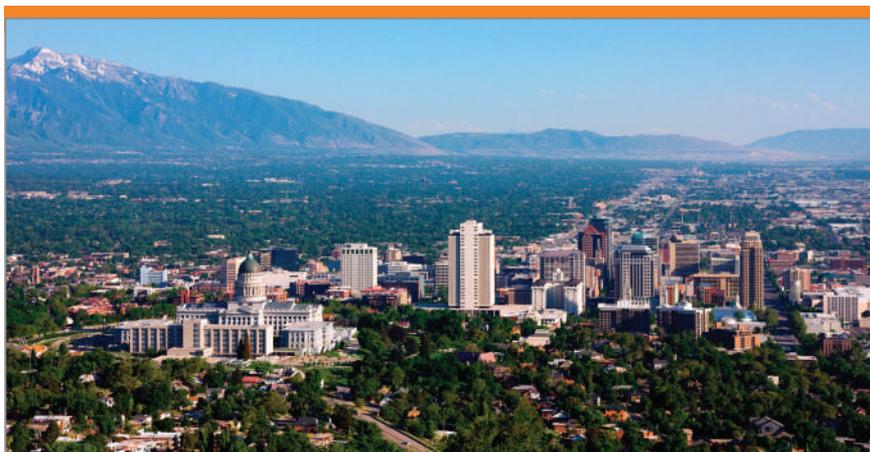


KEEP YOUR BUSINESS HEALTHY

Utah Tobacco-Free Workplace Policy Toolkit



If you own your own business, isn't it time you help your workplace go smoke free? It improves your employees' health as well as your bottom line.



Disclaimer: The Keep Your Business Healthy: A Tobacco-Free Workplace Toolkit provides information and technical assistance on developing and maintaining tobacco and nicotine-free policies to Utah businesses. The Toolkit does not provide legal representation or advice and should not be considered a substitute for obtaining assistance from a qualified legal advisor. Information in the Toolkit is subject to change without notice.

Published May 2013

TABLE OF CONTENTS

//////////

Introduction	1
The Benefits of a Tobacco-Free Workplace	2
The Cost of Tobacco Use in Your Workplace	4
Creating Your Tobacco-Free Workplace Policy	5
Help Your Employees Quit Using Tobacco	8
Attachments	
A: Legal Consequences of Secondhand Smoke at the Workplace	11
B: Utah Indoor Clean Air Act (UICAA) Compliance Checklist	13
C: Tobacco-Free Policy Template	16
D: Frequently Asked Questions	19
E: Local Health Department Contact Information	22
References	23

INTRODUCTION



Thank you for your interest in creating a tobacco-free workplace and helping your employees to quit using tobacco. Tobacco use is a leading cause of preventable death and disease in Utah. Addressing this issue in your workplace demonstrates to your employees and their families that your organization is committed to their health and well-being. It also sends a strong message to the community that you are playing an active part in reducing the harm caused by tobacco.

80% of Utah adults who smoke report that they **intend to quit**.⁹

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

Keep Your Business Healthy: A Tobacco-Free Workplace Policy 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. By making small changes you can put thousands of dollars back into your business and improve the lives of your employees.

THE BENEFITS OF A TOBACCO-FREE WORKPLACE



Adopting a tobacco-free workplace policy makes good business sense. Prohibiting smoking and eliminating secondhand smoke can have a significant impact on your bottom line. By making simple changes to your work environment, you can improve the health of your employees and save your company money.

IMPROVE BUSINESS

- Adopting tobacco-free workplace policies is a wise business decision. Establishing smoke-free workplaces is the simplest and most cost effective way to improve worker and business health.¹
- A comprehensive examination of smoke-free laws published in 2007 concluded that, “The vast majority of scientific evidence indicates that there is no negative economic impact of clean indoor air policies, with many studies finding that there may be some positive effects on local businesses.”²

LOWER YOUR COSTS

- The National Fire Protection Association found that in 1998, smoking materials caused 8,700 fires in nonresidential structures, resulting in direct property damage of \$60.5 million.³
- Businesses pay an average of \$2,189 in workers’ compensation costs for smokers, compared to \$176 for nonsmokers.⁴
- Going smoke-free lowers the risk of fires and accidental injuries, and can reduce your insurance costs. Fire and property insurance can be reduced 25% to 30% in smoke-free businesses.⁵

REDUCE ABSENTEEISM

- People who smoke, on average, miss 6.2 days of work per year due to sickness compared to nonsmokers, who miss 3.9 days of work per year.⁶

