

Utah Department of Health and Human Services

Keep your employees healthy

Tobacco-free
workplace policy
toolkit



Utah Department of
Health & Human
Services

Tobacco-free workplace policy toolkit

Thank you for your interest in learning how to build your own tobacco-free workplace policy. The benefits to your business are many. Please feel free to reach out to us if you have any questions.

Regards,
Utah Department of Health & Human Services

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Introduction

A tobacco-free workplace is good for the health of your employees and great for business. Every employee who quits using tobacco products saves your company money — money that was previously lost in costs associated with absenteeism, smoke/vape breaks, life insurance, healthcare, and more.

This toolkit explains the benefits of a tobacco-free environment in the workplace. It also outlines what you can do as an employer to help your employees quit using tobacco and protect workers from secondhand smoke and aerosol.

Small changes can put thousands of dollars back into your business and improve the lives of your employees.

The benefits of a tobacco-free workplace

Are your profits going up in smoke?



Smoking and smoking-related illnesses can **cost employers \$6,000* per smoker** in medical expenses. 



Employees who smoke miss an average of **6.2 days of work per year; 59% more than non-smokers.**

Employees who smoke have about **75% more lost production time** per week than non-smokers.

On average, businesses pay **\$2,189 in**  workers' compensation costs for smokers, compared to **\$176 for non-smokers.**

1 in 5 U.S. workers  are exposed to secondhand smoke in the workplace. Exposure results in **\$5.6 billion a year* in lost productivity.**

There is no safe level of secondhand smoke exposure, which increases the risk of  **strokes by 20%-30%.**

More than 70% of adult smokers in Utah intend to quit within the next year.⁵

Everyone benefits when the air is cleared of secondhand smoke. Workers become healthier, and healthier workers miss less work, are more productive, and have lower healthcare costs.⁸



The cost of tobacco use in your workplace

Smoking costs your business



Reduce your liability

- Nonsmoking employees may be eligible to receive workers' compensation, unemployment compensation, disability benefits, and more based upon their exposure to secondhand smoke in the workplace.^{8, 9, 11}
- Disability claims based on secondhand smoke exposure are eliminated when a tobacco-free workplace policy is adopted. A tobacco-free policy also prevents violation of the Americans with Disabilities Act, which can occur when people who have respiratory problems have limited access or cannot patronize or work in your business due to tobacco smoke pollution.

More information on secondhand smoke and liability can be found in Attachment B: The legal consequences of secondhand smoke at the workplace.



Indirect employer costs

- Lost productivity, due to smoke/vape breaks or use of more sick days
- Smoke pollution (increased cleaning and maintenance costs)
- Accidents and fire (plus the related insurance costs)
- Property damage (plus the related insurance costs)
- Liability and litigation costs associated with exposure to secondhand smoke
- Illness and discomfort among nonsmokers exposed to secondhand smoke
- Recruitment and retraining costs which result from the loss of employees to tobacco-related death and disability



Direct employer costs

- Higher health insurance costs and claims
- Higher life insurance premium costs and increased claims
- Higher disability costs
- Higher workers' compensation payments¹¹



Scientific evidence shows that the use of tobacco products and exposure to tobacco smoke damages the human body with deadly consequences.¹²

Create your tobacco-free workplace policy



A tobacco-free worksite policy helps employees and visitors quit and creates a healthy environment.

The suggestions below will help you to easily create and implement your tobacco-free workplace policy.

1. Form a policy workgroup

Get input from managers and employees during policy development. Get feedback from people who use tobacco as their cooperation will be key to success.

2. Review current policy, protocol, and resources

Develop a written plan to successfully implement, communicate, and enforce the policy. A checklist can help. Review any current policy, protocol, and resources to identify areas of improvement is a great place to start. (See Attachment A: CDC worksite health scorecard manual an assessment tool to promote employee health and well-being: topic area tobacco control.)

3. Include all forms of tobacco in your policy

No tobacco product is safe, so it is best to include all forms of tobacco in your policy. This includes cigarettes, vapes, chew, cigars, pipes, and more.

