
State of Ohio Administrative Policy

Prohibitions on Tobacco and Electronic Nicotine Delivery Systems in the Workplace

No:

Human Resources
HR-48

Effective:

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Issued By:



Matt Damschroder, Director

1.0 Purpose

The purpose of this policy is to provide guidance to all State of Ohio employees, contractors, and visitors about the prohibition on the use of **tobacco products** and **electronic nicotine delivery systems (ENDS)** in or on all state owned, operated, or leased property, including vehicles.

A glossary of terms found in this policy is located in Appendix A - Definitions. The first occurrence of a defined term is in **bold italics**. To go directly to a term's definition, click on the bold and italicized term. To return to the body of the policy, click on the defined term.

2.0 Policy

It is the policy of the State of Ohio to promote good health and to protect the general well-being of all State of Ohio employees, contractors, and the visiting public by providing a tobacco and nicotine-free environment. The prohibitions contained in this policy apply to all State of Ohio employees, contractors, and visitors.

2.1 **Prohibition on the use of tobacco and ENDS products:** **Smoking**, or the use of any other tobacco and/or ENDS products in or on all state owned, operated, or leased property, including vehicles, is prohibited, except for designated outdoor smoking areas. The sale and/or purchase of any tobacco or ENDS product while on state owned, operated, or leased property, including vehicles is also prohibited.

2.2 **Smoking cessation:** Use of a **smoking cessation product** for purposes of cessation and not otherwise inconsistent with this policy, is permitted in state owned, operated, or leased property, including vehicles. Only use of smoking cessation products that are

approved as smoking cessation products by the U.S. Food and Drug Administration (FDA) are permitted.

- ENDS products, such as **electronic cigarettes (e-cigarettes)** or **vaporizers (including vape pens)**, are not FDA approved smoking cessation products. Accordingly, use of any ENDS product on or in state owned, operated, or leased property, including vehicles, is prohibited, except for designated outdoor smoking areas.

2.3 **Agency policies:** Agencies may create an agency-specific policy regarding the use of tobacco products. However, the agency policy may not be less restrictive than this state-wide policy.

3.0 Authority

ORC 124.09, 3794.02; OAC 3701-52-01.

4.0 Revision History

Date	Description of Change
02/21/2020	Original Policy

5.0 Inquiries

Direct inquiries about this policy to:

Labor Relations and Human Resources Policy Section
 Office of Collective Bargaining
 Ohio Department of Administrative Services
 1602 West Broad Street
 Columbus, Ohio 43223

614.752.5393 | DASHRD.HRPolicy@das.ohio.gov

Appendix A – Definitions

- Electronic cigarette (“e-cigarette”). A battery-operated device that is designed to vaporize nicotine, flavoring, and/or other chemicals that are inhaled by the user.
- Electronic Nicotine Delivery Systems (ENDS). A noncombustible tobacco product that may contain nicotine, which uses a heated liquid to create an aerosol that is inhaled by the user. This may include, but is not limited to, vapes, vaporizers, vape pens, hookah pens, electronic cigarettes, and e-pipes.



- c. Smoking. As defined in Chapter 3794 of the Revised Code, means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant.
- d. Smoking cessation products. Products that are currently approved by the FDA to help individuals quit smoking and/or to quit using other tobacco products. Currently, use of electronic cigarettes is not approved by the FDA for cessation or for any other purpose.
- e. Tobacco product. Any item containing or derived from tobacco, including but not limited to:
 - Cigarettes (including, cloves, bidis, kreteks)
 - Cigars/Cigarillos
 - Tobacco Pipes
 - Oral Tobacco
 - Nasal Tobacco
 - Any other form of smokeless tobacco
 - Any product intended to mimic tobacco products, containing tobacco flavoring, or otherwise delivering nicotine other than for cessation purposes.
- f. Vaporizer (including a Vape Pen). A battery-operated device consisting of a cartridge with a heating element which produces a vapor from a liquid which may contain nicotine, allowing the user to inhale the aerosol vapor.

Appendix B – Resources

Resource Name
Ohio Revised Code Chapter 3794: <i>Smoke free Workplace Act</i>
For FDA Approved Smoking Cessation Products https://www.fda.gov/home
<i>Take Charge! Live Well! Program - Tobacco Cessation</i> https://tclw.das.ohio.gov/Tobacco-Cessation
Ohio Tobacco Quit Line at 1-800-784-8669