



MOVING LOUISIANA'S HEALTH FORWARD

TOBACCO-FREE POLICY



RESOURCE GUIDE



Implementing a Tobacco-Free Policy

Why Implement a Comprehensive Tobacco-Free Policy?

Tobacco is the single largest preventable cause of disease and premature death in the U.S.⁸ Implementing a comprehensive tobacco-free policy can help create a safer, healthier and more productive workplace.^{4,2} Smoking not only affects the health of the smoker; according to U.S Surgeon General, there is no risk-free level of secondhand smoke, and even brief exposure can cause immediate harm.

Smoke-free laws that prohibit smoking fully protect nonsmokers from involuntary exposure to secondhand smoke in the workplace.^{7,8} Employers are uniquely positioned to bring changes by establishing tobacco-free policies, providing effective tobacco cessation benefit coverage and implementing workplace-based tobacco cessation initiatives. Today, effective tobacco cessation treatments continue to impact employers in reducing health care cost and increasing productivity.

Comprehensive Tobacco-Free Policy

A comprehensive tobacco-free policy prohibits tobacco use on company or organization property.

- For any properties that are owned, the policy must cover the entire property, including parking lots and company vehicles.
- For properties that are leased, the policy must cover 25 feet from each entry point of the business/office space. Exceptions may be made when a property is connected to other properties that the owner or lessee has no control over.



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OWNED PROPERTIES:

entire property, including parking lots and company vehicles

LEASED PROPERTIES:

25 feet from each entry point of the business/office space

25ft.





Tobacco Definitions

Tobacco

Tobacco is defined as cigarettes, cigars, pipes or rolling tobacco, tobacco substitutes (e.g. clove cigarettes), chewing or spit tobacco, or any type of electronic smoking device.¹²



Smoking

Smoking is defined as inhaling, exhaling, burning, carrying or possessing any lighted or heated tobacco product, including cigarettes, cigars, pipe tobacco, hookah, and other lighted or heated combustible plant material.* Smoking also includes the use of electronic smoking devices.

**Please note: this definition goes beyond state law L.A. RS 40:1300.251 et seq; "Louisiana Smoke-free Air Act"*



Electronic Smoking Device

An electronic smoking device is defined as any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, nicotine inhaler, or under any other product name or descriptor.¹²

Tobacco can come in many different forms, including cigarettes, chewing tobacco or pipes.

Smoking Devices Include:



E-Cigarettes



Hookah



Vaporizers



Benefits of a Tobacco-Free Policy

Employer Benefits

- Direct health care costs to the organization may be reduced.²
- Studies show that employers could save an average of \$5,000 for each tobacco user annually.⁹
- Going tobacco-free can lower the risk of fires and accidental injuries, which could possibly reduce insurance costs.^{2,4}
- Maintenance costs decrease when tobacco use is prohibited from work facilities.⁴
- There is an overall return on investment when organizations implement tobacco-free policies, including increased productivity and job satisfaction.⁹
- Worksites are often ideal settings to encourage healthy living, as adults commonly spend the majority of their time on the job.
- Employees may become healthier and less likely to miss work due to tobacco related illness.⁴
- Implementing a comprehensive tobacco-free policy can help create a safer and healthier workplace.^{4,2}
- Tobacco users appreciate a clear company policy about smoking and using smokeless tobacco at work.
- Managers are relieved when there is a clearly defined process for dealing with tobacco in the workplace.

Employee Benefits

- Can lead to an average 72% reduction in exposure for non-tobacco users.⁹
- Lowers involuntary exposure to secondhand smoke which contains chemicals that can irritate and damage the lining of the airway.²
- Tobacco-free workplaces can encourage tobacco users to reduce daily usage, and possibly increase the number of successful quit attempts.⁹
- Smokers who stop their tobacco use also benefit financially, using a national average of \$5 for a pack of cigarettes, a pack-a-day smoker would save \$1,825 each year.⁹
- Smokeless tobacco use can lead to nicotine addiction, cancer and/or disease of the mouth, and increased risk for death from heart disease and stroke.^{14, 15, 16}

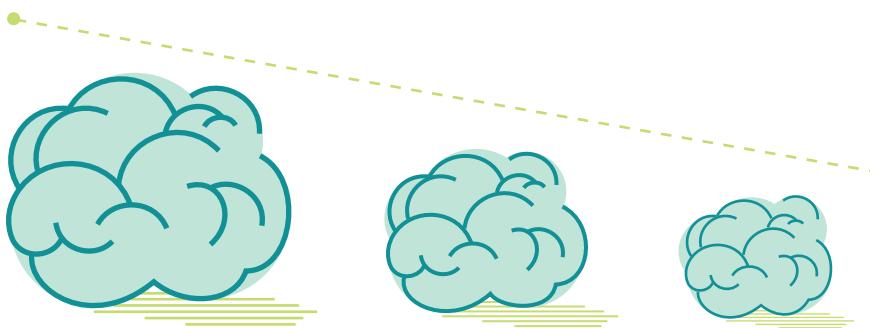


Health care costs to the organization may be reduced with a tobacco-free policy.

