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# MODEL TOBACCO-FREE WORKSITE POLICY

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WHEREAS, tobacco use in the proximity of children and adults on the **[Name of organization]**'s property poses health concerns; and

WHEREAS, the **[Name of organization]** has a unique opportunity to create and sustain an environment that supports a tobacco-free norm through a tobacco-free policy, rule enforcement, and adult-peer role modeling; and

WHEREAS, commercial tobacco use continues to be a leading cause of preventable disease and death in Montana; and

WHEREAS, 1,600 Montana adults die each year from their own smoking and 19,000 kids now under 18 and alive in Montana will die prematurely from smoking;<sup>i</sup> and

WHEREAS, smoking-caused productivity losses cost Montana nearly \$898.6 million;<sup>ii</sup> and

WHEREAS, no form of tobacco use is safe. Tobacco products, like e-cigarettes, cigars, hookahs, dissolvables, heat-not-burn cigarettes, and smokeless tobacco, contain some of the same chemicals as regular combustible cigarettes;<sup>iii</sup> and

WHEREAS, the US Surgeon General has concluded that there is no safe level of exposure to secondhand smoke. Secondhand tobacco smoke is a Class A Carcinogen;<sup>iv</sup> v and

WHEREAS, e-cigarette aerosol that users breathe from the device and exhale can contain harmful and potentially harmful substances, including nicotine, ultrafine particles, flavoring, volatile organic compounds, cancer-causing chemicals and heavy metals such as nickel, tin, and lead. Exposure to e-cigarette aerosol has not been proven to be safe;<sup>vi</sup> and

WHEREAS, there is no constitutional right to smoke;<sup>vii</sup> and

WHEREAS, tobacco-free policies can help tobacco users quit and prevent initiation of tobacco use;<sup>viii</sup> and

WHEREAS, for every employee who smokes who succeeds in quitting, an employer could save an average of \$4,056 annually due to increased productivity;<sup>ix</sup> and

NOW THEREFORE, as an organization committed to the health and safety of its employees, patients, and visitors, it is **[name of organization]**'s responsibility to take a leadership role on the major public health issue of tobacco usage.

**[Name of organization]** adopts the following Tobacco-Free Worksite Policy:

## Definitions

- 1) “Any Time” means 24 hours a day, seven days a week.
- 2) “Premises” means all buildings (including those owned, leased, rented, or maintained by **[name of organization]**), all grounds, parking lots and ramps (including inside privately-owned vehicles parked on or in **[name of organization]** property), plazas and contiguous sidewalks, and all vehicles owned, leased, rented, contracted, used, or controlled by the facility.
- 3) “Staff” means any person employed by **[name of organization]** in a full or part-time capacity, any position contracted for or otherwise employed, with direct or indirect monetary wages or profits paid by **[name of organization]**, or any person working on a volunteer basis. This term includes, but is not limited to personnel, contractors, consultants, volunteers, interns, and vendors.
- 4) “Tobacco Product” means
  - a) any product containing, made, or derived from tobacco or that contains nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested, or by any other means, including but not limited to a cigarette, a cigar, hookah, pipe tobacco, chewing tobacco, snuff, and snus.
  - b) any product, regardless of whether or not it contains nicotine, that can be used to deliver nicotine or another substance or solution in any form, including but not limited to aerosolized, vaporized, or heated, to the person inhaling from the device, including but not limited to an e-cigarette, e-cigar, e-pipe, vape pen, e-hookah.
  - c) notwithstanding any provision to the contrary, “Tobacco Product” includes any component, part, or accessory intended or reasonably expected to be used with a Tobacco Product, whether or not sold separately. The term “Tobacco Product” does not include drugs, devices or combination products approved for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.
- 5) “Visitor” means any person subject to this policy that is not a staff member.