INCREASE PRODUCTIVITY AND MORALE

- Tobacco use has been found to be a leading cause of worker lost production time — more than alcohol abuse or family emergencies. Lost production time estimates for workers who report smoking at least one pack of cigarettes per day were 75% higher than for nonsmoking employees or for employees who had previously quit.⁷
- Employees who take four 10-minute breaks a day to smoke actually work about one month less per year than workers who don't take smoking breaks.⁸
- A tobacco-free workplace is more attractive to employees, since nearly 90% of Utah adults do not smoke.⁹

The Environmental Protection Agency has classified secondhand smoke as a Group A carcinogen, meaning that repeated exposure to **secondhand smoke can cause cancer.**

PROTECT YOUR EMPLOYEES' HEALTH – AND YOUR BOTTOM LINE

- Reduce the risk of lung cancer. Employees exposed to secondhand smoke on the job are 12% to 19% more likely to get lung cancer.¹⁰
- Reduce heart attacks. Exposure to secondhand smoke increases the risk of heart attack by 25% to 35%.¹¹
- Reduce heart disease and respiratory infections among employees.¹²
- Everyone benefits when the air is cleared of secondhand smoke, even employees who smoke, some of whom will quit or at least cut back. Workers become healthier, and healthier workers miss less work, are more productive, and have lower healthcare costs.¹³

REDUCE YOUR LIABILITY

- Nonsmoking employees can receive workers' compensation, unemployment compensation, disability benefits, and other settlements based upon their exposure to secondhand smoke in the workplace.¹⁴
- With a tobacco-free policy, disability claims based on secondhand smoke exposure are eliminated. A smoke-free workplace prevents violations of the Americans with Disabilities Act that can occur when people with respiratory problems have limited access to or cannot patronize or work in your business due to tobacco smoke exposure.

More information on secondhand smoke and liability can be found in Attachment A.

THE COST OF TOBACCO USE IN YOUR WORKPLACE



Smoking costs a business an estimated \$1,768 in lost productivity per smoker per year. In addition, each smoker incurs an estimated \$1,623 in smoking-attributable annual medical expenditures. Factors in estimating these costs include the following direct and indirect costs.²⁹

DIRECT EMPLOYER COSTS²⁹

- Increased health insurance costs and claims
- Higher life insurance premium costs and increased claims
- Increased disability costs
- Higher workers compensation payments

INDIRECT EMPLOYER COSTS²⁹

- Recruitment and retraining costs resulting from loss of employees to tobacco-related death and disability.
- Lost productivity.
- Increased amount of work time used on tobacco use habits and routines.
- Greater number of disciplinary actions.
- Smoke pollution (increased cleaning and maintenance costs).
- Air cooling, heating and ventilation costs.
- Accidents and fires (plus related insurance costs).
- Property damage (plus related insurance costs).
- Higher risk of industrial accidents and occupational injuries.
- Liability and litigation costs associated with exposure to environmental tobacco smoke.
- Illness and discomfort among nonsmokers exposed to secondhand smoke.

Tobacco use costs the Utah economy an estimated **\$663 million** annually in smoking-related medical costs and lost productivity.²⁷

CREATING YOUR TOBACCO-FREE WORKPLACE POLICY



Transitioning to a tobacco-free workplace can be a simple process if you take time to plan your approach. Utilizing the suggestions below will help you to easily create your tobacco-free workplace policy and put it in place for your employees.

FORM A POLICY WORKGROUP

The purpose of a policy workgroup is to provide input during the development of the policy. Members can include managers and employees. Getting input from as many employees as possible is crucial to success. Include tobacco users in your workgroup to get vital opinions from them; their cooperation will be key to the success of the policy.

INCLUDE ALL FORMS OF TOBACCO IN YOUR POLICY

No tobacco product is safe. All tobacco products are addictive and cause cancer and other health problems. It is best to include all forms of tobacco in a policy, such as spit tobacco, cigars, pipes, etc. Also consider including electronic cigarettes and vaporizers in your policy.

Changes by the Utah Legislature now restrict electronic cigarette and hookah use in the same places that tobacco smoking has previously been restricted.

CONSIDER THE EXTENT OF THE POLICY

Beyond the basic legal requirements of the Utah Indoor Clean Air Act (see Attachment B, UICAA Compliance Checklist), your company or organization may want to adopt a more comprehensive policy. Such a policy could include banning designated smoking areas, banning smoking in company vehicles, and enforcing a completely tobacco-free campus.

