

SAMPLE TOBACCO-FREE GROUNDS POLICY

PURPOSE

_____ is committed to providing safe and healthy environments. Tobacco use is a major cause of preventable disease and death. Smoking, tobacco use, and exposure to second-hand smoke have been found to cause heart disease, cancer, asthma, bronchitis, and other respiratory problems. Electronic delivery devices, more commonly referred to as electronic cigarettes or e-cigarettes, closely resemble and purposefully mimic the act of smoking. They produce a vapor of undetermined and potentially harmful substances and typically contain nicotine derived from tobacco, which is a highly addictive substance. Their use in locations where smoking is prohibited creates concern and confusion and makes policy enforcement more difficult.

_____ believes the use of tobacco products, including electronic delivery devices, on (city)(county) property is detrimental to the health and safety of its employees, residents, clients, and other visitors.

DEFINITIONS

“All times” means 24 hours a day, seven days a week.

“Electronic Delivery Device” means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to stimulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. The term includes any such devices, whether they are manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, or under any other product name or descriptor.

“Property” means all facilities, grounds, and property (including vehicles) owned, leased, rented, contracted, used, or controlled by _____.

“Smoking” means inhaling or exhaling from any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product, or inhaling or exhaling vapor from any electronic delivery device. Smoking shall include carrying a lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation.

“Staff” means any person employed by _____ in a full- or part-time capacity, or any position contracted for or otherwise employed, with direct or indirect monetary wages or profits paid by _____, or any person working on a volunteer basis. The term includes, but is not limited to: elected and appointed officials, personnel, contractors, consultants, and vendors.

“Tobacco Product” means any product containing, made, derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco.

“Tobacco Use” means the act of smoking, the use of smokeless tobacco, or the use of any other tobacco product in any form, including the use of electronic delivery devices.

“Visitor” means any person subject to this policy who is not _____ staff.

POLICY

The sale and use of tobacco products and electronic delivery devices is prohibited at all times in or on all property _____. _____ has the authority to control regardless of location.

There are no areas designated for tobacco use on _____ property.

APPLICABILITY

This policy applies to all visitors and staff on _____ property.

Organizers and attendees at public or private events on _____ property are required to abide by this policy. Event organizers are also responsible for communicating and enforcing this policy.

When (city)(county) events are conducted off (city)(county) property, (city)(county) staff will work with the owner to prohibit tobacco-use throughout the property.

This policy also applies to private vehicles parked on _____ parking lots.

EXCEPTIONS

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.

It is not a violation of this policy for a Native American to use tobacco on (city)(county) property as part of a traditional Native American spiritual or cultural ceremony. Approval from (city)(county) administration must be requested and received prior to the ceremony.

DISSEMINATION

Signage will be posted at strategic locations to notify staff and visitors of this policy.

CESSATION

_____ will identify and/or offer cessation programs and services to those ready to quit.

COMPLIANCE AND ENFORCEMENT

The success of this policy depends on the consideration and cooperation of both tobacco-users and non-users. Enforcement of this policy is a shared responsibility of all staff. Individuals acting in violation of this policy will be reminded and asked to comply. Staff found to have violated this policy may be subject to disciplinary action. Visitors who violate this policy may be asked to leave the property.

EVALUATION

This policy will be periodically assessed for effectiveness and revised accordingly.

EFFECTIVE DATE

This policy shall take effect in full on _____.

This publication was prepared by the Public Health Law Center at William Mitchell College of Law, St. Paul, Minnesota and made possible with funding from the Minnesota Department of Health. The Public Health Law Center provides information and technical assistance on issues related to public health. The Public Health Law Center does not provide legal representation or advice. This document should not be considered legal advice. For specific legal questions, consult with an attorney.

March, 2014