

# COMMERCIAL TOBACCO-FREE & SMOKE-FREE WORKSITE POLICY

## A Minnesota Model



### I. Purpose

[ Name of company, hospital, clinic, government worksite, or other entity ] is committed to the health, well-being, and safety of our employees and [ clients, patients, patrons, and/or visitors ]. The health hazards of smoking and commercial tobacco<sup>2</sup> use are well known.

Commercial tobacco use is the number one cause of preventable death in Minnesota and continues to be an urgent public health issue, as evidenced by the following: an estimated 6,300 people who live in Minnesota die from smoking annually; each year, smoking costs Minnesota an estimated \$2.92 billion in medical expenses, including \$605.4 million in Medicaid costs and \$5.4 billion in productivity losses; and research indicates that approximately 30% of all cancer deaths in Minnesota are attributable to commercial tobacco use.<sup>3</sup>

Evidence continues to build that exposure to electronic smoking device aerosol, including secondhand exposure to it, has immediate impacts on the human respiratory and cardiovascular systems, creating risks to human health.<sup>4</sup>

Secondhand cannabis smoke has been identified as a health hazard and cannabis smoke contains at least 33 known carcinogens.<sup>5</sup>

Commercial tobacco products are extremely addictive. Marketing analysis, public health research, and commercial tobacco industry documents reveal that tobacco companies have targeted youth and adults with marketing of their addictive products, making it a difficult addiction to end. The use of these addictive products has been shown to reduce workplace productivity and cause serious health problems, which subsequently place a financial burden on employers and governments.<sup>6</sup> This policy is meant to prevent smoking and the use of

commercial tobacco products on [ Name of company, hospital, clinic, government worksite, or other entity ] property and to show support to employees and [ clients, patients ] by providing nicotine dependence treatment support and resources.

[ **Additional purpose statement paragraph for a hospital, clinic, or behavioral health facility policy** ]: People living with mental health disorders experience significant health disparities from commercial tobacco use.<sup>7</sup> About 23 percent of adults with any mental illness reported current use of tobacco in 2020 compared to 14.5 percent of adults with no mental illness.<sup>8</sup> Nicotine has mood-altering effects that can temporarily mask negative symptoms of mental illness, placing people with mental illness at higher risk for nicotine addiction.<sup>9</sup> Tobacco smoke can interact with and inhibit the effectiveness of medications taken by mental health and substance use patients.<sup>10</sup> Mental health symptoms and overall well-being can be improved by quitting the use of commercial tobacco, including electronic cigarettes.<sup>11</sup>

A commercial tobacco-free and smoke-free policy that prohibits all forms of commercial tobacco use, including synthetic nicotine products and electronic delivery devices, on all [ Company, hospital, clinic, government worksite, or other entity ] property supports nicotine dependence treatment, reinforces commercial tobacco-free norms, and eliminates exposure to secondhand smoke from combustible commercial tobacco products and aerosol from electronic delivery devices. Assisting our employees and [ clients, patients, patrons, visitors ] to live lives free of commercial tobacco use and exposure is consistent with our goal to support the health and safety of the communities we serve. Prohibiting smoking and the use of all commercial tobacco products, including synthetic nicotine products and electronic delivery devices, promotes a healthy environment and portrays [ Name of company, hospital, clinic, government worksite, or other entity ] as a health promotion leader in the community.

## II. Definitions

- (A) **“All times”** means twenty-four (24) hours per day, seven (7) days per week.
- (B) **“Commercial tobacco product”** means any product containing, made, or derived from tobacco or nicotine, whether natural or synthetic, that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including, but not limited to, cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; nicotine pouches; and other kinds and forms of tobacco. Tobacco product does not include any nicotine treatment product that has

been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.

- (C) **“Commercial Tobacco Product Use”** means the act of smoking commercial tobacco or the use of any commercial tobacco product.
- (D) **“Electronic delivery device”** means any product that contains or delivers nicotine, lobelia, cannabis, or any other substance intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic delivery device includes, but is not limited to, devices manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, heated cigarettes, mods, tank systems, vape pens, or under any other product name or descriptor.
- (E) **“Employee”** means any person employed directly, full-time or part-time, by [ Name of company, hospital, clinic, government worksite, or other entity ], [ any member of the Board of Directors ] any independent contractor, consultant, intern, or volunteer, or any other person holding themselves out as a representative or staff of [ Name of company, hospital, clinic, government worksite, or other entity ].
- (F) [ Additional definition for a medical, behavioral, therapeutic, career or other counseling worksite ]: **“Person receiving services”** means an individual who is currently receiving any services at [ Name of hospital, clinic, Center ], including, but not limited to, medical, behavioral, therapeutic, or career counseling services.]
- (G) **“Property”** means all facilities, grounds, vehicles, and other property owned, leased, rented, contracted, used, maintained, or otherwise controlled by [ Name of company, hospital, clinic, government worksite, or other entity ]. Property does not include any property-adjacent sidewalks, streets, or byways on which [ Name of company, hospital, clinic, government worksite, or other entity ] does not have the authority to regulate activity.
- (H) **“Smoking”** means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, cannabis, or other substance, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device. Smoking does not include the use of traditional, or sacred, tobacco used by many American Indian, Alaska Native, and Indigenous communities for spiritual and medicinal purposes.