DETERMINE HOW THE POLICY WILL BE ENFORCED

A good policy must clearly state who will enforce it, with support given from management to do so. Employees should feel empowered to respectfully inform others (co-workers, customers, etc.) of the policy. It is important to have a plan for addressing policy violations promptly and effectively. Consequences should be other to those for violations of other types of organizational policies.

WRITE YOUR POLICY

Having a written policy will eliminate any confusion regarding what the policy includes. To simplify the process of writing a policy, start with the Tobacco-Free Policy Templates found in Attachment C.

COMMUNICATE THE POLICY

Employees need to be kept informed about the details of the company policy, changes to health plan coverage, and the availability of services to help them quit tobacco use. How you get the word out will depend on the size of your organization and the amount of education needed. You may also need to use different methods for different groups of employees. Begin by using your company's standard communication channels. Also consider some of the following options:

- Intranet
- Payroll stuffers (brochures, relevant articles, fliers)
- Articles in the company newsletter
- Posters, displays
- Presentations
- Information kits
- Brown bag lunches
- Employee orientation, staff, and management meetings



EDUCATE YOUR EMPLOYEES

Quitting tobacco can be difficult. Businesses can provide support to employees by establishing a policy to refer all employees who use tobacco to cessation programs that are proven to help them quit. Your local health department can help identify effective quitting programs and resources in your community (see Attachment E).

MAINTAIN THE POLICY

Plan to continue education efforts after the policy is adopted. Employees will benefit from continual reminders of the policy, consequences for violating the policy, and available resources to help them quit using tobacco.

Review your policy every six months or annually for any necessary changes.

Consider the following:

- Are there other areas where tobacco use should be banned on your property?
- Have laws that affect your policy changed in recent months?

For more than 50 years, the irrefutable scientific evidence has grown, showing that the use of tobacco products or exposure to tobacco smoke damages the human body with deadly consequences.¹⁵

HELP YOUR EMPLOYEES QUIT USING TOBACCO



Quitting tobacco can be difficult, but nearly 80% of adult smokers in Utah intend to quit and 60% have made a quit attempt in the past year.⁹ Businesses that have included a tobacco cessation benefit in their health plan report that this coverage has reduced total tobacco consumption, increased the number of tobacco users willing to seek cessation services, increased productivity, and increased the percentage of those who successfully quit.¹⁶

Paying for tobacco cessation services is the single most cost-effective health insurance benefit for adults that can be provided to employees.^{28, 29, 30} Tobacco cessation benefits that have been found most effective cover *all* of the following³¹:

- Counseling services, including telephone and individual counseling. Several counseling sessions should be offered over a period of several weeks.
- FDA-approved medications, including both prescription and over-the-counter. These medicines reduce withdrawal symptoms and the urge to smoke and include:
 - Nicotine replacement therapies (patch, gum, lozenge, inhaler, nasal spray)
 - Bupropion SR pills
 - Varenicline pills



“And it just hit me one day. If I’m working so hard toward my retirement, I should probably be around to enjoy it.”

Wade Perkins
Cargill
Tooele, Ut

See the following online resources for more information on providing resources to help your employees quit using tobacco.

- Using Company Health Plans to Help Employees Quit
http://www.tobaccofreeutah.org/pdfs/Working_with_Health_Plans.pdf
- Tobacco Cessation Treatment: Return on Investment
http://www.tobaccofreeutah.org/pdfs/Return_on_Investment.pdf

FREE TOBACCO CESSATION SERVICES FOR ALL UTAHNS

Utah has free services available for your employees. Coupled with cessation coverage available through your company's health plan, employees who use the Utah Tobacco Quit Line and Utah QuitNet are more likely to kick the habit once and for all.

- The Utah Tobacco Quit Line (1.800.QUIT.NOW) is a free, telephone-based service. Callers will be connected to a trained coach who will help them develop a personalized quit plan and guide them through the quitting process.
- Utah QuitNet is a free, internet-based service that provides quitting guides, peer support through groups and forums, expert advice, and other services designed to help people quit tobacco.



“Our CEO decided that establishing a tobacco-free workplace would give employees an opportunity to better their lives. We’re already seeing a difference in the lives of those who have quit and are trying to quit.”