4. Consider the extent of the policy

Consider implementing a policy that goes beyond the basic legal requirements of the Utah Indoor Clean Air Act (See Attachment C: Business compliance guide.) This could include banning designated smoking areas, banning smoking in company vehicles, or a completely tobacco-free campus. A no-tobacco policy can help alleviate the direct and indirect employer costs outlined on page [4].

Create your tobacco-free workplace policy

5. Determine how the policy will be enforced

- A good policy must be supported by management and clearly state who will enforce it.
- Employees should feel empowered to respectfully inform others (co-workers, customers, etc.) about the policy.
- It is important to have a plan to address policy violations promptly and effectively. Use consequences for current violations as a reference point.

6. Write your policy

A written policy will reduce confusion. To simplify the process of writing a policy, start with the tobacco-free policy templates found in Attachment D.

7. Educate your employees about cessation resources

- Quitting nicotine is difficult. Businesses can provide support by referrals to employees to proven cessation programs.
- Free services to help persons who use nicotine quit include the Utah Tobacco Quit Line (1-800-QUIT-NOW), waytoquit.org, and seethroughthevape.org. For more information about these services, see Attachment E: Help your employees quit tobacco.
- Check with your company health plan for existing tobacco cessation services. Businesses with a tobacco cessation benefit in their health plan report increased productivity and the number of those who successfully quit.¹⁴

8. Communicate the policy

Employees need to be informed about the new policy, changes to health plan coverage, and the availability of quit services.

Use your company's standard communication channels to get the word out. Here are more ideas to consider:

- Emails and newsletters
- Payroll stuffers (brochures, relevant articles, flyers)
- Posters, displays
- Presentations, brown bags
- Employee orientations, staff, and management meetings
- Signage on the property
- Signs are effective tools to communicate and reinforce the tobacco-free policy for employees and visitors.
- Continue education efforts after the policy is implemented. Employees will benefit from continual reminders and resources to help them quit. (See Attachment E that provides tips to Help Your Employees Quit Tobacco.)

9. Maintain the policy

- Review your policy every six to 12 months for any necessary changes. Consider the following:
- Are there other areas where tobacco use should be banned on your property?
- Have laws changed that affect your policy?

Attachment A

CDC worksite health scorecard manual



According to research, secondhand-smoke particle concentrations in outdoor settings, in some cases, can be comparable to those in indoor settings.

Topic area tobacco control

The CDC worksite health scorecard is a tool designed to help employers find gaps in their health promotion programs. It also helps prioritize effective strategies for health promotion to consider implementing, like:

- organizational support
- tobacco use
- nutrition
- physical activity
- weight management
- stress management
- depression
- high blood pressure
- high cholesterol
- prediabetes and diabetes
- heart attack and stroke
- maternal health and lactation support
- vaccine-preventable diseases
- occupational health and safety⁴

Answers are available following a review of your organization's health policies (e.g., a policy handbook), benefit plan designs, interviews with key stakeholders, and direct observation. If you do not know the answer to the question, leave the box empty, and engage others at your business for answers.¹⁴

The purpose of this list is to assess where the business is at and then decide what to implement. Some questions may not apply to your worksite.