- (I) **“Visitor”** means any person on the property of [ Name of company, hospital, clinic, government worksite, or other entity ] who is not receiving services or who is not an employee during such time as the person is on the property.
- (J) **“Working hours”** means hours of paid work time, including paid work time on-site and off-site at conferences, meetings, and events where an employee is traveling on behalf of, or acting as a representative of [ Name of company, hospital, clinic, government worksite, or other entity ].

### III. Prohibitions

- (A) **Smoking and other commercial tobacco use prohibited.** Smoking and other commercial tobacco use by employees and [ clients, patients, patrons, and/or visitors ] is prohibited at all times in or on all [ Name of company, hospital, clinic, government worksite, or other entity ] property, including all vehicles owned, leased, or rented by [ Name of company, hospital, clinic, government worksite, or other entity ], regardless of location. No designated smoking-permitted or other commercial tobacco use-permitted areas are allowed anywhere on the property. This policy applies to all private vehicles parked on [ Name of company, hospital, clinic, government worksite, or other entity ] property, regardless of the owner of the vehicle.
- (B) **Use during working hours prohibited.** Employees are prohibited from smoking and other commercial tobacco product use during working hours.
- (C) **Industry sponsorship prohibited.** Employees are prohibited from accepting donations, gifts, money, materials, curricula, research funds, or other contributions from the commercial tobacco industry (including manufacturers, distributors, wholesalers, and retailers of tobacco products) or industry subsidiaries, affiliates, or parent companies. To further ensure that its business practices reflect its commitment, [ Name of company, hospital, clinic, government worksite, or other entity ] will not accept donations, gifts, money, materials, curricula, research funds, or other contributions from the commercial tobacco industry (including manufacturers, distributors, wholesalers, and retailers of tobacco products) or industry subsidiaries, affiliates, or parent companies. [ Name of company, hospital, clinic, government worksite, or other entity ] will not participate in any functions funded in whole or in part by the tobacco industry, and will remain free of any commercial tobacco product advertisements, including advertisements in [ Name of company, hospital, clinic, government worksite, or other entity ] publications or materials purchased for use in waiting rooms or any other public areas.

- (D) **Distribution or sale prohibited.** The distribution or sale of any commercial tobacco product by any employee, visitor, or any other person on the property, is prohibited at all times.

#### IV. Scope

- (A) This policy applies to all [ Name of company, hospital, clinic, government worksite, or other entity ] property as of [effective date], and to all employees and [ clients, patients, patrons, persons receiving services, visitors, and all other persons ] on [ Name of company, hospital, clinic, government worksite, or other entity ] property, and to all employees during working hours, on or off-site. Organizers and attendees of public or private events sponsored by or on property of [ Name of company, hospital, clinic, government worksite, or other entity ] are required to abide by this policy, and event organizers are responsible for communicating and enforcing this policy.
- (B) While [ Name of company, hospital, clinic, government worksite, or other entity ] acknowledges that it may not have jurisdiction over adjoining streets, sidewalks, byways, parking lots, or other common areas, all persons associated with [ Name of company, hospital, clinic, government worksite, or other entity ] are strongly encouraged to comply with the spirit of the policy in those settings. It is the expectation of [ Name of company, hospital, clinic, government worksite, or other entity ] that employees and [ patrons, clients, patients, persons receiving services, visitors, and all other persons ] will avoid smoking or commercial tobacco product use while on neighboring properties and will avoid discarding commercial tobacco product litter on neighboring properties in a way that reflects negatively on [ Name of company, hospital, clinic, government worksite, or other entity ].

#### V. Exceptions

- (A) This policy does not prohibit the use of traditional, or sacred, tobacco used by many American Indian, Alaska Native, and Indigenous communities for spiritual and medicinal purposes.
- (B) This policy does not prohibit the traditional practice of smudging.
- (C) It is also not a violation of this policy to use a product that is authorized by the United States Food and Drug Administration for sale as a drug, device, or combination product, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, for use as a nicotine treatment product, or for other medical purposes, and is being marketed and sold solely

for such an approved purpose. This exception includes products like nicotine patches and gum. This exception does not include the use of electronic delivery devices, nicotine pouches, or synthetic nicotine products, which are not approved nicotine dependence treatment methods and the use of which are prohibited at all times under this policy.