Garrett Olson
CO Building Systems and Company
Ephraim, UT

ATTACHMENTS



A Legal Consequences of Secondhand Smoke at the Workplace

B Utah Indoor Clean Air Act (UICAA) Compliance Checklist

C Tobacco-Free Policy Template

D Frequently Asked Questions

E Local Health Department Contact Information

LEGAL CONSEQUENCES OF SECONDHAND SMOKE AT THE WORKPLACE

Attachment A

//////////

In 1976, the first reported secondhand smoke lawsuit took place. Since then, the number and scope of suits and other employee actions have increased. By implementing tobacco-free policies, companies, government agencies, and other organizations can avoid lengthy and expensive litigation and penalties.

By developing and enforcing tobacco-free policies, coupled with referring employees who use tobacco to helpful cessation resources, Utah employers can improve their bottom line and improve employee morale, health, productivity, and increase interest in quitting.

Some potential federal, state, and local legal issues related to secondhand smoke are listed below.

SMOKING LAWS IN UTAH

Utah Indoor Clean Air Act (UICAA)

This is a statewide law that prohibits smoking in nearly all places of public access and private buildings. Assume smoking is prohibited in all indoor locations unless otherwise clarified by your local or state health department. While there are a few exceptions granted by the UICAA, they are highly restrictive in nature.

Note: As of May 2012, the Utah Indoor Clean Air Act also restricts the use of electronic cigarettes and hookah in the same locations that smoking cigarettes, cigars, and pipes is prohibited.¹⁷

Local Community Outdoor Smoking Bans

Many communities ban smoking in outdoor public places. Check with your local health department for details on outdoor smoking bans in your area.¹⁸

OTHER LEGAL ISSUES RELATED TO SMOKING

Workers' Compensation and Disability Benefits

In recent years, nonsmokers have been awarded workers' compensation and disability benefits as a result of being harmed by secondhand smoke while on the job. State workers' compensation laws are designed to protect workers from injuries and illnesses that arise out of and in the course of employment. The state laws are not based on fault; an injured worker can recover benefits, including compensation for temporary or permanent loss of income and medical expenses, without proving that the employer was negligent.¹⁹

Negligence for Failure to Provide a Safe Workplace

In most jurisdictions, employers have a legal duty to provide employees with a reasonably safe work environment. Common elements of a finding for those bringing action against an employer include: the employer knew secondhand smoke was harmful to the plaintiff-employee; the employer had authority, ability, and reasonable means to control secondhand smoke; and the employer failed to take reasonable measures to control secondhand smoke.²⁰

Americans with Disabilities Act (ADA)

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 that they may be required by the Act to provide a "reasonable accommodation" to protect the employee and others who frequent their establishments or worksites.^{21,22}

Unemployment Compensation

Employees who leave their jobs due to an allergy or hypersensitivity to secondhand smoke at work may be entitled to unemployment insurance benefits.²³

UTAH INDOOR CLEAN AIR ACT CHECKLIST

Attachment B

//////////

The Utah Indoor Clean Air Act Compliance Checklist was developed to highlight key points that business managers, supervisors, and employees need to be aware of. This checklist is designed to answer common general questions. The checklist can also help businesses, government agencies, and other organizations ensure that they are in compliance with the Act. It does not list all requirements of the statute and rule. It is not designed to replace or supersede the requirements stated in the statute and rule. For specific information refer to the Utah Indoor Clean Air Act Statute §26-38-1 to 9 and Administrative Rule 392-510-1 to 17. To access the statute and rule in their entirety see: <http://www.tobaccofreeutah.org/uicaa.html>. If you need additional assistance, contact your local health department (See Attachment E).

There is no requirement that smoking must be allowed, even in areas that are exempted in the Utah Indoor Clean Air Act.