Attachment A

CDC worksite health scorecard manual

Tobacco control: During the past 12 months, did your worksite:	Yes	No
<p>1. Have and promote a written policy to ban tobacco use at your worksite?</p> <p>Answer yes if, for example, your policy bans cigarettes and/or other tobacco products and is communicated to employees regularly through emails, newsletters, or signage in public places.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>2. Provide educational materials that address tobacco cessation?</p> <p>Answer yes if, for example, your worksite offers brochures, videos, posters, web-based programs, or newsletters on tobacco cessation, including referral to 1-800-QUIT-NOW or smokefree.gov, either as a single health topic or along with other health topics.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>3. Provide and promote interactive educational programming on tobacco cessation?</p> <p>Answer yes if, for example, your worksite offers lunch and learns, seminars, workshops, or classes on tobacco cessation. These programs may be provided in group or individual settings; in-person or virtually (online, telephonically, mobile app); on or off site; through vendors, on-site staff, health insurance plans/ programs, community groups, or other practitioners.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>4. Provide and promote free or subsidized lifestyle coaching/counseling or self-management programs that equip employees with skills and motivation to quit using tobacco?</p> <p>Answer yes if these programs are provided in group or individual settings; in-person or virtually (online, telephonically, mobile app); on or off site; through vendors, on-site staff, health insurance plans/programs, community groups, or other practitioners. This may include referral to 1-800-QUIT-NOW or smokefree.gov.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>5. Prohibit the sale of tobacco products on worksite premises?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>6. Provide financial incentives for current nonsmokers and for current smokers who are actively trying to quit tobacco by participation in a free or subsidized, evidence-based cessation program?</p> <p>Answer yes if, for example, your organization provides discounts on health insurance, additional life insurance for nonsmokers, or other benefits for nonsmokers and smokers who are actively trying to quit.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>7. Provide health insurance coverage with free or subsidized out-of-pocket costs for U.S. Food and Drug Administration (FDA)-approved prescription tobacco cessation medications?</p> <p>Answer yes if, for example, your organization provides coverage for inhalers, nasal sprays, bupropion (e.g., Zyban) or varenicline (e.g., Chantix)</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>8. Provide health insurance coverage with free or subsidized out-of-pocket costs for U.S. Food and Drug Administration-approved over-the-counter nicotine replacement products?</p> <p>Answer yes if, for example, your organization provides coverage for nicotine replacement gum, patches, or lozenges.</p>	<input type="checkbox"/>	<input type="checkbox"/>

This checklist is adapted from the CDC worksite health scorecard manual: an assessment tool to promote employee health and well-being to address multiple areas of employee health and well-being. The CDC has several online tools and guidance about the worksite health scorecard.¹⁴

Attachment B

The legal consequences of secondhand smoke at the workplace

Tobacco-free policy implementation can help you avoid lengthy and expensive litigation and penalties. Relevant federal, state, and local potential legal issues related to secondhand smoke are listed below.

Clean air laws in Utah

Utah Indoor Clean Air Act

This is a statewide law that prohibits smoking and vaping in almost all places of public access. Always assume smoking and vaping are prohibited in Utah indoor locations unless otherwise clarified by your local or state health department.

Local community outdoor smoking and vaping bans

Many communities ban smoking and vaping at outdoor public places. Check with your local health department for details on outdoor smoking bans in your area.¹³

Other legal Issues related to smoking and vaping

Workers' compensation and disability benefits

Over the years, nonsmokers have been awarded workers' compensation and disability benefits due to harm by secondhand smoke or secondhand aerosol exposure while on the job. The state laws are not based on fault; an injured worker can get benefits, including compensation for temporary or permanent loss of income and medical expenses, without proving the employer was negligent.^{9,11}

Unemployment compensation

Employees who leave their jobs due to an allergy or hypersensitivity to secondhand smoke or aerosol exposure may be entitled to unemployment insurance benefits.⁹

The Environmental Protection Agency (EPA) has classified secondhand smoke as a Group A carcinogen, like asbestos. Repeated exposure can have many of the same harmful effects as direct exposure to tobacco.

Negligence for failure to provide a safe workplace

In many jurisdictions, employers have a legal duty to provide employees with a reasonably safe work environment. Employers that fail to take reasonable measures to control secondhand smoke might be issued a lawsuit claiming the employer knew secondhand smoke or secondhand aerosol were harmful to employees and the employer had authority, ability, and reasonable means to control secondhand smoke.¹⁵

Americans with Disabilities Act

Individuals with breathing sensitivities are a protected class under the federal Americans with Disabilities Act. Determining whether an individual's condition qualifies as a disability is decided on a case-by-case basis. Employers should be aware they may be required by the Americans with Disabilities Act to provide "reasonable accommodation" to protect the employee and others, such as customers, vendors, or visitors, who frequent their establishments or worksites.^{15,16}





Attachment C

Utah Indoor Clean Air Act business compliance guide

This Utah Indoor Clean Air Act compliance guide highlights key points business managers, supervisors, and employees need to be aware of and answers common questions.

