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**Workplace Tobacco-Free Model Policy**

## Purpose

[Organization name] has an obligation to its employees and the public to take action known to protect people’s health. This policy has been established to protect and promote the health and well-being of employees and visitors. Tobacco use is the single largest cause of preventable, premature death in the U.S. The use of tobacco products by employees or visitors compromises the mission of [organization name] providing a safe and healthy place to conduct business.

## Definitions

1. Smoke or Smoking: inhaling, exhaling, burning, operating, or carrying any Tobacco Product (lighted or heated) containing, made, or derived from nicotine, tobacco, or other plant, whether natural or synthetic, that is intended for inhalation. Smoke or Smoking also includes carrying or using an electronic smoking device.
2. Tobacco Product: any product made or derived from tobacco or that contains 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; electronic smoking devices; cigars; little cigars; snuff; snus; bidis; dip; chewing tobacco; and other kinds and forms of tobacco. Tobacco Products also include vapor products. Tobacco Products does not include traditional tobacco.
3. Electronic Smoking Device: any device containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic smoking devices include, but are not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. Electronic smoking devices include any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, or pods.
4. Nicotine Analog Product: Any chemically engineered product designed for human use that contains compounds structurally similar to nicotine, including its derivatives or metabolites.
5. Traditional tobacco (Ċanśaśa): The cuttings or shavings of plants in their natural form, including but not limited to red willow bark, sage, and sweet grass. Traditional tobacco has no additives and is used for medicinal purposes, ceremony, prayer, and social gatherings.
6. [Facility] Property: includes all facilities and property, including land, whether owned, rented, or leased by [facility name], and all vehicles owned, leased, or rented.
7. 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 themself out as a representative or staff of [ Name of company, hospital, clinic, government worksite, or other entity ]
8. “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.

***\*Definitions found in this policy closely resemble the*** [*South Dakota State Law*](https://sdlegislature.gov/Statutes/34-46)***.***

## Policy

All areas of the workplace and property are now tobacco-free. This pertains to any tobacco product including the use of smokeless or spit tobacco and applies to both employees and non-employee visitors of our organization.

1. Use of tobacco products will not be allowed within the facilities of [organization name] at any time.
2. The decision to not provide designated smoking areas outside the building will be at the discretion of management or another decision-making body.
3. Use of tobacco products is not permitted within the facilities or on the property of [organization name] at any time.
4. Use of tobacco products is not permitted in any company vehicle or in personal vehicles when transporting people on [organization name] authorized business.

## Exceptions

1. In respect for the traditional use of tobacco by American Indian people, traditional tobacco use will be the exclusive exception to this policy. A person may possess or provide traditional tobacco, related devices, or lighters to any other person as part of an Indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice. Traditional tobacco use must be approved by [Administrator] prior to use.
2. It shall not be a violation of this policy for an individual to use or possess a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product, tobacco dependence product, or other medical purposes.

## Dissemination

1. Signs stating the policy will be clearly posted on the perimeter of the property, at all entrances, and other prominent places. No ashtrays or other collection receptacles for tobacco trash will be placed on the property.
2. The policy will be communicated during New Employee Orientation.
3. Current employees shall receive notice when the policy goes into effect and prior to the policy’s implementation.
   1. Policy changes to existing employees ought to be provided digitally and communicated through immediate supervisors prior to the policy’s implementation. It is recommended by the South Dakota Department of Health to connect existing employees with proper cessation resources ninety (90) days prior to this policy’s implementation.
   2. The timeline for implementing a smokefree and commercial tobacco-free worksite policy is influenced by the size of the worksite, the number of individuals involved in making decisions related to the policy, the number of employees and locations that will be affected, the anticipated public impact, and various other factors.

## Enforcement

Enforcement of this policy is the shared responsibility of all [organization name and location] personnel.

1. All employees are authorized and encouraged to communicate this policy with courtesy and respect, especially when addressing visitors. If compliance difficulties arise, employees shall notify security.
2. Incidents of smoking and/or tobacco use by employees must be documented for supervisor follow-up and assessed for trends and patterns of noncompliance.
3. Employers shall implement a graduated enforcement policy. An employee found to have violated this policy may be subject to progressive disciplinary action.
4. This policy will be enforced through administrative action by supervisors and managers. In general, supervisors are responsible for ensuring that employees under their direction are aware of the policy and comply with it and for taking appropriate action to correct noncompliance.

## Tobacco Cessation Opportunities

[Company name] encourages all employees who use tobacco to quit.

1. The [insert the company department or worksite wellness program] offers [insert cessation benefits/assistance] for employees who want to quit tobacco.
2. Tobacco cessation information is also available from the South Dakota QuitLine number 1-866-SD-QUITS (1-866-737-8487) or by visiting the website at [**www.SDQuitLine.com.**](http://www.sdquitline.com/)

## Questions

Any questions regarding the tobacco-free policy should be directed to [company department/union representative, including phone number(s) for handling inquiries].

## Effective Date

The policy set forth above is effective [date] for [company name and location] and was last updated [date].