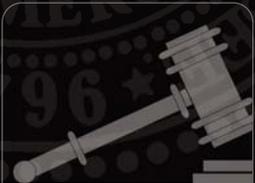


SMOKE-FREE

Tennessee Employer Toolkit





WHY GO SMOKE-FREE?



1. To comply with the Non-Smoker Protection Act

THE TENNESSEE NON-SMOKER PROTECTION ACT (section 39-17-1801) prohibits smoking in public places in order to protect employees and the public from secondhand smoke. Governor Phil Bredesen signed the act into law on June 11, 2007. The law makes it illegal to smoke in most places where people work.

2. It's good for the health of your employees and customers

- The toxins in secondhand smoke can cause heart disease and lung cancer in non-smokers. Breathing secondhand smoke even for a short amount of time could have immediate effects on your blood and blood vessels, increasing heart attack risks.
- Secondhand smoke, also known as environmental tobacco smoke (ETS), is the combination of smoke exhaled by a smoker and smoke from a burning cigarette, cigar or pipe. This combination is dangerous for both the smoker and the non-smoker. Secondhand smoke contains a mixture of more than 4,000 chemicals, more than 60 of which are cancer-causing agents (carcinogens).
- To learn more about the effects of secondhand smoke, download a copy of "Secondhand Smoke: What It Means to you", available at: http://www.cdc.gov/tobacco/data_statistics/sgr/sgr_2006/consumer_summary.htm.

3. It's good for your bottom line

- Going smoke-free reduces maintenance costs. Indoor smoking increases cleaning costs, according to the Building Owners and Managers Association. They also state that secondhand smoke does not belong in buildings.
- Going smoke-free reduces potential legal liabilities. Non-smokers who are hurt by secondhand smoke on the job have won lawsuits and disability claims against their employers.
- Everyone benefits when the air is cleared of secondhand smoke, including smokers. Some of them may quit or cut back on smoking. Employees become healthier and this means they miss less time from work and become more productive. Also health costs may decrease.
- Going smoke-free lowers the chances of fires and accidental injuries. This can greatly reduce your insurance costs. Smoke-free businesses have negotiated for lower fire and property insurance premiums, with some businesses winning reductions of 25 to 30 percent.

Tobacco Use Cost to Employees and Employers

- Smokers incur higher cost related to disability, lost productivity and absenteeism.
- Lost productivity due to smoking in Tennessee totals \$2.74 billion per year.
- Annual smoking attributable productivity loss is 115% higher in men than in women in Tennessee.
- In 2004, smoking attributed health care costs in Tennessee totaled \$2.16 billion per year.
- Smokers have 1-2 more years of disability than non-smokers.
- Male smokers use four more sick days; Women use two more sick days than nonsmokers.
- On average, the total annual cost to an employer for an employee who smokes is \$3,500.00.

**The Tennessee Non-Smoker Protection Act went into effect
Monday, October 1, 2007.**



DO THE MATH

Here is an example of how much smoking can cost an employer:

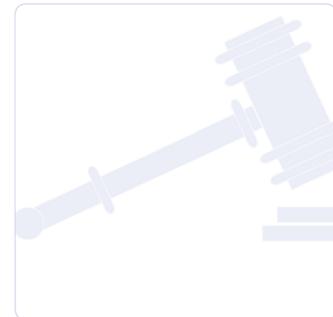
a. <u>600</u>	x	<u>22.6</u>	=	<u>135</u>
* Total # employees'		State adult tobacco prevalence, 2006		Est. # smokers
b. <u>135</u>	x	<u>\$3,500</u>	=	<u>\$472,500</u>
Est. # smokers		Annual cost/smoker		Annual Employer Costs

* Example for a medium size employer (200 – 999 employees).
(Small size employer = 10-199 employees; Large size employer = 1000+ employees)

WHAT IS THE LAW?