## VI. Support

[ Name of company, hospital, clinic, government worksite, or other entity ] supports and encourages all nicotine addiction recovery (e.g., tobacco cessation) efforts by our employees [and persons receiving services]. Employees interested in reducing or quitting smoking and commercial tobacco use may contact the [ Name of company, hospital, clinic, government worksite, or other entity (e.g., Employee Assistance Program, Human Resources Department) ] for assistance.

### Nicotine Dependence Treatment Resources:

In supplying information and resources on nicotine dependence treatment during the enforcement process, employers should rely on evidence-based cessation programs, such as Quit Partner™ and My Life, My Quit™ from the Minnesota Department of Health. Quit Partner provides free phone coaching, as well as text and email support for any person in Minnesota looking to quit nicotine. My Life, My Quit provides free and confidential support to quit vaping or smoking for teens ages 13–17. More information about both cessation programs may be found at [www.QuitPartnerMN.org](http://www.QuitPartnerMN.org)

## VII. Policy Dissemination

Employees of [ Name of company, hospital, clinic, government worksite, or other entity ] will be notified of this policy through [ e.g., orientation sessions, workplace signage, the employee handbook, and any other means available ]. Visitors [ and persons receiving services ] will be notified of this policy prior to or at the time of arrival, whenever possible, and through signage posted at strategic property locations, including at all public and employee entrances to facilities.

## VIII. Compliance and Enforcement

The success of this policy depends on the consideration and cooperation of persons who engage in smoking or commercial tobacco use and those who do not. Enforcement is a shared responsibility of all employees. Any individual acting in violation of this policy will be reminded of the policy and asked to comply. As with other established employee policies, an employee found to have violated this policy may be subject to progressive disciplinary action. [ Name of company, hospital, clinic, government worksite, or other entity ] shall prioritize and incorporate nicotine dependence treatment support and assistance into all responses to policy violations by employees. A visitor who violates this policy will be informed or reminded of the policy and may be asked to leave the property if the visitor fails to comply. All employees are authorized and encouraged to communicate this policy to other persons, always doing so with courtesy and diplomacy.

[ For medical/clinical/counseling settings, include the following statement ] A person receiving services from [ Name of company, hospital, clinic, government worksite, or other entity ] who does not comply with this policy will be reminded of the policy, offered support, and redirected to an assigned employee, if applicable, for follow-up action.

Any questions regarding this policy should be addressed to [ Name/title of appropriate contact for company, hospital, clinic, government worksite, or other entity ].

## IX. Effective Date

This policy is effective [ insert date ].