## Tobacco-Free Campus Policy and Procedures

- 1) No Staff or Visitor shall smoke, possess, use, consume, display, promote, furnish, or sell any Tobacco Products at Any Time on **[name of organization]** Premises. “Promotion” includes product advertising via branded gear, bags, clothing, any personal articles, signs, structures, flyers, or any other materials.
- 2) The tobacco-free policy does not apply to a site that is being used in connection with the practice of cultural activities by American Indians that is in accordance with the American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a, whether or not the public is allowed access to those places.
- 3) It is not a violation of this policy to use a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco

dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

- 4) This Tobacco-Free Worksite Policy is in addition to any federal, state, or local laws that restrict or otherwise regulate the use of Tobacco Products.

## I. Enforcement

### a. Staff

- 1) Staff will be prohibited from using Tobacco Products during all paid time including breaks.
- 2) Staff are not allowed to use Tobacco Products during unpaid mealtimes if they remain on the Premises or on any **[name of organization]** property.
- 3) During unpaid mealtimes, Staff are discouraged from using Tobacco Products on properties adjacent to **[name of organization]** facilities or properties that are not owned, leased, or rented by **[name of organization]**. Wearing a **[name of organization]** name badge while using Tobacco Products is not permitted.
- 4) During work time, the residual odor of smoke or tobacco will not be present on a Staff member's breath, body, or clothing. Individuals not in compliance will be asked to remedy this situation, which may require the use of unpaid time.
- 5) Staff will be encouraged to quit Tobacco Products and offered assistance, including access to the Montana Tobacco Quit Line.
- 6) Failure to adhere to this policy will result in standard disciplinary action as defined in personnel policies.
- 7) Respectful enforcement and adherence of this policy is the responsibility of all **[name of organization]** Staff. All Staff are responsible for abiding by this policy. All supervisors are responsible for active enforcement of this policy.

### b. Visitors

- 1) Visitors will be informed of this policy through signage, publications, information posted on the **[name of organization]** website and other communication methods.
- 2) Visitors using Tobacco Products will be informed of this policy by **[name of organization]** Staff. Visitors who disregard this policy or behave inappropriately may be escorted off campus and may be prohibited from visiting or attending functions on the **[name of organization]** campus.

c. Whenever **[name of organization]** does not have jurisdiction over adjoining streets, sidewalks, parking lots, or other common areas, Staff and Visitors are strongly encouraged to comply with the spirit of the policy. It is the expectation that Staff and Visitors will not loiter near neighboring properties or discard litter in a way that reflects negatively on **[name of organization]**.

## II. Policy Communication

- 1) Signage indicating **[name of organization]** is a tobacco-free environment will be posted throughout the Premises at building entrances and other appropriate locations.
- 2) The community and Visitors will be informed of the policy through a variety of communication methods which may include **[name of organization]** newsletters, the **[name of organization]** website, bill inserts, paycheck enclosures, print and electronic media, meetings, and other communication materials.
- 3) **[Name of organization]** Human Resources Department will communicate this policy to employees. Candidates for employment will be informed of the policy both during the application process and during the employee orientation process.
- 4) This Tobacco-Free Worksite Policy shall be communicated to the community **[30, 60, 120]** days prior to its effective date. This policy is effective as of **[effective date]**.

## III. Program Evaluation

The Tobacco-free Campus Policy will be assessed at regular intervals to determine whether policies, policy enforcement, communication, education, Staff training, and cessation and treatment programs are effective and will be updated and revised accordingly.

## IV. Policy Contact Information

For questions about this Tobacco-Free Worksite Policy, contact: **[Name, Title, & Contact Information]**

This Tobacco-Free Worksite Policy is accepted by and for **[name of organization]** by **[Name]** on **[date]**.

## ADDITIONAL RESOURCES TO ASSIST WITH SUPPORTING NICOTINE DEPENDENCE OR ADDICTION RECOVERY

Many free resources are available to help Montanans overcome nicotine dependence or addiction.

