


# Tobacco-Free Workplace

---

	<b>Louisiana Department of Health (LDH)</b>	
	<b>Policy Number</b>	5.2
	<b>Content</b>	Provides policy and procedure prohibiting tobacco use on LDH-owned and leased property.
	<b>Effective Date</b>	March 2, 2020
	<b>Inquiries to</b>	Well-Ahead Louisiana Tobacco Prevention and Cessation Bureau of Chronic Disease Prevention and Healthcare Access (844) 522-5323 (Office) (225) 342-5839 (Fax)

If there is a discrepancy between an LDH Policy and a Program Office or facility policy, the LDH policy shall govern/override/supersede the conflicting section within the Program Office or facility policy.

## I. POLICY STATEMENT

It is the policy of The Louisiana Department of Health (LDH) that all employees and visitors of LDH premises be provided a safe and healthy environment. Smoking and tobacco use has been proven to be the leading cause of preventable death in the United States and is a proven health and safety hazard to both the smoker and non-smoker. LDH recognizes the hazards caused by second-hand smoke (including aerosol and vapor) exposure; therefore, this policy applies to the use of all tobacco products. The policy shall be implemented to provide a tobacco-free environment for all employees and visitors on any property owned, leased, or operated by LDH, within 25 feet of all building entrances, operable windows, outdoor air intakes, and all outdoor areas designed for people to gather or walk. This includes sidewalks, outdoor breezeways, and outdoor common areas.

## II. EFFECTIVE DATE

The effective date of this policy is March 2, 2020.

### III. DEFINITIONS

- a. This policy applies to all tobacco products.
  1. **Tobacco products** are any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, e-cigarette, vaping device, cigar, pipe smoking tobacco, chewing tobacco, snuff or any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part or accessory of a tobacco product).<sup>1</sup>
  2. **Tobacco use** means inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other tobacco or plant product, or inhaling or exhaling aerosol or vapor from any electronic smoking device. This includes the use of smokeless tobacco, or the use of any other tobacco product in any form.
  3. **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 in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-hookah, vape pen, or under any other product name or descriptor.
  4. **Property** applies to, but is not limited to, all buildings (including those occupied, owned, rented and/or leased by LDH), all grounds, parking lots and ramps, and company owned or leased vehicles.<sup>2</sup>
- b. This policy prohibits the use of tobacco products by all employees, grantees, contractors, visitors, and any other persons on LDH property. This includes the prohibition of tobacco use while inside privately owned vehicles parked on LDH property and within 25 feet of building entrances, operable windows, and outdoor air intakes. Tobacco use is also prohibited within 25 feet of all outdoor areas designed for people to gather or walk. This includes sidewalks, outdoor breezeways, and outdoor common areas.

For LDH properties that do not extend a full 25 feet from a doorway, building entrance, operable window, outdoor air intake, or outdoor area designed for people to gather or walk, this policy applies as far as the property extends.

---

<sup>1</sup> 7 C.F.R. § 29.6044 and 21 C.F.R. § 1100.3. See *also*, Listing of Ingredients in Tobacco Products, U.S. Food and Drug Administration Center for Tobacco Products. Available at: <https://www.fda.gov/files/tobacco%20products/published/Listing-of-Ingredients-in-Tobacco-Products-%28Revised%29.pdf>. Examples of components, parts, or accessories include, but are not limited to: cigar fillers, cigar wrappers, flavoring, electronic nicotine delivery systems (ENDS), e-liquids containing nicotine, atomizers and cartomizers, rolling papers or tubes, cigarette filters containing ingredients that burn, aerosolize, or are ingested during use (e.g. filter containing menthol), cigarette paper, smokeless tobacco, pipes, pipe mouthpieces and bowls, and hookah foils and mouthpieces.

<sup>2</sup>American Lung Association in Minnesota. (2016). Making Your Worksite Tobacco-Free; Third Edition. Adapted by American Lung Association in Iowa. Available at: <http://www.lung.org/local-content/minnesota/documents/worksite-wellness-toolkit.pdf>.

- c. This policy also applies to LDH vehicle(s) (owned or leased) at all times, and is inclusive of the interior and exterior of the vehicle(s). This policy also applies to personal vehicles when transporting persons on authorized LDH business.

## **IV. EXCEPTIONS**

This policy applies to all individuals on LDH property, with the exception of inpatients and residents of LDH facilities.

Prohibited tobacco products do not include drugs, devices, or combination products that are intended for use in the diagnosis of disease or other conditions or authorized for sale as a cessation product approved by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.<sup>3</sup>

## **V. POSTING AND DISSEMINATION REQUIREMENTS**

Employees will be informed of this policy through signs posted throughout LDH properties and LDH vehicles. Supervisors will provide this policy manual during orientation and training of new employees. This policy will also be disseminated via electronic communications, posted prominently, and available on the LDH Internet Policy Website.

To inform visitors, signs shall be prominently posted and regularly maintained at the entrances to and in the interior and exterior areas of LDH owned and leased facilities and buildings advising of the "Tobacco-Free Policy."

The Safety Officer or a designated representative at each facility and building will be required to carry out the posting of the "Tobacco-Free Policy." For LDH leased facilities and buildings, the Safety Officer or a designated representative shall work with the landlord of the property to identify the appropriate posting locations in the interior and exterior areas of the building or facility.

The Safety Officer or a designated representative will work with the Bureau of Media and Communications to obtain the most current approved signage.

## **VI. CESSATION**

LDH is committed to providing support to all LDH employees who wish to stop using tobacco products. Cessation information is available to any LDH employee, contractor, grantee or visitor upon request. LDH will assist all employees desiring to quit by helping them access recommended cessation programs and materials including, but not limited to, the Louisiana Tobacco Quitline, 1-800-QUIT-NOW, which provides free phone and web-based coaching and nicotine replacement therapy (NRT).

---

<sup>3</sup> 21 C.F.R. § 1100.5

**Effective July 1, 2011, the Louisiana Office of Group Benefits began providing coverage for ALL Smoking Cessation products (over the counter and prescription). Coverage provides a 168 day supply of Smoking Cessation products per calendar year. Members must have a prescription from their physician for products to be covered under the plan. Employees should consult the Office of Group Benefits or their health plan for more information.**

## **VII. RESPONSIBILITIES**

It is the responsibility of all LDH employees, contractors, grantees, visitors and others to comply with this policy while on LDH property, either leased or owned. Visitors who do not comply with this policy will be asked to dispose of their tobacco products. If a visitor refuses, they will be requested to leave the premises. Employees who do not comply with this policy may be subject to disciplinary action up to and including dismissal from employment. Contractors in violation of this policy will be reported to their supervisor at the contracting organization.

Supervisors are responsible for ensuring that employees under their direction are aware of the policy and comply with it.

## **VIII. DISCIPLINARY ACTIONS**

Any employee who violates this policy shall be referred to the Louisiana Quitline and may be subject to disciplinary action up to and including dismissal from employment.

## **IX. REVISION HISTORY**

<b>Date</b>	<b>Revision</b>
April 9, 2012	Policy created
March 2, 2020	Policy revised