Source: §26-38-2(1)(o) and R392-510-4

ALL ITEMS THAT APPLY SHOULD BE CHECKED

- Smoking is prohibited in all enclosed indoor places of public access. §26-38-3(1)” 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.” (Includes buildings, offices, shops, elevators, restrooms, restaurants, shopping malls, arenas, theaters) §26-38-2(2)
- Smoking is not allowed in any publicly owned buildings and offices. (Libraries, court houses, etc.) §26-38-2(f) and §26-38-2(3)
- Outside smoking designated areas are not allowed within 25 feet of building entrances, exits, air intakes, or windows. (Ashtrays placed closer than 25 feet from these locations are signed “No Smoking”, “For extinguishing cigarettes only-No Smoking”, or similar and include a reference to the 25-foot prohibition.) R392-510-9(1),(2)
- There is an employee policy in place that prohibits employees from smoking within 25 feet of building entrances, exits, air intakes, or windows. R392-510-9(3)
- Under the proposed rule R392-510-2(17) smoking is not allowed in vehicles used for work. R392-510-2(17)
- In a place where smoking is prohibited entirely, a sign using the words “No Smoking is permitted in this establishment” or a similar statement which includes a universal no-smoking symbol must be posted. Signs must be easily readable and unobscured. The words “No Smoking” must be not less than 1.5” in height. R392-510-12
- If smoking is permitted (allowed only if section §26-38-3(2)(a),(b),or(c); §26-38-3.5 conditions are met), smoking areas must be clearly indicated by appropriate signage, HVAC systems maintained, and other requirements for those areas met. §26- 38-3(2)(c), R392-510-6, 7, 8, and 12
- Since January 1, 2009, private clubs, taverns, and social clubs are **prohibited** from allowing smoking inside buildings and other enclosed structures or within 25 feet of entryways, exits, open windows or air intakes. §26-38-2(d),(p); R392-510-9(1)

- Smoking permitted areas, if allowed by §26-38-3(2)(a),(b),and(c), are designed and operated to prevent the drift of smoke outside the area. (If you can see or smell smoke assume drift is occurring). R392-510-6(1),7,and 8
- Smoking may be allowed in guest rooms of lodging facilities but smoking is prohibited in the common areas of these facilities, including dining areas, lobbies, laundry facilities, club houses, etc; air handling systems must not allow air from smoking-allowed areas to mix with air of nonsmoking areas. §26-38-3(2)(b); R392-510-6(1) and (2)(a),(b),(c),(d)
- Smoking is prohibited at all times in public and private elementary or secondary school buildings and the property on which those facilities are located. §26-38-2(2)(k)
- Smoking is prohibited at all times in buildings operated by social, fraternal, or religious organizations when used solely by the organization members or their guests. §26-38-2(2)(l)
- Smoking is prohibited at any facility rented or leased for private functions from which the general public is excluded and arrangements for the function are under the control of the function sponsor. (Examples include wedding parties, conventions, and trade shows). §26-38-2(2)(m)
- Where child care is provided, smoking is not allowed when any child, other than the child of the provider, is present. §26-38-2(2)(j)(i) and (ii)
- An employer does not discriminate or take adverse action against an employee or applicant because: that person has sought enforcement of provisions of law (§26-38-Chapter 38, R392-510) and/or the smoking policy of the workplace; and/or otherwise protested the smoking of others. R392-510-13

Updated May 2012

TOBACCO-FREE POLICY TEMPLATES

Attachment C

//////////

The following two policy templates are offered to help you determine the best style for your company or organization. See Policy Template 1 for a general policy example or Policy Template 2 if you are looking for something more comprehensive. You may find that combining elements of more than one of the following policy styles best meets your organization's particular needs.

POLICY TEMPLATE 1

POLICY

Due to the acknowledged hazards arising from exposure to secondhand smoke, it shall be the policy of Company Name to provide a tobacco-free environment for all employees and visitors. This policy covers the use of any tobacco product and applies to both employees and nonemployee visitors of Company Name.

Definition

1. There will be no use of tobacco products (i.e., cigarettes, pipes, cigars, spit tobacco, electronic cigarettes, and hookah) within the facilities of Company Name at any time. All materials used for smoking, including cigarette butts and matches, will be extinguished and disposed of in appropriate containers.

[The decision to provide or not provide designated smoking areas outside the building will be at the discretion of management or other decision-making body. For a policy that includes a designated smoking area, add the following information and clearly state where the designated smoking areas are located: The designated smoke areas will be located at least 25 feet from the main entrance, other exits and entrances, open windows, or air intakes. 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 may be eliminated at the discretion of management or other decision-making body.]

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 breaks with their staff. Together they will develop effective solutions that do not interfere with the productivity of the staff.

PROCEDURE

1. Employees will be informed of this policy through signs posted in *Company Name* facilities and vehicles, the policy manual, and 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: Making Your Workplace Smokefree: A Decision Maker's Guide.*²⁵

POLICY TEMPLATE 2

RATIONALE

Tobacco use is the leading cause of preventable death and disability in the United States. The U.S. Surgeon General has stated that there is no risk-free level of exposure to secondhand smoke; that even brief exposure can be dangerous. The Environmental Protection Agency classifies secondhand smoke as a Class A carcinogen, the most dangerous category of cancer-causing agents.