The Tennessee Non-Smoker Protection Act prohibits smoking in enclosed public places in the state. Under this new law, smoking is illegal in all enclosed public places within the State of Tennessee with a few exceptions. The smoking ban applies, but is not limited to:

- restaurants
- public and private educational facilities
- health care facilities
- hotels and motels
- retail stores and shopping malls
- sports arenas, including enclosed public areas in outdoor arenas
- restrooms, lobbies, reception areas, hallways and other common-use areas
- lobbies, hallways and other common areas in apartment buildings and other multiple-unit residential facilities
- child care and adult day care facilities



To review the law, go to www.legislature.state.tn.us/bills/currentga/amend/HA0739.pdf.

WHAT IS THE RESPONSIBILITY OF THE EMPLOYER?

Employers and business owners are required by law to do the following:

- Post “No Smoking” signs at every entrance to every public place and place of employment where smoking is prohibited. Sign can be downloaded from: <http://health.state.tn.us/smokefreetennessee/employers.htm#law>.
- Notify and inform all existing and prospective employees that smoking is prohibited.
- Inform patrons and customers who are found smoking on the premises that it is prohibited.

MAKING IT WORK IN YOUR WORKPLACE

1. Develop a plan for implementation.

- **Assign overall responsibility and create a task list to prepare for implementation.** Appoint someone in middle or senior management to coordinate the plan in order to show commitment from the top level of



management. If you have an existing health and safety committee, use this committee in implementation planning.

- **Review the state no-smoking law.** Additional information is available at: <http://health.state.tn.us/smokefreetennessee/employers.htm#law>.
- **Review internal policies and consider answers to the following questions.**

Do your personnel and safety policies already comply with state law or do they need to be revised?

Are there issues to be negotiated with unions at your workplace?

How will the policies be enforced and by whom?

What support will be offered to employees who smoke and want to quit? Train staff on how complaints and violations will be handled.

It is also recommended that all employees are made aware of free resources available through the Tennessee Tobacco QuitLine website, <http://health.state.tn.us/tobaccoquitline.htm>, or by calling, 1-800-QUIT-NOW (1-800-784-8669) or 1-877-559-3816, for the hearing impaired.

Update your policies to comply with the law. Here is an example of a workplace policy at: http://www.law.capital.edu/tobacco/workplace/pdf/TobaccoFree_campuses.pdf.

- Notify everyone in your workplace about the new state law.
 - Post “No smoking” signs in visible locations at all employee and customer entrances, restrooms and break rooms. These signs may be downloaded from <http://health.state.tn.us/smokefreetennessee/> or they can be purchased at local stores.
 - Provide a letter to each employee with a copy of the one-page Fact Sheet about the law.
 - Announce the new law at regular meetings.
 - Include articles in the company’s newsletter and on the company website, if one is available.
 - Post flyers on bulletin boards and other locations frequented by employees.
 - Distribute payroll enclosures to publicize the new law and cessation resources.
 - Focus on the health aspects and the benefits of going smoke-free.
 - Remove ashtrays from tables, restrooms and other indoor locations. Also remove ash receptacles.
 - Remove any indoor signs that designate smoking sections or smoking is permitted.
 - If you use check holders, consider placing educational material (such as the payroll enclosure) in the check holders.

**The law should apply equally to all employees.
Enforce the law as you would enforce any other policy in your business.**

2. Considerations for Workplaces that Serve Customers

- Educate your employees about how to respond if they see a customer smoking inside your establishment.
- Make sure all employees know what they are responsible to do to achieve and maintain compliance with the law.
- Talk to them about how to approach a customer who is smoking. Advise staff to take reasonable steps toward implementation but to avoid confrontations that may result in physical harm.



- Inform any person smoking in your establishment that smoking is in violation of the state law. Request the customer extinguish his/her tobacco product.
- Request that smokers leave your establishment if they refuse to extinguish their smoking materials.