The compliance guide is not designed to replace or supersede the requirements stated in the Utah Indoor Clean Air Act Statute 26-38-1 through 9, and Utah Admin. Rule 392-510-1 through 14. For additional assistance, see Attachment G to contact your local health department.

For more information about the Utah Indoor Clean Air Act, tobacco-free policy development, or cessation resources, go to the Tobacco Prevention and Control program website at tobaccofreeutah.org.

Key elements of the Utah Indoor Clean Air Act



Smoking is prohibited in all enclosed indoor places of public access.



Smoking is also prohibited within 25 feet of any entranceway, exit, open window, or air intake of a building where smoking is prohibited.



The use of electronic cigarettes (vaping) is banned in the same places as cigarettes.

What does the Utah Indoor Clean Air Act mean for your business?

- It is the responsibility of the establishment to enforce the Utah Indoor Clean Air Act. Building owners, agents, or operators are independently responsible to ensure compliance and each may be held liable for noncompliance.
- An owner, agent, or employee of your establishment who observes a person smoking in apparent violation of the Utah Indoor Clean Air Act should request the person stop smoking. If the person fails to comply, the proprietor, agent, or employee should ask the person to leave the premises. See Utah Code § 26-38-7.
- As a business owner, agent, or operator, you have the right to prohibit smoking anywhere on the premises, including outdoors. There is no requirement to allow smoking or vaping must be allowed. See Utah Admin. Rule R392-510-4.
- Businesses are required to place Utah Indoor Clean Air Act signs at all entrances or in a position clearly visible upon entry. Signs are available by calling the Utah Department of Health and Human Services at 801-538-6754 or see Attachment G to contact your local health department. See Utah Admin. Rule R392-510-12.
- It is the responsibility of the owner or operator to provide evidence to the local health department upon request that the facility is in compliance with this rule. The checklist below can help you determine if you are in compliance. See Utah Admin. Rule R392-510-5.
- An employer may not discriminate or take any adverse action against an employee or applicant because that person has sought enforcement of the provisions of the Utah Indoor Clean Air Act, the workplace smoking policy or otherwise protests the smoking of others. See Utah Admin. Rule R392-510-13.



Utah Indoor Clean Air Act signs

Attachment C

Utah Indoor Clean Air Act business compliance guide

Penalties for violations of the Utah Indoor Clean Air Act

- Businesses, agencies, organizations, or individuals who do not abide by the requirements of the Utah Indoor Clean Air Act may be subject to civil monetary penalties as well as revocation or nonrenewal of permits, licenses, or certificates.
- First violation: up to \$100
- Subsequent violations: \$100 to \$500
- In addition to Utah Indoor Clean Air Act civil penalties, failure to address secondhand smoke in the workplace exposes your business to legal vulnerabilities, e.g., workers' compensation, unemployment compensation, disability benefits, nuisance lawsuits, etc.



Tobacco-free policy implementation can help you avoid lengthy and expensive litigation and penalties.

First violation is

\$100 

Subsequent violations

\$100-\$500



Attachment C

The Utah Indoor Clean Air Act compliance checklist

Utah Indoor Clean Air Act signage requirements

- Utah Indoor Clean Air Act signs are available by calling the Utah Department of Health and Human Services at 801-538-6754, or see Attachment G to contact your local health department.
- Entryways have clearly visible signs using the words “No smoking is permitted in this establishment,” or a similar statement, plus the international no-smoking symbol. See Utah Admin. Rule R392-510-12(1).
- The words “No Smoking” must be no less than 1.5 inches in height. See Utah Admin. Rule R395-510-12.
- International no-smoking symbols used alone are 4 inches in diameter or greater. See Utah Admin. Rule R392-510-12(6).
- Ashtrays provided within the 25-foot buffer zone have signage indicating they are for the extinguishing of tobacco products only and the area around it is not a smoking area. The sign shall include a reference to the 25 foot prohibition. See Utah Admin. Rule R392-510-9(2).