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



## Endnotes

- <sup>1</sup> This Model Policy for Commercial Tobacco-Free and Smoke-Free Worksites is intended to provide sample language that can be tailored by Minnesota companies, hospitals, clinics, government worksites, and other entities when they are developing a policy. It is *not intended* to serve as a model for developing a local government's smoke-free/commercial tobacco free ordinance or a K-12 school's smoke-free/commercial tobacco-free policy. For more information, see the Center's Minnesota model smoke-free and commercial tobacco free [policy for local community ordinances](#) and the Center's Minnesota model [policy for K-12 school settings](#). For technical assistance on local government clean air ordinances or K-12 school settings, please contact the Center.
- <sup>2</sup> The Public Health Law Center recognizes that traditional and commercial tobacco are different in the ways they are planted, grown, harvested, and used. Traditional tobacco is and has been used in sacred ways by Indigenous communities and tribes for centuries. In comparison, commercial tobacco is manufactured with chemical additives for recreational use and profit, resulting in disease and death. For more information, visit <http://www.KeepItSacred.itcml.org>. When the word "tobacco" is used throughout this document, a commercial context is implied and intended unless specified as sacred traditional tobacco.
- <sup>3</sup> Minn. Dep't Health, *Commercial Tobacco Prevention and Control Initiatives* (Jun. 27, 2022), <https://www.health.state.mn.us/communities/tobacco/initiatives/index.html>; Minn. Dep't Health, *Commercial Tobacco Prevention and Control* (Jan. 6, 2023), <https://www.health.state.mn.us/communities/tobacco/index.html>; Campaign for Tobacco Free Kids, *The Toll of Tobacco in Minnesota* (Oct. 6, 2023), <https://www.tobaccofreekids.org/problem/toll-us/Minnesota>; Minn. Dep't of Health, *Cancer In Minnesota*, <https://data.web.health.state.mn.us/web/mndata/cancer>.
- <sup>4</sup> NAT'L ACADS. ACI ENG'G & MED., PUBLIC HEALTH CONSEQUENCES OF E-CIGARETTES (Kathleen Stratton et al., eds., 2018); U.S. DEP'T OF HEALTH AND HUM. SERVS., *E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General* (2016), [https://www.cdc.gov/tobacco/sgr/e-cigarettes/pdfs/2016\\_sgr\\_entire\\_report\\_508.pdf](https://www.cdc.gov/tobacco/sgr/e-cigarettes/pdfs/2016_sgr_entire_report_508.pdf); Dazhe James Cao et al., *Review of Health Consequences of Electronic Cigarettes and the Outbreak of Electronic Cigarette, or Vaping, Product Use-Associated Lung Injury*, 16 J. MED. TOXICOLOGY 295 (2020); Michelle R. Staudt et al., *Altered Lung Biology of Healthy Never Smokers Following Acute Inhalation of E-Cigarettes*, 19 RESPIRATORY RES. 78 (2018); Anna Tzortzi et al., *Passive Exposure to E-cigarette Emissions: Immediate Respiratory Effects*, 4 TOBACCO PREVENTION & CESSATION 18 (2018); Peter G. Shields et al., *A Review of Pulmonary Toxicity of Electronic Cigarettes in the Context of Smoking: A Focus on Inflammation*, 26 CANCER EPIDEMIOLOGY & BIOMARKERS PREVENTION 1175 (2017); Wouter F. Visser et al., *The Health Risks of Electronic Cigarette Use to Bystanders*, 16 INT'L J. ENV'T. RES. & PUB. HEALTH 1525 (2019); Jennifer E. Bayly et al., *Secondhand Exposure to Aerosols from Electronic Nicotine Delivery Systems and Asthma Exacerbations Among Youth with Asthma*, 155 J. CHEST 88 (2019); Anna Tzortzi et al., *Passive Exposure of Non-Smokers to E-Cigarette Aerosols: Sensory Irritation, Timing and Association with Volatile Organic Compounds*, 182 ENVTL. RES. 108963 (2020).
- <sup>5</sup> OFF. ENVTL. HEALTH HAZARD ASSESSMENT, & CAL. ENVTL. PROT. AGENCY, *Evidence on the Carcinogenicity of Cannabis Smoke* (2009), <https://oehha.ca.gov/media/downloads/proposition-65/chemicals/finalmjsmokehid.pdf>.
- <sup>6</sup> Christine L. Baker et al., *Benefits of Quitting Smoking on Work Productivity and Activity Impairment in the United States, the European Union and China*, 71 INT'L J. CLINICAL PRACTICE e12900 (2017); James L. Repace et al., *Air Quality, Mortality, and Economic Benefits of a Smoke-Free Workplace Law for Non-Smoking Ontario Bar Workers*, 23 INDOOR AIR 93 (2013); William B. Bunn III et al., *Effect of Smoking Status on Productivity Loss*, 48 J. OCCUPATIONAL & ENVTL. MED. 1099 (2006).
- <sup>7</sup> CTRS. DISEASE CONTROL & PREVENTION, *People with Behavioral Health Conditions Experience a Health Burden from Commercial Tobacco* (May 15, 2024), <https://www.cdc.gov/tobacco-health-equity/collection/behavioral-health-health-burden.html>.
- <sup>8</sup> SUBSTANCE ABUSE & MENTAL HEALTH SERVICES ADMIN, *Key Substance Use and Mental Health Indicators in the United States: Results from the 2020 National Survey on Drug Use and Health* (2021), <https://www.samhsa.gov/data/sites/default/files/reports/rpt35325/NSDUHFFR1PDFWHTMLFiles2020/2020NSDUHFFR1PDFW102121.pdf>.
- <sup>9</sup> CTRS. DISEASE CONTROL & PREVENTION, *Vital Signs: Current Cigarette Smoking Among Adults Aged ≥18 Years With Mental Illness—United States, 2009–2011*, 62 MORB MORTAL WKLY REP. 81 (2013).
- <sup>10</sup> James B. & Kirsten Flynn, *Smoking and Schizophrenia*, 8 SCHIZOPHRENIA RES. 93 (1992).



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- <sup>11</sup> The 2020 Surgeon General’s report on smoking cessation cites a meta-analysis showing the association between smoking cessation and improvements in anxiety, depression, and stress, as well as improvements in mood and quality of life (data starts on page 539). U.S. DEP’T OF HEALTH AND HUM. SERVS., *Smoking Cessation: A Report of the Surgeon General* (2020), <https://www.hhs.gov/sites/default/files/2020-cessation-sgr-full-report.pdf>. Additional sources are cited here CTRS. DISEASE CONTROL & PREVENTION, *Commercial Tobacco Product Use and Behavioral Health Conditions Can Affect Each Other* (2024), <https://www.cdc.gov/tobacco-health-equity/collection/behavioral-health-interactions.html>. There is emerging evidence showing improvements in mental health symptoms among those who quit vaping. See Truth Initiative, *Colliding Crises: Youth Mental Health and Nicotine Use* (2021), <https://truthinitiative.org/research-resources/emerging-tobacco-products/colliding-crises-youth-mental-health-and-nicotine-use>.