### Montana Tobacco Quit Line

Call 1-800-QUIT-NOW (1-800-784-8669) or visit [www.quitnowmontana.com](http://www.quitnowmontana.com)

- For all Montanans and ALL types of tobacco (smokeless, cigarettes, e-cigarettes, etc.)
- FREE Nicotine Replacement Therapy (NRT), FREE or reduced-cost prescription medication (for Montanans over 18)
- FREE quit coaching, FREE personalized quit plan
- Visit [www.quitnowmontana.com](http://www.quitnowmontana.com) for more information, to enroll online or to chat online with a coach

### Specialized Quit Line Programs

**My Life, My Quit** is a youth program for Montanans under 18 who want to quit any form of tobacco including vaping. My Life, My Quit offers CONFIDENTIAL enrollment and coaching, FREE coaching through text, chat, or phone by coaches specially trained to work with youth, and on-line enrollment. Text “Start” to 36072, call 1-855-891-9989 or visit [mylifemyquit.com](http://mylifemyquit.com).

**The Young Adult Program** is for Montanans 18-24 who want to quit tobacco with FREE coaching through text, chat, or phone. Coaches are specially trained to work with young adults. Text “Start” to 36072 for live text coaching, visit [quitnowmontana.com](http://quitnowmontana.com) for live chat coaching, or call 1-800-QUIT-NOW for live phone coaching.

**The American Indian Commercial Tobacco Quit Line** connects American Indian callers with an American Indian coach, providing culturally appropriate cessation services. Call 1-855-5AI-QUIT or enter through 1-800-QUIT-NOW and ask for an American Indian coach. Visit [MTAmericanIndianQuitLine.com](http://MTAmericanIndianQuitLine.com).

**The Quit Now Montana Pregnancy Program** connects pregnant women with a dedicated female quit coach, offers cash incentives for completed coaching calls, and FREE NRT when approved by doctor. Call 1-800-QUIT-NOW (1-800-784-8669) or visit [quitnowmontana.com](http://quitnowmontana.com).

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- i Campaign for Tobacco-free Kids. The Toll of Tobacco in Montana. <https://www.tobaccofreekids.org/problem/toll-us/montana>. October 2022.
- ii Campaign for Tobacco-free Kids. The Toll of Tobacco in Montana. <https://www.tobaccofreekids.org/problem/toll-us/montana>. October 2022.
- iii American Cancer Society. Is Any Type of Tobacco Product Safe? <https://www.cancer.org/cancer/cancer-causes/tobacco-and-cancer/is-any-type-of-smoking-safe.html>. November 2020.
- iv Centers for Disease Control and Prevention. The Surgeon General's Report on The Health Consequences of Involuntary Exposure to Tobacco Smoke. [https://www.cdc.gov/tobacco/data\\_statistics/sgr/2006/pdfs/no-risk-free.pdf](https://www.cdc.gov/tobacco/data_statistics/sgr/2006/pdfs/no-risk-free.pdf). Accessed November 2021.
- v Public Health Law Center. Secondhand Smoke and Condominiums Webinar. [https://www.publichealthlawcenter.org/sites/default/files/ClearWay%20Webinar%202\\_29.pdf](https://www.publichealthlawcenter.org/sites/default/files/ClearWay%20Webinar%202_29.pdf). February 2012.
- vi US Department of Health and Human Services. [E-cigarette use among youth and young adults: a report of the Surgeon General](#). Atlanta, GA: US Department of Health and Human Services, CDC; 2016.
- vii American Lithuanian Naturalization Club, Athol, Mass., Inc., v. Board of Health of Athol, 446 Mass 310 (2006).
- viii Centers for Disease Control and Prevention. Smokefree Policies Reduce Smoking. [https://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/secondhand\\_smoke/protection/reduce\\_smoking/index.htm](https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/protection/reduce_smoking/index.htm). September 2020. ix Berman, M., Crane, R., Seiber, E., & Munur, M. (2014). Estimating the cost of a smoking employee. *Tob Control*, 23(5), 428-433. doi: 10.1136/tobaccocontrol-2012-050888.