Business/Organziation) whether such property is owned or leased, including but not limited to [specific locations such as office buildings, out-buildings, parking lots, areas of ingress or egress, side-walks or streets within property lines) and [Business/Organization) owned, leased or operated vehicles.

"Smoke" means the emissions or release of gases, particles, vapors, fumes or aerosols into the air from burning, heating or activation of any device, including, but not limited to a cigarette, electronic smoking device, e-cigarette, vape pens, e-hookahs or any other product by any name or descriptor when the apparent or usual purpose of burning, heating or activation of the device is human tasting and inhalation.

"Smoking" means the act of burning, heating, activating or carrying of any device, including, but not limited to a cigarette, cigar, pipe, hookah, or electronic smoking device, electronic cigarette, vape pen, e-hookah or similar device, by any other product name or descriptor, that results in the release of smoke,

vapors or aerosols when the apparent or usual purpose of the burning, heating or activation of the device is human inhalation.

"Tobacco Product" means any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and

- (1) any Electronic Smoking Device.
- (2) Notwithstanding any provision of subsections (1) and (2) to the contrary, "Tobacco Product" includes any component, part, or accessory of a Tobacco Product, whether or not sold separately.
- (3) Does not refer to marijuana as defined in C.R.S. 12-43.3-101 et. seq.

III. Requirements and Prohibitions

1. All [Business/Organization] employees, agents, subcontractors, visitors, clients, interns and volunteers are prohibited from smoking (and using Tobacco Products) on [Business/Organization] property(ies).
2. Employees of [Business/Organization] are not permitted to smoke (or use Tobacco Products) during paid work time (breaks) and encouraged not to smoke (or use Tobacco Products) during unpaid work time (lunch) off of [Business/Organization] property(ies).

NOTES: Worksites and organizations should decide whether to promote a smoke-free or a smoke-free and tobacco product free policy and adjust the language provided (in brackets) accordingly.

3. [Business/Organization] property(ies) include, but are not limited to [list specific locations as applicable {e.g.; office buildings, areas of ingress and egress, out buildings, parking lots, side-walks or streets within property lines, county owned or leased vehicles)].
4. Smoking (and the use of Tobacco Products are) is prohibited in all leased or owned [Business/Organization] vehicles.
4. Advertisements of cigarettes (or Tobacco Products) on leased or owned property or at [Business/Organization] sponsored events are not permitted.

NOTES: The smoke-free and tobacco product free policies adopted by an employer or organization can also extend to events sponsored by or on property owned or leased by the organization .

5. [Business/Organization] employees, agents, subcontractors, visitors, clients, interns and volunteers attending off-site activities while representing [Business/Organization] are prohibited from smoking (using Tobacco Products) .

6. It is the intent of [Business/Organization] to maintain good relationships with its neighbors. Trespassing, loitering or littering on neighboring properties during the course of employment is prohibited.
7. For the purposes of cessation, FDA approved nicotine replacement therapy product use including patches, gum or lozenges are permitted under this policy.

IV. Communication

1. Reference to [Business/Organization] smoking (tobacco-free) policy will be published in all employee handbooks, employee common areas, posted on bulletin boards, announced at staff meetings and during new employee orientation.
2. [Business/Organization] managers and supervisors are responsible for leading by example and respectfully communicating the policy to employees, agents, subcontractors, visitors, clients, interns and volunteers.
3. The success of this policy depends on thoughtfulness, consideration and cooperation of cigarette (Tobacco Product) users and non-users. All [Business/Organization] employees and others to whom this policy applies share responsibility for adhering to and supporting this policy.
4. Individuals who observe a person(s) smoking (using tobacco products) on [Business/Organization] property are encouraged and empowered to respectfully explain that smoking (tobacco product use) is not permitted on the property.

V. Signage

1. Signage declaring [Business/Organization] property as "Smoke-Free" ("Tobacco-Free") will be posted at the entrances and exits of all buildings, parking lots and in owned and leased vehicles.
2. Installation and maintenance of smoking (Tobacco Product free) signage will be in consultation with the Office of Human Resources.
3. Areas that experience difficulties with smoking (and Tobacco Product) use may request supplemental signage from [Business/Organization].

NOTES: Communication of the new policy and signage that supports the policy are important to ensure that all individuals on the property adhere to the policy. Many organizations have found that frequent communications about the policy prior to the effective date help with the transition to a smoke-free or a tobacco-free environment.

VI. Compliance

1. Success of this policy depends on thoughtfulness, consideration and cooperation of Cigarette (Tobacco Product) users and non-users.
 - a. Train first -line staff, security, and others on how to advise visitors, contractors, and members of the public about the new policy.

- b. Repeat violations should be referred to the appropriate supervisor or Human Resources.

VII. Non-Compliance

1. Individuals found to be non-compliant with the provisions of this policy may be subject to disciplinary measures as follows:

- a. Employees: Non-compliance will be referred to the employees' supervisor and Human Resources Department pursuant to [Business/Organization]. (Employee policy (ies) referencing disciplinary action or other measures as appropriate cited here.
- b. Agents, Subcontractors, Interns and Volunteers: Non-compliance will be referred to the project manager responsible for monitoring performance of the applicable contract for corrective action(s) as deemed appropriate.
- c. Visitors: Non-compliance may result in being asked to leave the property.

VIII. Support: [Business/Organization] is strongly committed to supporting employee efforts to be smoke-free (and tobacco-Free). Tobacco cessation resources and support are available to employees through Human Resources or by contacting 1-800-QUIT-NOW.

i U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014. Printed with corrections, January 2014. Available at www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf

ii Centers for Disease Control and Prevention (CDC). *Behavioral Risk Factor Surveillance System Survey Data*. Atlanta, Georgia: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, (2014).

iii Samantha K. Graff, Tobacco Control Legal Consortium, *There is No Constitutional Right to Smoke: 2008 (2d edition, 2008)*. [http://www.changelabsolutions.org/sites/default/files/documents/There%20is%20No%20Constitutional%20Right%20to%20Smoke%20\(national%20version\).3.08.pdf](http://www.changelabsolutions.org/sites/default/files/documents/There%20is%20No%20Constitutional%20Right%20to%20Smoke%20(national%20version).3.08.pdf)

iv Berman M., Crane, R.et. al. (2014). *Estimating the Cost of a Smoking Employee*. *Tobacco Control*. 23(5)428-433. <http://tobaccocontrol.bmj.com/content/early/2013/05/25/tobaccocontrol-2012-050888.full.pdf>

v ibid.

vi Centers for Disease Control and Prevention. *Best Practices for Comprehensive Tobacco Control Programs- 2014*. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014. Available at: http://www.cdc.gov/tobacco/stateandcommunity/best_practices/index.htm.

vii U.S. Department of Health and Human Services. *The Health Consequences of Smoking : 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014. Printed with corrections, January 2014. Available at www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf

viii Centers for Disease Control and Prevention (CDC). *Behavioral Risk Factor Surveillance System Survey Data*. Atlanta, Georgia: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, (2014).

ix Berman M., Crane, R.et. al. (2014). *Estimating the Cost of a Smoking Employee*. *Tobacco Control*. 23(5)428-433. <http://tobaccocontrol.bmi.com/content/early/2013/05/25/tobaccocontrol-2012-050888.full.pdf>