

This Smoke-Free Workplace Policy is rated as BEST

This sample policy template complies with Maine’s Workplace Smoking Act of 1985. (This sample policy template exceeds both the Good and Better policy, by its inclusion of a ban on the use of all tobacco products, including cigarettes, cigars, smokeless tobacco products, electronic smoking devices, and any new tobacco products of any and all types on the entire property under the control of the management of this worksite, including within personal vehicle while on the property)

(Insert workplace name here) is dedicated to providing a healthy and productive work environment. As required by law (*See*, 22 M.R.S. §1580-A), it will be our policy to provide a smoke-free workplace, effective (insert date). This policy applies to all employees, clients, contractors, and visitors. The Workplace Smoking Act of 1985 prohibits smoking within the business facility, including in vehicles used in the course of work, and outdoor or off-site areas where employees, clients and contractors perform services under the control of (Insert workplace name here). All areas of a business facility into which members of the public are invited or allowed are governed by Maine’s Public Smoking Act, which prohibits smoking in all areas of public places, outdoor eating areas as provided in section 1550 and all rest rooms made available to the public (*See*, 22 M.R.S. §1542). Maine’s Public Smoking Act defines smoking to include carrying or having in one’s possession a lighted or heated cigarette, cigar or pipe or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form. Smoking includes the use of an electronic smoking device, whether or not they contain nicotine, including vaping, such as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so called so-called vape pen (*See*, 22 M.R.S. §1541). Maine’s Retail Tobacco Sales Act defines tobacco products to mean any product that is made from or derived from tobacco, including, but not limited to, a cigarette, a cigar, a hookah, pipe tobacco, chewing tobacco, snuff or snus, electronic smoking device, filters, rolling papers, pipes and liquids used in electronic smoking devices, whether or not they contain nicotine (*See*, 22 M.R.S. §1551). This policy bans the use of all tobacco products, including cigarettes, cigars, smokeless tobacco products, electronic smoking devices, and any new tobacco products of any and all types on the entire property under the control of the management of this worksite, including within personal vehicle while on the property, 365 days per year, 24 hours a day.

“There is no risk-free level of secondhand smoke exposure; even brief exposure can be harmful to health.” *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General*. Atlanta: U.S. DHHS CDC Office on Smoking and Health 2017.

Since the use of tobacco products is the single, greatest cause of premature death and disability in the United States and in Maine, this policy exceeds the requirements of Maine Workplace Smoking Act by banning the use of any and all tobacco products whether or not they contain nicotine, at all times and in all locations of (insert workplace name here) business facilities.

This policy will be posted, and copies will be made available to anyone who requests one. The policy will be supervised by the management of (insert workplace name here) in accordance with Maine’s Workplace Smoking Act.

Effective (insert policy adoption date), the use of all tobacco products is banned in:

- All enclosed areas where work is performed, as well as in all rest rooms, all meeting rooms, all lunch rooms and all private offices.

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- All outdoor locations, including in outdoor eating areas, parking lots and within vehicles including personal vehicles whenever such vehicles are parked on company property.
- All off-site locations under the control of the employer, for which employees perform services for the employer.
- All employer-owned and all employer-leased vehicles used by employees at all times.
- All employee-owned vehicles used in the course of work whenever other employees or another person is in the vehicle for work-related reasons at all times.

Tobacco-Free signs will be posted at the entrance to all workplace property, at all building entrances and throughout all buildings that comprise the workplace. In addition, this policy will be included in training manuals and new employee orientation.

This workplace understands that tobacco is a legal product, and further recognizes that as an employer, this workplace may not require that employees or prospective employees refrain from tobacco use when not at work and will not discriminate against employees who use tobacco outside of employment. The management of (insert workplace name here) is dedicated to promoting health and wellness and recognizes that tobacco is an extremely addictive substance. This workplace will provide education on the impact of tobacco use with the purpose of raising awareness of the effects of tobacco use. This workplace will promote the use of all available resources, including the Maine Tobacco HelpLine (1-800-207-1230) to assist those tobacco users who wish to cease their use of such products.

The success of this policy will depend on the courtesy and cooperation of both tobacco users and nonusers. Everyone is responsible for following and helping to enforce the policy. Problems should be brought to the attention of the appropriate supervisor. Violations of this policy will be handled through the established disciplinary procedures.

Company Representative

Date