GOAL

The goal of this tobacco-free policy is to improve the health of *Company Name* employees and visitors by reducing exposure to secondhand smoke and promoting tobacco cessation.

POLICY

Based on significant medical evidence and research documenting the health risks to users of all tobacco products, *Company Name* will provide a 100% tobacco-free environment for all employees, contractors and visitors. The use of tobacco products anywhere on *Company Name* property is prohibited.

SCOPE

This policy applies to all Company Name employees, contractors and visitors.

PROCEDURE

1. Definition –
 - a. Tobacco products prohibited include cigarettes, pipes, cigars, spit tobacco, electronic cigarettes, and hookah.
 - b. Company Name property includes all Company-owned and leased parking lots. It excludes public streets and street parking.
2. Communication – “Tobacco-Free Workplace” signage is posted at all entrances. HR will advise all new hires of this policy, including the consequences of non-compliance, in writing.
3. Responsibilities – Adherence to the tobacco-free policy is the responsibility of all Company Name employees, clients, and visitors. Employees who do not conform to this policy are subject to disciplinary action. (Discipline process can be described below.)
4. Employees observing individuals not employed by Company Name violating this policy should courteously inform them of this policy and request their compliance.
5. Tobacco Use Cessation Program - As tobacco cessation represents the single most important step users can take to enhance the length and quality of their lives, Company Name is committed to providing support to all employees who wish to stop using tobacco products. Company Name employees have access to several types of assistance, including:
 - The Utah Tobacco Quit Line (1.800.QUIT.NOW) provides telephone-based counseling, support materials, and referrals to local classes and additional assistance when appropriate. Callers may also qualify for free nicotine replacement therapy.
 - Utah QuitNet (www.utahquitnet.com) provides quitting guides, peer support through message boards and email, expert advice, and other services to help people quit using tobacco.
 - Tobacco Free Resource Line (1-877-220-3466 or theTRUTH@utah.gov) provides materials including brochures, Quit Line cards, posters, and fact sheets.
 - *Add specific information about your company's insurance benefits or company sponsored cessation classes here.*

QUESTIONS: Any questions regarding the interpretation or enforcement of this policy are to be brought to the Human Resources department.

FREQUENTLY ASKED QUESTIONS

Attachment D



Q Why is a tobacco-free worksite important?

A A tobacco-free worksite policy helps employees and visitors quit by creating a healthy environment. The policy will also reduce nonsmokers' exposure to secondhand smoke. Tobacco in all its forms (cigarettes, smokeless, and secondhand smoke) kills. Continuing to allow tobacco use represents a liability. An employer has a responsibility to provide a safe and healthy workplace for employees. Tobacco policies save money in costs associated with absenteeism, smoke breaks, life insurance costs, and health care.

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

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

Q Why should this policy cover smokeless tobacco?

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

Q Is secondhand smoke dangerous outside?

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

Q Will worksite policies help people to quit?

A The Surgeon General's 2006 Report: The Health Consequences of Involuntary Exposure to Tobacco Smoke concludes that, "...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."

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

A Employers are free 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. Company policies are enforced through company administrative action.

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

A Place highly visible signage at all entries and exits. Signs are available by calling 1.877.220.3466.
Place cigarette receptacles 25 feet from entries or exits or place signage on the receptacle indicating it is for extinguishing only.

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

A Train supervisors regarding the new policy and give them the responsibility to educate their employees about the policy and to impose company or organizational sanctions for noncompliance with employee policies.

Q 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 that smoking isn't allowed in some of the places they are lighting up, without losing them as customers?

A Other states with high visitor rates, e.g., California, New York, and Massachusetts, also have laws similar to Utah's. Many people may already expect your business to provide a smoke-free environment. Posting signs containing the universal no smoking symbol in high-risk areas is another way to kindly remind customers and visitors that smoking is not allowed. Signs are available by calling 1.877.220.3466.

Q Will I lose customers if I establish a tobacco-free policy?

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

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

A Smoking is a privilege. "Right to smoke" claims have been consistently rejected by the courts. People do have a right to breathe clean air. The American's with Disabilities Act protects those with breathing and other disorders. Smoke-free policies do not restrict smokers from smoking. They simply restrict smoking in places where others breathe the air. This is a pro-health issue, not an anti-smoker issue.

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

A Possibly. 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. Contact your local health department. See Attachment E.

Q Can employees smoke in company vehicles?