Utah Indoor Clean Air Act enforcement requirements

- The building owner, agent, and operator are each responsible for compliance. See Utah Admin. Rule R392-510-3.
- All indoor places of employment are smoke-free, including company vehicles. Utah Admin. Rule R392-510-5 and definition for workplace found in R392-510-2.
- Smoking is not permitted within 25 feet of any entrance way, exit, open window, or air intake of a building where smoking is prohibited. See Utah Admin. Rule R392-510-9(1).
- Smoking may be permitted in vehicles that are workplaces when not occupied by nonsmokers. Utah Admin. Rule R392-510-6(1) and definition for workplace found in R392-510-2.

- An employer may not discriminate or take adverse action against an employee or applicant because that person has sought enforcement of provisions of the law and/or the smoking policy of the workplace, and/or otherwise protested the smoking of others. See Utah Admin. Rule R392-510-13.

Additional Utah Indoor Clean Air Act compliance items to consider

- Smoking and vaping are prohibited in all enclosed indoor places of public access and publicly owned buildings and offices. A place of public access is any enclosed indoor place of business, commerce, banking, financial service, or other service-related activity, whether publicly or privately owned, to which persons not employed at the place have general and regular access or which the public uses and includes buildings, offices, shops, elevators, cafeterias, shopping malls, restrooms, restaurants, arenas, and theaters. See Utah Code § 26-38-2(3).
- In designated outdoor areas where smoking or vaping is permitted, employers are required to establish a policy prohibiting smoking and vaping within 25 feet of any entrance way, exit, open window, or air intake of a building. See Utah Admin. Rule R392-510-9.
- If smoking or vaping is permitted, smoking and vaping areas must be clearly indicated by appropriate signage, and HVAC and other requirements for those areas must. See Utah Code § 26-38-6 and § 26-38-3.5.
- Smoking and vaping permitted areas are designed and operated to prevent the drift of smoke outside the designated area. If you can see or smell smoke or aerosol, assume drift is occurring. See Utah Admin. Rule R392-510-6(1), R392-510-7, and R392-510-8. Action against an employee or applicant because that person has sought enforcement of provisions of the law and/or the smoking policy of the workplace, and/or otherwise protested the smoking of others is not permitted. See Utah Admin. Rule R392-510-13.

Attachment D

Tobacco-free policy templates

The following 2 worksite tobacco-free policy templates are to help you determine the best style for your company or organization. See policy template 1 for a more comprehensive policy example or see policy template 2 for a more general policy example. A combination of more than 1 of the following policy styles may meet the particular needs of your organization.

Policy template 1: Model for a tobacco-free workplace

Because of the known hazards attached to exposure from secondhand smoke and secondhand aerosol, it is the policy of [Company name] to provide a tobacco-free environment for all employees and visitors. The policy covers the use of any tobacco product and applies to both employees and non-employee visitors of [Company name].

Definition

There will be no use of tobacco products (e.g., cigarettes, pipes, cigars, spit tobacco, hookah, electronic cigarettes, vape products, and other products containing nicotine not approved nicotine replacement therapies by the U.S. Food and Drug Administration) within the facilities at any time. The decision to provide or not provide designated smoking areas outside the building will be at the discretion of management, or other decision-making bodies. The designated smoke or vaping areas will be located at least 25 feet from the main entrance, other exits and entrances, open windows, or air intakes.

All materials used for smoking, including cigarette butts and matches, will be extinguished and disposed of in appropriate containers. Supervisors will ensure periodic cleanup of the designated smoking area. If the designated smoking area is not properly maintained (for example, if cigarette butts are found on the ground), it can be eliminated at the discretion of management, or other decision-making bodies.

For a policy that extends to include company property, substitute the following:

1. There will be no use of tobacco products within the facilities or on the property of [Company name] at any time.
2. There will be no tobacco use in [Company name] vehicles at any time. There will be no tobacco use in personal vehicles when transporting persons on [Company name] authorized business.
3. Breaks: Supervisors will discuss the issue of smoking or vaping breaks with their staff. Together, they will develop effective solutions that do not interfere with staff productivity.