Employers could save
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X  per tobacco user annually



72%

Reduction in exposure for
non-tobacco users.



Prepare for a Tobacco-Free Policy

Be sure to give yourself enough time to take the following steps.^{1,4} Also, have a key person designated to the development and implementation of the policy. Lastly, create a timeline for which each stage should be completed.

HOW TO PREPARE FOR A TOBACCO-FREE POLICY

1. Set up a committee to oversee the process.

- a. Assist with development of policy and implementation.
- b. Be sure to include representation from all levels including top management and workers, both tobacco and non-tobacco users.

2. Gather information to educate workers and eventually entire workforce.

- a. Survey workers for concern and questions.
- b. Review current tobacco policy, if there is one.
- c. Identify strengths and weaknesses of the organization that may impact implementation of the policy.
- d. Review best practices and lessons learned from other companies that have implemented tobacco-free policies.

3. Choose your policy.

- a. If you are not able to move directly to a comprehensive tobacco-free policy, move to a comprehensive smoke-free policy first, then make a plan to transition to a comprehensive tobacco-free policy.
- b. Make this decision by assessing the surveys in Step 2.

4. Write the policy.

- a. Keep it clear and simple with few exceptions, if any.
- b. Set up an enforcement policy that is consistent with other personnel policies and disciplinary policies.
- c. Use our tobacco-free policy checklist, sample smoke-free policy and sample tobacco-free policy.

5. Provide cessation assistance.

- a. Review existing health benefit coverage and other company support to help employees quit smoking.
- b. Decide what type and how much support can be offered to employees who want to quit outside of the assistance offered through Louisiana Tobacco Quitline.

6. Announce the policy.

- a. If possible this should take place several months in advance.
- b. Train managers to handle concerns, questions and infractions.
- c. Educate employees through signage, newsletters, emails, paycheck inserts etc.

7. Prepare for the start date.

- a. Post tobacco-free signage.
- b. Remove tobacco advertisements and vending.
- c. Remove ashtrays.
- d. If your property is leased, move receptacles to the designated distance outside of entrance as specified within your policy (primarily 25 feet from the entrance).
- e. Train staff to handle situations when the policy may be broken.
- f. Hold a kickoff event on the day the policy is to be implemented.

8. Monitor policy effectiveness.

- a. Have managers' report issues, questions, comments and concerns to the designated coordinator.

Comprehensive Tobacco-Free Policy Checklist

The following sample policies are based upon the Worksite Wellspot designation application.

In order to meet the tobacco-free policy criteria, the policy must include these elements:

- Provides rationale for tobacco use policy
- Prohibits tobacco use on company premises (all facilities owned, leased, or rented by the company, including parking lots)
- Does not include designated smoking areas
- Defines tobacco to include all types of smoking and smokeless tobacco products
- Includes smoking devices (e-cigarettes)
- Requires referrals to tobacco cessation resources
- Requires enforcement for staff violations
- Prohibits tobacco use in company vehicles (if applicable)
- Prohibits promotion and/or sale of tobacco products (if applicable)



Comprehensive Smoke-Free Policy

SAMPLE POLICY



Rationale

{Company's name} recognizes the hazards caused by second-hand smoke exposure on the health of our citizens; we shall implement the following policy to provide a smoke-free environment for all employees and visitors on any property owned, leased, or operated by {Company's name}.

Policy

Smoking is prohibited on all property owned, leased*, or operated by {Company's name}, including parking lots and any vehicles owned or leased by {Company's name}. The policy is applicable to all employees on {Company's name} property whether they are employees of {Company's name} or other agencies, visitors, volunteers, vendors, and contractors. The policy applies the smoking of cigarettes, cigars, pipe tobacco, electronic smoking devices (i.e., e-cigarettes, vapors), or the use of any other oral smoking device for the purpose of circumventing the prohibition of smoking.*

**For property leased by this organization: smoking is prohibited within 25 feet of the property entrance.*

Definitions

In this section define smoking, electronic smoking devices, property, and any other definition that would require defining within your policy.

“Smoking”

Smoking means inhaling, exhaling, burning, carrying or possessing any lighted or heated tobacco product, including cigarettes, cigars, pipe tobacco, hookah, and other lighted or heated combustible plant material.* Smoking also includes the use of “electronic smoking devices.”