A R392-510-6 (3) allows smoking in vehicles only if the employer chooses to allow smoking and if there are no non-smoking or ex-smoking persons in the vehicle. (The rule does not allow the non-smokers to give permission to others to smoke).

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

A No. The Utah Indoor Clean Air Act does not allow employee smoking areas in any public or private buildings.

Q Can we provide "smoking huts" for our employees to smoke in during their breaks?

A It is acceptable to provide some type of structure for employees to smoke in, so long as the facility is not fully enclosed and/or framed for windows or doors. Typical structures may be a picnic table placed on a concrete pad or bus kiosk types of structures that are three-sided but open in the front. Contact the Utah Department of Health at 1.877.220.3466, or your local health department. See Attachment E.

LOCAL HEALTH DEPARTMENT CONTACT INFORMATION

Attachment E



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

Bear River Health Department

655 East 1300 North
Logan, UT 84341
(435) 792-6513 – Fax: (435) 792-6523
www.brhd.org

Central Utah Public Health Department

70 Westview Drive
Richfield, UT 84701
(435) 896-5451 x 341 – Fax: (435) 896-4353
www.centralutahpublichealth.com

Davis County Health Department

22 S State Street
Clearfield, UT 84015
PO Box 618
Farmington, UT 84025-0618
(801) 525-5099 – Fax: (801) 451-3583
www.daviscountyutah.gov

Salt Lake County Health Department

2001 South State Street S2400
Salt Lake City, UT 84114-4575
(385) 468-4080 – Fax: (385) 468-4096
www.slcohealth.org

Southeastern Utah District Health Department

28 South 100 East
PO Box 800
Price, UT 84501
(435) 637-3671 – Fax: (435) 637-1933
www.southeastutahhealth.org

Southwest Utah Public Health Department

620 S 400 E STE 400
St. George, UT 84770
(435) 986-2593 – Fax: (435) 628-6425
www.swuhealth.org

Summit County Public Health Department

650 Round Valley Dr.
Park City, UT 84060
(435) 333-1505 – Fax: (435) 333-1580
www.summitcountyhealth.org

Tooele County Health Department

151 North Main Street
Tooele, UT 84074
(435) 277-2483 – Fax: (435) 843-2304
www.tooelehealth.org

TriCounty Health Department

133 S 500 E
Vernal, UT 84078
(435)-247-1177 – Fax: (435)-781-0536
www.tricountyhealth.com

Utah County Health Department

151 University Avenue #2703
Provo, UT 84601-4427
(801) 851-7099 – Fax: (801) 851-7508
www.utahcountyonline.org

Wasatch County Health Department

55 South 500 East
Heber City, UT 84032-1918
(435) 657-3260 – Fax: (435) 654-2705
www.wasatchcountyhd.org

Weber-Morgan Health Department

477 23rd Street
Ogden, UT 84401
(801) 399-7105 – Fax: (801) 399-7185
www.webermorganhealth.org

REFERENCES

//////////

1. U.S. Department of Health and Human Services. The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.
2. Eriksen, M & Chaloupka, F, "The Economic Impact of Clean Indoor Air Laws," *CA: A Cancer Journal For Clinicians* 57:367-378, 2007. <http://caonline.amcancersoc.org/cgi/content/full/57/6/367>.
3. Hall, Jr., J.r., *The U.S. Smoking-Material Fire Problem*, National Fire Protection Association Fire Analysis and Research Division, April 2001.
4. Centers for Disease Control and Prevention. Save Lives, Save Money: Make Your Business Smoke-Free. Atlanta, Georgia: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, June 2006.
5. Halpen, M.T.; Shikiar, R; Rentz, A.M.; Khan, Z.M., Impact of Smoking Status on Workplace Absenteesim and Productivity, *Tobacco Control* 10(3): 233-238, September 2001.
6. Stewart W.F., Ricci J.A., Chee E, Morganstein D. Lost productive work time costs from health conditions in the United States: Results from the American Productivity Audit. *Journal of Occupational and Environmental Medicine* 2003;45(12):1234–1246.
7. Americans for Nonsmokers Rights. Business costs in smoke-filled environments. Available at: <http://no-smoke.org/document.php?id=209>. Accessed July 3, 2012.
8. Utah Department of Health, Behavioral Risk Factor Surveillance System (BRFSS) 2011. Note: Recent changes to the BRFSS survey methodology provide more accurate estimates of the burden of smoking nationwide and in Utah (landline and cell phone (LLCP) inclusion; ranking used for data weighting). The 2011 rate of smoking is not comparable to the rates published in previous years (no cell phone inclusion; post-stratification used for data weighting). For details, see http://health.utah.gov/opa/publications/hsu/1206_BRFSSCell.pdf.
9. International Agency for Research on Cancer: Tobacco Smoke and Involuntary Smoking: Summary of Data Reported and Evaluation. Volume 83, Chapter 5.4: Human Carcinogenicity data, 2004.
10. International Agency for Research on Cancer: Tobacco Smoke and Involuntary Smoking: Summary of Data Reported and Evaluation. Volume 83, Chapter 5.4: Other relevant data, 2004.
11. U.S. Department of Health and Human Services. The Health Consequences of Smoking: What It Means to You, A Report of the Surgeon General, Atlanta GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Office on Smoking and Health, 2004.
12. Centers for Disease Control and Prevention. Save Lives, Save Money: Make Your Business Smoke-Free. Atlanta, Georgia: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, June 2006.
13. Missouri Department of Health and Senior Services. Smoke and money. Available at: <http://health.mo.gov/living/wellness/tobacco/smokingandtobacco/pdf/EmployersToolkit.pdf> Accessed July 3, 2012.