Procedure

1. Employees will be informed of this policy through signs posted in [Company name] facilities and vehicles, the policy manual, orientation, and training provided by their supervisors.
2. Visitors will be informed of this policy through signs, and their host will explain it. [Company name] will assist employees who wish to quit smoking by facilitating access to recommended smoking cessation programs and materials.
3. Any violations of this policy will be handled through the standard disciplinary procedure.

Source: Marking Your Workplace Smoke-Free: A Decision Maker's Guide.¹⁷

Attachment D

Tobacco-free policy templates

Policy template 2: Model for a tobacco-free workplace

[Company name] Tobacco-Free Policy.

[Company name] is dedicated to providing a healthy, comfortable, and productive work environment for our employees.

Tobacco use is the leading cause of preventable death and disability in the United States. The U.S. Surgeon General has stated there is no risk-free level of exposure to secondhand smoke or secondhand aerosol.

In light of these findings, [Company name] shall be entirely tobacco-free (e.g., cigarettes, pipes, cigars, spit tobacco, hookah, electronic cigarettes, and other products containing nicotine not approved nicotine replacement therapies by the U.S. Food and Drug Administration effective [date]), tobacco use will be strictly prohibited within all company indoor work areas. In outdoor designated areas, smoking and vaping is prohibited within 25 feet of building entrances, open windows, and air intakes. This policy applies to all employees, clients, contractors, and visitors.

Copies of this policy shall be distributed to all employees. Consistent with Utah law, Utah Indoor Clean Air Act signs shall be posted at all building entrances. This policy is being announced 3 months in advance in order to facilitate a smooth transition. Those employees who smoke or use spit tobacco and would like to take this opportunity to quit are invited to participate in the cessation program being offered by this company.

The success of this policy will depend upon the thoughtfulness, consideration and cooperation of people who use tobacco and those who don't use tobacco. All employees share in the responsibility for adherence to and enforcement of this policy. Violations of this policy will be handled through the standard disciplinary procedure.

[Signature of CEO or President]

Source: Adapted from Americans for Nonsmokers' Rights.¹⁸

Attachment E

Help your employees quit tobacco

Quitting tobacco is difficult. Seventy-one percent of Utah adults who smoke cigarettes want to quit smoking within a year and 56% report a serious quit attempt in the past 12 months.⁵

Businesses with a tobacco cessation benefit in their health plan report this coverage has:

- Reduced total tobacco consumption
- Increased the number of persons who use tobacco who are willing to seek cessation services
- Increased productivity
- Increased the percentage of those who successfully quit

Paying for tobacco cessation services is the single most cost-effective health insurance benefit for adults that can be provided to employees. Tobacco cessation benefits that have been found most effective and should be included in your health plan cover all of the following:

- Counseling services, including telephone, individual, and group counseling
- U.S. Food and Drug Administration (FDA)-approved medication, prescription and over-the-counter, including:
 - o Nicotine replacement therapies (patch/gum, lozenge, inhaler, nasal spray)
 - o Bupropion (Zyban)
 - o Varenicline (Chantix)

Connecting your employees to resources

Check with your health plan to see what services are available to your employees. They may also be able to provide promotional materials to use at your worksite.

The Utah Tobacco Quit Line offers free and confidential tools to quit tobacco. Utahns can talk to coaches and sign up for free nicotine patches/gum, and custom quit plans.

Sign up

- By phone: call 1-800-QUIT-NOW or text Start to 36072
- By web: visit WaytoQuit.org or SeeThroughTheVape.org

71% of Utah Adults who  want to quit smoking within a year and **56%** report a serious quit attempt in the last 12 months.

Attachment F

Frequently asked questions

Importance and health effects

Why is a tobacco-free worksite important?

A tobacco-free worksite policy creates a healthy environment and encourages employees and visitors to quit. The policy also reduces nonsmoker's exposure to secondhand smoke. There is no safe tobacco product, and cigarettes, cigars, and chew are deadly. Continuing to allow tobacco use represents a liability. An employer has a responsibility to provide a safe and healthy workplace for employees. Tobacco-free policies save money in costs associated with absenteeism, smoke breaks, life insurance costs, and healthcare.

Why should this policy cover electronic cigarettes?

