



COMMERCIAL TOBACCO & BEHAVIORAL HEALTH

Sample Policy for a Tobacco-free Setting



Commercial tobacco use¹ among those with mental health and substance use issues is two to three times higher than that of the general population.²

This high level of nicotine dependency has a disproportionately high health impact on members of the behavioral health community, compromising their treatment, exacerbating and prolonging their addictions, and complicating their mental health and substance abuse recovery.³ As a result, Tribes, states, localities, and a growing number of providers that serve individuals with mental health and substance use issues are committed to identifying the most effective ways to reduce and prevent tobacco use at behavioral health facilities.

One of the most common ways to address tobacco use in a behavioral health setting is to provide clients and staff with a tobacco-free setting. Tobacco-free policies that cover both indoor and outdoor premises, in addition to tobacco dependency treatment and resources, can all help create a campus culture that supports and promotes healthy living and a safe, clean work environment.



The following sample policy is designed as a draft template for behavioral health providers, based on an objective review of best evidence-based practices. The sample policy can be tailored to meet local community and provider needs and the laws of different jurisdictions. For more information on drafting and enforcing commercial tobacco-free and smoke-free policies, and policy options to reduce the harm of tobacco use, please contact the [Public Health Law Center](#).⁴

I. Purpose

[_____] is committed to providing safe and healthy work environments. Commercial tobacco use is a major cause of preventable disease and death. Smoking, tobacco use, and exposure to secondhand smoke have been found to cause heart disease, cancer, asthma, bronchitis, and other respiratory problems. In addition, tobacco use can trigger cravings for other addictive substances, worsen long-term symptoms of anxiety and depression, and complicate recovery from behavioral health conditions.⁵ Electronic cigarettes often closely resemble and purposely mimic the act of smoking. They produce an aerosol of undetermined and potentially harmful substances and typically contain nicotine derived from tobacco, which is a highly addictive substance. Their use in locations where smoking is prohibited creates concern and confusion and makes policy enforcement more difficult.

[_____] believes the use of tobacco products, including electronic cigarettes, on its premises is detrimental to the health and safety of its clients, staff, and visitors. In addition, [_____] believes that staff and visitors serve as role models for clients and embraces its obligation to provide clinical and working environments that are safe, healthy, and free from unwanted smoke and tobacco use.

II. Definitions

- (A) **"Any time"** means 24 hours a day, seven days a week.
- (B) **"Clients"** (or **"Patients"**) means persons receiving health care services.
- (C) **"Electronic cigarette"** means any product that can be used to deliver nicotine, or any other substance through the inhalation of aerosol or vapor from the product. The term includes, but is not limited to, devices manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under any other product name or descriptor.
- (D) **"Premises"** means all buildings (including those owned, leased, rented, or maintained by [_____]), all grounds, parking lots and ramps (including inside privately-owned

vehicles parked on or in [_____] property), plazas and contiguous sidewalks, and all vehicles owned, leased, rented, contracted, used, or controlled by the facility.

- (E) **"Smoking"** means inhaling or exhaling smoke, aerosol, or vapor from any lighted or heated cigar, cigarette, pipe, electronic cigarette, or any other product, whether natural or synthetic, made of tobacco, nicotine, tobacco, marijuana, or another plant, that is intended for inhalation. **"Smoking"** includes being in possession of a lighted or heated cigar, cigarette, pipe, electronic cigarette, or any other tobacco product intended for inhalation, or an electronic cigarette that is turned on or otherwise activated. Smoking does not include the use of traditional, sacred tobacco as part of an Indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.
- (F) **"Staff"** means any person employed by [_____] in a full or part-time capacity, any position contracted for or otherwise employed, with direct or indirect monetary wages or profits paid by [_____], or any person working on a volunteer basis. This term includes, but is not limited to personnel, contractors, consultants, volunteers, interns, and vendors.
- (G) **"Tobacco product"** means:
- (1) Any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;
 - (2) Any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or
 - (3) Any component, part, or accessory of (1) or (2), whether or not any of these contains tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, mouthpieces, and pipes, that are intentionally designed or intended to be used in a manner that enables the chewing, sniffing, smoking, or inhalation of tobacco products.

