

Title: Regulatory Policy Smoking and Tobacco Use Policy	Policy No. Part 3, Regulations Chapter 2, Air Quality Section 1
	Effective Date February 3, 2020
Policy Custodian County Manager	Adoption/Revision Date November 5, 2019

Adopting Resolution(s): CC19-364

References (Statutes/Resos/Policies): §25-14-101–209, C.R.S.; CC87-984, CC90-57, CC90-937, CC06-471, CC14-057

Purpose: Smoking of a lighted cigarette, cigar, or pipe or use of an electronic smoking device inside County buildings is prohibited by State law, §25-14-101 –209, C.R.S. This policy creates additional prohibitions pursuant to the provisions of §25-14-206, C.R.S. that will apply to smoking of lighted cigarettes, cigars, or pipes, use of any electronic smoking device, and use of any Tobacco Product on County Property or in any County vehicle. Jefferson County is committed to promoting healthy and safe environments for employees and visitors by promoting a Tobacco-free environment that limits Smoking and Tobacco Product use on County Property.

Policy: Smoking and Tobacco Policy

A. Definitions

1. "County Property" means any Jefferson County-owned, leased, or operated building, lot, grounds, parcel of land, or portion of land whether improved or unimproved, including parking strips, but not including County Right-of-Way.
2. "County Right-of-Way" shall mean public highways as defined under C.R.S. §43-2-201.
3. "Designated Tobacco Use Area (DTUA)" means an outdoor area on County Property that the County Manager or designee has clearly marked for Smoking and using Tobacco Products.
4. "Electronic Smoking Device (ESD)" means any device that when activated emits a vapor, aerosol, fume or smoke, can be used to deliver nicotine or any other substance to the person inhaling from the device, including, but not limited to e-cigarettes, e-cigars, e-pipes, vape pens, e-hookahs, inhalant delivery systems or any other similar product by any other name or descriptor. ESD includes any refill, cartridge or component part of a product, whether or not marketed or sold separately. ESD does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco cessation product or for other medically approved or certified purposes.
5. "Nicotine Replacement Product" means any FDA-approved nicotine replacement therapy products (e.g., gum, patches, lozenges, inhalers).

6. "Smoking" means the act of burning, heating, activating or carrying of any device, including, but not limited to a cigarette, cigar, pipe, hookah, or electronic smoking device, electronic cigarette, vape pen, e-hookah or similar device, by any other product name or descriptor, that results in the release of smoke, vapors or aerosols when the apparent or usual purpose of the burning, heating or activation of the device is human inhalation.
7. "*Tobacco Product*" means any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and
  - (1) any Electronic Smoking Device
  - (2) Notwithstanding any provision of subsections (1) and (2) to the contrary, "Tobacco Product" includes any component, part, or accessory of a Tobacco Product, whether or not sold separately
  - (3) Does not refer to marijuana as defined in C.R.S. 12-43.3-101 et. seq.

B. Applicability

This Policy shall apply to all persons on County Property, including but not limited to Elected and Appointed Officials, employees, volunteers, contractors/subcontractors, interns, clients and visitors.

C. Requirements and Prohibitions

1. Smoking and using Tobacco Products is prohibited on County Property, except in Designated Tobacco Use Areas (DTUAs) and within enclosed private vehicles not owned or controlled by Jefferson County.
2. Employees, contractors/subcontractors, interns and volunteers conducting County business who work outdoors while not on County Property as defined in this policy shall not Smoke or use Tobacco Products within 25 feet of a non-smoker, while on duty, or in an area that is not on an asphalt or concrete surface which extends at least 10 feet in all directions.
3. Smoking and the use of Tobacco Products is prohibited at all times within all vehicles and equipment owned, leased or operated by Jefferson County.
4. For the purposes of cessation, FDA-approved Nicotine Replacement Product use including patches, gum or lozenges is permitted under this policy.

D. The County Manager or his/her designee may identify outdoor Designated Tobacco Use Areas (DTUAs) on properties owned, leased, or operated by Jefferson County. DTUAs must be more than 25 feet from any entry/exit or building vent, be open for adequate ventilation, be clearly marked, and include an approved cannister/ashtray. DTUAs should, when possible, be more than 25 feet from major roads or sidewalks frequented by employees or visitors to reduce exposure to secondhand smoke/vapor. Each building may have no more than one DTUA.

## E. Non-Compliance

1. Individuals found to be non-compliant with the provisions of this policy may be subject to disciplinary measures as follows:
  - a. Employees: Non-compliance will be referred to the employees' supervisor and/or Human Resources Department pursuant to the Jefferson County Personnel Rules.
  - b. Agents, Contractors/subcontractors, Interns and Volunteers: Non-compliance will be referred to the project manager responsible for monitoring performance of the applicable contract for corrective action(s) as deemed appropriate.
  - c. Visitors: After being notified of the policy, continued non-compliance may result in being asked to leave County Property.

## F. Support

1. Jefferson County supports and encourages employees' efforts to overcome nicotine dependence. Jefferson County will offer employees who want to quit using tobacco access to recommended cessation programs and materials selected by the county.