


## TOBACCO-FREE INDOOR WORKPLACE POLICY AND PROCEDURES

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| <b>DHR-Policy #: To be assigned.</b>          | <b>Authority: 16 Del.C. Chapter 29 Clean Indoor Air Act; Executive Order No. 71 (1989)</b>            |
| <b>Effective Date: May 25, 2022</b>           | <b>Supersedes: January 1, 2013</b>  |
| <b>Application: Executive Branch Agencies</b> | <b>Signature: </b> |

### 1. Policy Purpose Statement

The State of Delaware (State) is committed to providing a healthy and productive workplace and promoting the health, well-being, and environment of employees and Delaware citizens by limiting exposure to tobacco smoke, emissions produced by electronic smoking devices, and second-hand smoke by prohibiting smoking in State buildings and by promoting tobacco use cessation. This policy is to reestablish and continue implementing the Clean Indoor Act of November 2002.

### 2. Scope

This policy applies to Executive Branch Agency employees, unpaid interns, joint employees, apprentices, contractors, consultants, and outside vendors, and includes individuals not directly connected to the State (e.g., customers, visitors, or constituents). Elected Offices and Judiciary Members may elect to adopt and administer the policy at their offices and with their employees.

### 3. Definitions and Acronyms

- **Tobacco Use Cessation** – The act of "to quit smoking" or "withdrawal from nicotine."
- **Delaware Clean Indoor Air Act** - On November 27, 2002, the State of Delaware enacted a comprehensive, state-wide, smoke-free law that made virtually all of Delaware’s indoor public places and workplaces smoke-free.
- **Electronic Nicotine Delivery Systems (ENDS)** - Battery-powered devices, such as electronic cigarettes, e-cigarettes, vaping devices, and vape pens, are used to smoke or “vape” a flavored solution that usually contains nicotine.
- **Employee Assistance Program (EAP)** - Free services available for eligible State employees and their dependents. The EAP offers resources for tobacco use cessation.
- **Environmental Tobacco Smoke (ETS) or Secondhand Smoke** - The complex mixture formed from the escaping smoke of a burning tobacco product (termed as “sidestream smoke”) and smoke exhaled by the smoker.

- **Smoking** - The burning of a lighted cigarette, cigar, pipe, or any other matter or substance that contains tobacco; or the use of an electronic smoking device that creates an aerosol or vapor, in any manner or any form.
- **Workplace** - Any indoor area or portion thereof under the control of the state in which employees and/or consultants and contractors perform state services.
- **Tobacco** - Any type of tobacco product including, but not limited to cigarettes, cigars, cigarillos, electronic cigarettes (vaping), pipes, bidis, hookahs, smokeless, chewing/spit tobacco or snuff.

#### **4. Policy**

- a. The use of any form of tobacco products, including smokeless tobacco, electronic cigarettes, or electronic nicotine delivery systems, by all covered individuals is prohibited indoors in all state workplaces including state buildings, state vehicles, and facilities.
- b. Agencies are to promptly address any alleged policy violations with employees.
- c. Any agency which maintains vehicles for use by employees on a pooled basis shall assure that smoking is prohibited in these vehicles.
- d. Violations of this policy may be subject to discipline, up to and including dismissal, pursuant to the standards set forth in the Merit Rules, any applicable collective bargaining agreements, or other relevant laws, rules, or policies.

#### **5. Procedures**

- a. Any employee alleging a workplace violation of the Clean Indoor Air Act, may report such violations in writing to the [Delaware Office of Labor Law Enforcement, Division of Industrial Affairs](#), 4425 North Market Street, Wilmington, DE 19802.
- b. Employees who are enrolled in a State of Delaware non-Medicare health plan have access to the following tools and resources at no cost to help them quit tobacco use:
  - 1) Health coaches and online programs are available through the employee's health plan vendor.
  - 2) Employees who are enrolled in a State of Delaware non-Medicare health plan are automatically enrolled in the State of Delaware's non-Medicare prescription drug plan. Tobacco cessation products (patches, gum/lozenges, inhalers) are available through the employee's State of Delaware non-Medicare prescription drug plan. The EAP also offers tobacco use cessation services.
- c. Employees who are not enrolled in a State of Delaware health plan, clients, visitors, and contractors have access to the following tools and resources at no cost to help them quit tobacco use:

- 1) For Delaware residents: The Delaware Division of Public Health (DPH) offers the [Delaware Quitline](#) at 1-866-409-1858 to speak with a trained tobacco-cessation specialist and the Delaware Quitline also provides an online support service at [Quitsupport.com](#).
- 2) For non-Delaware residents: Call 1-800-QUIT-NOW (1-800-784-8669) to speak with a trained tobacco-cessation specialist.

## 6. Exclusions or Exceptions

- N/A

## 7. Dissemination And Training

- Employees are to acknowledge their review of this Policy within 30 days of the request from the Delaware Learning Center.

## 8. Data Reporting

- N/A

## 9. Associated Policy/Regulations/Information

- [Delaware's Clean Indoor Air Act \(CIAA\)](#)
- [Delaware Department of Labor](#)
- [DHR SBO website](#)
- [Employee Assistance Program \(EAP\) services](#) or call the 24/7 helpline: 877-527-4742
- [Information About Second-Hand Smoke from the U.S. Centers for Disease Control and Prevention \(CDC\)](#)
- [The Toll of Tobacco in Delaware](#)

## 10. Appendices and Forms Associated with this Policy

- N/A

## 11. Policy Owner

**Division Name:** Division of Talent Management

**Policy Owner:** Statewide ADA Coordinator

**Website:** [DHR - Statewide Americans with Disabilities Act \(ADA\) \(delaware.gov\)](#)

*This policy is not intended to create any individual right or cause of action not already existing and recognized under State or Federal law. If there is a conflict with, i.e., the law or regulation and this policy, the law and/or regulation govern.*