**Please note: this definition goes beyond state law L.A. RS 40:1300.251 et seq; “Louisiana Smoke-free Air Act”*

“Electronic Smoking Devices”

An electronic smoking device means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.¹²

..... Comprehensive Smoke-Free Sample Policy

Accountability³

Employee

Shared responsibility of the {Company Name} employees to enforce the smoke-free environment by encouraging colleagues, visitors, and others to comply with the policy. Employees should communicate the policy with visitors with courtesy and respect. Should the employee encounter difficulty with enforcing this policy, they should contact their supervisor.

Supervisor

Supervisors are responsible for implementing and enforcing {Company Name}'s smoke-free environment among employees. This includes ensuring employees are adequately informed of the policy and of the disciplinary actions that will be taken should they not meet compliance.

General Policy Provisions

Employees and visitors shall be notified of the policy through signs posted throughout all property owned, operated, or leased by {Company's name}. Employees who violate the Smoke-Free Policy may be referred to the Louisiana Quit-Line (1-800-QuitNow), which is a free counseling service for tobacco cessation.

Procedures

[Outline specific procedures employees, volunteers and vendors will follow.] For example, new employees receiving explanation of the new policy, included within job announcements, and any steps of enforcement and compliance you deem necessary beyond the Accountability section above.



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Policy

Tobacco use is prohibited on all property owned, leased,* or operated by {Company's name}, including parking lots. This policy covers any vehicles owned or leased by {Company's name} and is inclusive of the interior and exterior of the vehicle. The policy is applicable to all employees on {Company's name} property whether they are employees of {Company's name} or other agencies, visitors, volunteers, vendors, and contractors. The policy applies to the use of tobacco products including the smoking of cigarettes, cigars, pipes or the use of chewing or spit tobacco, electronic smoking devices (i.e., e-cigarettes, vapors), or the use of any other oral smoking device for the purpose of circumventing the prohibition of smoking.

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Definitions

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Tobacco-Free Policy

FREQUENTLY ASKED QUESTIONS



Are there any laws prohibiting an employer to declare their campus tobacco-free?

No. Smoking is not a legally protected class and smoking is not a protected activity.¹⁰ A tobacco-free policy restricts the use of tobacco, not tobacco users. The state's smoke-free air law does not restrict any parish, city, or town from adopting stronger smoke-free local laws or regulations.¹¹

**This should not be construed as a legal opinion or substitute for obtaining legal advice.*

Here is a great resource referencing the right to smoke:

<http://www.publichealthlawcenter.org/resources/there-no-constitutional-right-smoke-2008>

To summarize the resource above:¹⁰

- There is no such thing as a constitutional “right to smoke,” since the U.S. Constitution does not extend special protection to smokers.
- Smoking is not a specially protected liberty right under the Due Process Clause of the Constitution.
- The fundamental right to privacy does not apply to smoking.
- Smokers are not a specially protected category of people under the Equal Protection Clause of the Constitution.
- Since the Constitution does not extend special protection to smokers, smoke-free legislation need only be “rationally related to a legitimate government goal.”
- Because there is no specially protected right to smoke, tobacco control advocates can work to amend or repeal state laws that stand in the way of tobacco control efforts.

How long does it take to go tobacco-free?

It typically takes approximately six months to move to a tobacco-free policy. The length of time could increase or decrease depending on the information gathered in steps 1-2 of preparing for a tobacco-free policy.

How do I communicate my policy to patrons of my organization?

Ensure tobacco-free signs are posted in visible areas around your building(s), especially in areas where tobacco use was prevalent previously.

Frequently Asked Questions

What is the proper course of action if the policy is broken?

Whether the policy is broken by employees, or patrons of your organization, you need to have a plan of action in place. Suggested actions include: reminding patrons/employees in a professional and courteous manner of the new company policy, referring employees to the Louisiana Tobacco Quitline at www.quitwithusla.org or 1-800-QuitNow, informing patrons that you have a new policy in effect while asking them to adhere to your policy, adding signage in areas of the building's property that may be experiencing challenges. Train your employees on how to talk to patrons regarding the new policy.

What is thirdhand smoke and what does it have to do with allowing employee smoke breaks?

Thirdhand smoke refers to the residual contamination from tobacco smoke that lingers in rooms and on a person after the smoking stops. According to a PNAS study in 2010, thirdhand smoke causes the formation of carcinogens. The only way to protect individuals from thirdhand smoke, is to create a smoke-free environment.¹³

To learn more about the effects of thirdhand smoke, please visit: <http://www.no-smoke.org/learnmore.php?id=671> or <http://www.mayoclinic.org/healthy-lifestyle/adult-health/expert-answers/third-hand-smoke/faq-20057791>



Endnotes

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