14. U.S. Department of Health and Human Services. How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010
15. Excerpt from North Dakota is Make it Your Business: A Tobacco-Free Workplace Employer's Tool Kit, 2005.
16. Utah Tobacco Prevention and Control Program, 2012 available at <http://www.tobaccofreeutah.org>
17. Utah Tobacco Prevention and Control Program, 2012 available at <http://www.tobaccofreeutah.org>
18. Sweda Jr., E.L. Lawsuits and Secondhand Smoke, Tobacco Control 2004 13, i61-i68 Downloaded 7-5-2012 from <http://ncbi.nlm.nih.gov/pmc/PMC1931463/>
19. Sellers, Leslie & Samantha K. Graff, Tobacco Control Legal Consortium, Workplace Smoking: Options for Employees and Legal Risks for Employers (2008).
20. Sellers, Leslie & Samantha K. Graff, Tobacco Control Legal Consortium, Workplace Smoking: Options for Employees and Legal Risks for Employers (2008).
21. Rutkow, Lainie & Jon S. Vernick & Stephen P. Teret, Banning Second-hand Smoke in Indoor Public Places Under the Americans with Disabilities Act: A Legal and Public Health Imperative, Connecticut Law Review Volume 40, Number 2; December 2007.
22. Legal Requirements to Protect Nonsmokers, Americans for Nonsmokers' Rights, October 15, 1998. Downloaded from <http://no-smoke.org/document.php> on July 3, 2012.
23. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Office on Smoking and Health; Wellness Councils of America, The American Cancer Society. *Making Your Workplace Smokefree: A Decision Maker's Guide*.
24. Klepeis N, Ott W, Switzer P. Real-Time Measurement of Outdoor Tobacco Smoke Particles. Journal of the Air & Waste Management Association 2007; 57:522-234
25. National Center for Chronic Disease Prevention and Health Promotion. (2010). State Tobacco Activities Tracking and Evaluation (STATE) System. Atlanta, GA: U.S. Department of Health and Human Services. Retrieved July 11, 2012 from <http://apps.nccd.cdc.gov/statesystem/HighlightReport/HighlightReport.aspx?FromHomePage=Y&State Name=Utah&Stateld=UT>.
26. National Business Group on Health. Tobacco: The Business of Quitting. Available at: <http://www.wbgh.org/tobacco/return/index.cfm>. Accessed July 3, 2012.
27. Warner KE. Cost effectiveness of smoking-cessation therapies. Interpretation of the evidence and implications for coverage. Pharmacoeconomics 1997;11(6):538-49.
28. Cummings SR, Rubin SM, Oster G. The cost-effectiveness of counseling smokers to quit. Journal of the American Medical Association 1989;261(1):75-79.
29. Coffield AB, Maciosek MV, McGinnis JM, et al.. Priorities among recommended clinical preventive services. American Journal of Preventive Medicine 2001;21(1):1-9.
30. Treating Tobacco Use and Dependence. Quick Reference Guide for Clinicians. April 2009. U.S. Public Health Service. Agency for Healthcare Research and Quality. <http://www.ahrq.gov/clinic/tobacco/tobaqrg.htm>



UTAH DEPARTMENT OF
HEALTH