There is no safe tobacco product. Electronic cigarettes have not been shown to be safe alternatives to traditional tobacco products or effective methods of quitting. All tobacco products can cause serious health problems and should be covered in your tobacco-free worksite policy.

Why should this policy cover smokeless tobacco?

There is no safe tobacco product. The spitting involved with smokeless products is unsanitary and a possible vehicle of disease.

What's wrong with smoking outside? Doesn't the air dilute the smoke?

According to research, secondhand smoke particle concentrations in outdoor settings, in some cases, can be comparable to those in indoor settings. Exposure to secondhand smoke outdoors can adversely affect the health of people who have respiratory illnesses.

How do we know policies help people to quit?

The Surgeon General's 2006 Report: The Health Consequences of Involuntary Exposure to Tobacco Smoke concludes "workplace smoking restrictions lead to less smoking among covered workers." The report cites numerous studies that found decreases in the number of cigarettes smoked per day, increases in attempts to stop smoking, and increases in smoking cessation rates.¹

Enforcement

Smoking outside of our worksite's designated areas isn't illegal according to Utah law. Can a policy like this be enforced?

Worksites are allowed to enact more extensive policies than Utah law. Company policies are enforced through company administrative action.

What can I do if customers are smoking at entryways to the building?

Utah Admin. Rule R392-510-9(1) states there cannot be a designated smoking area within 25 feet of entryways, exits, open windows, or air intakes. Place highly visible signage at all entries and exits. Signs are available by calling the Utah Department of Health and Human Services at 801-538-6754 or see Attachment G to contact your local health department. Place cigarette receptacles 25 feet from entries or exits, or place signage on the receptacle indicating it is for extinguishing only.



Attachment F

Frequently asked questions

What if employees are smoking at entryways and employee entrances to the building?

Utah Admin. Rule R392-510-9(3) states that employers must establish an employee policy to prohibit smoking within 25 feet of entryways, exits, open windows, or air intakes, and they must enforce the policy. Train supervisors about the new policy and give them the responsibility to educate their employees about the policy and the authority to impose company or organizational sanctions for noncompliance.

Our business or organization has a large out-of-state tourist clientele who seem to smoke a lot. What can we do to let them know smoking isn't allowed in some of the places they are lighting up, without losing them as customers?

Other states with high visitor rates, e.g., California, New York, and Massachusetts, have laws similar to Utah. Many people may already expect your business to provide a tobacco-free environment. Posting signs containing the universal no-smoking symbol in high-risk areas is another way to kindly remind customers and visitors smoking is not allowed. Signs are available by calling the Utah Department of Health and Human Services at 801-538-6754 or see Attachment G to contact your local health department.

Business concerns

Will this new policy affect patronage to company services?

In most cases, tobacco-free policies are good for business. Continuing to allow tobacco use may be something that will negatively impact patronage, especially if you have received complaints. Most company patrons and employees, and most Utahns in general, do not use tobacco.

Smoker's rights

Don't people have the "right" to use tobacco?

"Right to smoke" claims have been consistently rejected by the courts. People do have a right to breathe clean air. Additionally, the Americans with Disabilities Act protects those who have breathing and other disorders.

Do policies like this infringe on a person's private decisions?

Tobacco-free policies do not restrict people who smoke or use electronic-cigarettes from smoking or vaping. They simply restrict smoking in places where others breathe the air. Secondhand smoke policies respect the basic right to breathe clean air for smokers and nonsmokers alike. An employer has a responsibility to provide a safe and healthy workplace.

Do tobacco-free policies discriminate against tobacco users?

Secondhand smoke policies respect the basic right to breathe clean air for smokers and nonsmokers alike. This is a pro-health policy.

More information

Where can I find information about the state law requirements for my business?

Contact the Utah Department of Health and Human Services at 801-538-6754, go to tobaccofreeutah.org, or contact your local health department, using the resource in Attachment G.

Are there local ordinances that may apply to me in addition to state laws?

It depends. Some local governments have developed ordinances that limit tobacco in specific outdoor places. This could affect company or organization activities that are held at parks, recreation centers, golf courses, etc. For more information contact your local health department and see Attachment G.

