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## State of Ohio Administrative Policy

No:  
State Human Resources Division  
HR-48

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Effective:  
July 12, 2021

### Prohibitions on Tobacco and Electronic Nicotine Delivery Systems in the Workplace

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Issued By:

Kathleen C. Madden, Director

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#### 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.
07/12/2021	Reissue policy for Housekeeping.

### 5.0 Inquiries

Direct inquiries about this policy to:

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

614.752.5393 | [DASHRD.HRPolicy@das.ohio.gov](mailto:DASHRD.HRPolicy@das.ohio.gov)

State of Ohio Administrative Policies may be found online at  
[www.das.ohio.gov/forStateAgencies/Policies.aspx](http://www.das.ohio.gov/forStateAgencies/Policies.aspx)

## 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 <a href="https://www.fda.gov/home">https://www.fda.gov/home</a>
<i>Take Charge! Live Well! Program - Tobacco Cessation</i> <a href="https://tclw.das.ohio.gov/Tobacco-Cessation">https://tclw.das.ohio.gov/Tobacco-Cessation</a>
Ohio Tobacco Quit Line at 1-800-784-8669