The term **"tobacco"** refers to commercial as opposed to traditional tobacco, which is grown, harvested, and used by American Indians and Alaskan Natives for ceremonial or medicinal purposes. **"Tobacco product"** also does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

(H) **“Visitor”** means any person subject to this policy that is not a client or staff member.

III. General statement of policy

- (A) No client, staff, or visitor shall smoke, possess, use, consume, display, promote, furnish, or sell any tobacco products, or electronic delivery devices at any time on [_____] premises. “Promotion” includes product advertising via branded gear, bags, clothing, any personal articles, signs, structures, flyers, or any other materials.
- (B) Tobacco use prevention and cessation will be incorporated into [_____]’s treatment program.
- (C) It is not a violation of this policy to use tobacco as part of a Native American spiritual or cultural ceremony. Approval from staff must be requested and received prior to the ceremony.

IV. Cessation assistance

- (A) Evidence-based tobacco treatment will be integrated into routine clinical practice.
- (B) Staff will be provided tobacco cessation resources and referrals.
- (C) It is not a violation of this policy to use any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.

V. Enforcement

- (A) The success of this policy will depend upon the consideration and cooperation of tobacco users and non-users. Enforcement is a shared responsibility of all clients, staff, and visitors.
 - (1) Clients
 - (i) Clients who violate the policy will be provided information on cessation.
 - (ii) Clients will be asked to adhere to this policy and not use tobacco products or related devices on [_____] premises.

(2) Staff

- (i) Staff who violate this policy will be offered a referral to cessation services.
- (ii) Staff with repeated violations may be subject to disciplinary action.

(3) Visitors

- (i) Visitors who violate this policy will be asked to comply.
- (ii) Individuals who fail to comply upon request may be asked to leave the premises.
- (iii) Repeated violations may result in the individual being prohibited from the premises for a specified period of time.

- (B) Whenever [_____] does not have jurisdiction over adjoining streets, sidewalks, parking lots, or other common areas, staff, clients, and visitors are strongly encouraged to comply with the spirit of the policy. It is the expectation that staff, clients, and visitors will not loiter near neighboring properties or discard litter in a way that reflects negatively on [_____].

VI. Dissemination of policy

- (A) Signage indicating [_____] is a tobacco-free environment will be posted throughout the premises at building entrances and other appropriate locations.
- (B) Clients and guardians will be notified of this policy at time of admission.
- (C) The tobacco-free policy will be included in organizational guidelines and staff and client handbooks and related materials.

VII. Program evaluation

The tobacco-free policy will be assessed at regular intervals to determine whether policies, policy enforcement, communication, education, staff training, and cessation and treatment programs are effective and will be updated and revised accordingly.

VIII. Effective date

This policy will take effect on [_____].

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Endnotes

- 1 The Public Health Law Center recognizes that traditional and commercial tobacco are different in the ways they are planted, grown, harvested, and used. Traditional tobacco is and has been used in sacred ways by Indigenous communities and tribes for centuries. Comparatively, commercial tobacco is manufactured with chemical additives for recreational use and profit, resulting in disease and death. For more information, visit <http://www.keepitsacred.itcmi.org>. When the word “tobacco” is used throughout this publication, a commercial context is implied and intended.
- 2 See Public Health Law Center, *Behavioral Health and Tobacco Dependency: Integrating Treatment into Behavioral Health Facilities* (2021), <https://www.publichealthlawcenter.org/sites/default/files/resources/Behavioral-Health-Tobacco-Dependency.pdf>.
- 3 In this publication, “behavioral health” is used to cover “the promotion of mental health, resilience and wellbeing; the treatment of mental and substance use disorders; and the support of those who experience and/or are in recovery from these conditions, along with their families and communities.” Substance Abuse and Mental Health Servs. Admin., Behavioral Health Integration (last accessed Nov. 1, 2021), <https://www.samhsa.gov/sites/default/files/samhsa-behavioral-health-integration.pdf>.
- 4 The most accurate term here would be “commercial tobacco-free and smoke-free policies,” because the policies cover commercial tobacco use, such as chewing tobacco, as well as smoking, which includes vaping and the smoking of marijuana. For the sake of simplicity, this publication is using “tobacco-free” to include “smoke-free” requirements.
- 5 See Public Health Law Center, *Behavioral Health and Tobacco Dependency*, *supra* note 2.