Attachment F

Frequently asked questions

What services exist to help interested users quit?

Review your health plan's coverage of tobacco cessation medications and services. See Attachment E for tips on how to help your employees quit tobacco.

- Call the Utah Tobacco Quit Line at 1-800-QUIT-NOW.
- Visit waytoquit.org or seethroughthevape.org to sign up for a free quit plan that works for you.

Smoking and vaping areas

Can employees smoke or vape in company vehicles?

Utah Admin. Rule R392-510-6(4) only allows smoking in vehicles if the employer chooses to allow smoking and if there are no nonsmoking or ex-smoking persons in the vehicle. The rule does not allow non-smokers to give permission to others to smoke.

Can we have smoking rooms in areas in our building that only our employees can use?

The Utah Indoor Clean Air Act prohibits smoking in almost all public and private buildings. There is a very limited exception for single proprietor businesses, e.g., a shoe cobbler with no employees.

Can we provide “smoking huts” for our employees to smoke outside during their breaks?

It is acceptable to provide some type of structure for employees to smoke in, so long as the structure is not fully enclosed and/or framed for windows or doors, and does not otherwise violate the Utah Indoor Clean Air Act (i.e., is

not within 25 feet of an entrance, air intake, etc.). Typical structures may be a picnic table placed on a concrete pad, or bus kiosk types of structures that are 3-sided, but open in the front. The smoking shelters need to follow Americans with Disabilities Act guidelines and include an accessible walkway or ramp as necessary. For more information contact the Utah Department of Health and Human Services at 801-538-6754, or your local health department (see Attachment G).

Other

How can the need and support for a policy be demonstrated?

To demonstrate support for a tobacco-free policy, begin to document any complaints from patrons, visitors, and employees about tobacco use. Solicit support for the policy from company administration. Most company patrons and employees, and most Utahns, in general, do not use tobacco.

Does an employer have the authority to implement a tobacco-free policy?

Employers are encouraged to set policies and implement restrictions that are necessary to provide a safe and healthy working environment. Courts have consistently upheld the constitutionality of policies that restrict or prohibit smoking in the workplace.

Attachment G

Utah local health department contact information

Your local health department can be a resource for you as you create a tobacco-free workplace and help your employees quit using tobacco. Feel free to contact them with questions or any assistance you may need.

Bear River Health Department

Phone: 435-792-6510
655 East 1300 North
Logan, UT 84341
www.brhd.org

Central Utah Health Department

Phone: 435-896-5451
70 Westview Drive
Richfield, UT 84701
www.centralutahpublichealth.com

Davis County Health Department

Phone: 801-525-5070
22 South State Street
Clearfield, UT 84015
www.daviscountyutah.gov/health/

Salt Lake County Health Department

Phone: 385-468-4365
7971 South 1825 West
West Jordan, UT 84088
www.slco.org/health/

San Juan County Health Department

Phone: 435-359-0038
735 South 200 West #2
Blanding, UT 84511
www.sanjuanpublichealth.org

Southeast Utah Health Department

Phone: 435-637-3671
28 South 100 East
Price, UT 84501
www.seuhealth.com

Southwest Utah Health Department

Phone: 435-673-3528
620 South 400 East
St. George, UT 84770
www.swuhealth.org

Summit County Health Department

Phone: 435-333-1505
650 Round Valley Drive
Park City, UT 84060
www.summitcountyhealth.org

Tooele County Health Department

Phone: 435-277-2300
151 North Main Street
Tooele, UT 84074
www.tooelehealth.org

TriCounty Health Department

Phone: 435-247-1177
133 South 500 East
Vernal, UT 84078
www.tricountyhealth.com

Utah County Health Department

Phone: 801-851-7000
151 South University Avenue
Provo, UT 84601
www.health.utahcounty.gov

Wasatch County Health Department

Phone: 435-654-2700
55 South 500 East
Heber City, UT 84032
www.wasatch.utah.gov

Weber-Morgan Health Department

Phone: 801-399-7184
477 23rd Street
Ogden, UT 84401
www.webermorganhealth.org

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CONTACT
US

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Utah Department of
Health & Human
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