3. Consider Developing Additional Tobacco-Free Workplace Policy

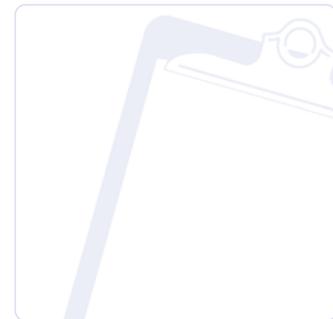
Some employers may decide to adopt policies that further restrict smoking in workplaces. Examples may include creating a “buffer zone” so employees and guests do not smoke near the entrances and exits. The following steps are suggested:

Form a planning committee.

If you have an existing health and safety committee utilize this committee. Involve employees and employee representatives including representation from management, labor, safety and health, medical, and communications. Make an effort to include smokers, nonsmokers, dip-chew tobacco users and ex-smokers on the committee. Describe to the committee what you expect them to do and what kind of authority they have.

Assess the current climate among both tobacco users and non-users.

- Do employees comply with the current policy?
- How many of your employees are smokers?
- How many of your employees are dip/chew tobacco users?
- Are current smokers interested in smoking cessation programs?
- What concerns do smokers have about the new law?
- What concerns do your non-smoking employees have about the new law?



Update or create your policy.

See Attachment A for model Tobacco-Free Workplace Policy and a model Memo to employees.

WHAT ABOUT WORKERS WHO SMOKE?

Adopting a smoke-free policy is not passing judgment on smokers and it doesn't mean workers who smoke are unwelcome. Providing cessation assistance to smokers who try to quit as a result of the policy can increase acceptance of the policy. It is also a good way to ensure that your business gets the most out of the potential health benefits, and cost savings, of the smoke-free policy.

If you are an establishment that provides health insurance or health maintenance organization (HMO) coverage, check to see if the policy covers cessation services (including counseling and medication). If it does not, look into adding coverage for cessation services, this is the most cost-effective benefit you can offer your workers.

Other things you can do to increase smokers' chances of quitting include:

- Promote free cessation programs, for example the Tennessee Tobacco QuitLine, 1-800-QUIT-NOW (1-800-784-8669) and for the hearing-impaired call, 1-877-559-3816.
- Organize free onsite tobacco cessation support groups.
- Distribute a list of local cessation programs, for example, the Tennessee Tobacco Cessation Directory provides an up-to date list of resources across the state at: http://health.state.tn.us/Downloads/TQL_CessationDirectory.pdf.
- Provide free self-help materials, such as Tennessee Tobacco QuitLine fact sheets, which are available at: <http://health.state.tn.us/tobaccoquitline.htm>.



SMOKE-FREE



Tennessee Success Story

Jeff Bedard, CEO of Crown Laborories in Johnson City, Tennessee stated “Since going smoke-free nearly two years ago, insurance costs have reduced, absenteeism has reduced, productivity has gone up and the overall health of our employees has improved.” There are 67 employees at Crown, and 30% of those employees smoked at the time the company went smoke-free. Now, no one who works for the company smokes!

**Do not be afraid to bring up the subject of quitting;
75% of smokers in Tennessee say they want to quit.**

SUPPORTING YOUR EMPLOYEES WHO WANT TO QUIT SMOKING

Smoking is an addiction.

In 1988, U.S. Surgeon General C. Everett Koop declared tobacco use an addiction. When smokers quit, they face a variety of withdrawal symptoms. Smokers trying to quit may need to change their daily rituals and to develop ways to deal with stress. Counseling, support, (individual face-to-face, telephone or groups) and cessation medication can help.

Ways you can support your employees

Cost analyses have shown that tobacco cessation benefits pay for themselves and can save employers money. Make cessation resources available to your employees. Support for quitting tobacco use is offered free of charge to all Tennessee residents through the Tobacco QuitLine.

Employees can call 1-800-QUIT-NOW (1-800-784-8669). For the hearing-impaired call, 1-877-559-3816, or they can use quitting tools on the Internet <http://health.state.tn.us/tobaccoquitline.htm>.

Create a link on your company website to: <http://health.state.tn.us/tobaccoquitline.htm> so employees have easy access to the Tennessee Tobacco QuitLine program information, and other features. Cessation materials are also available here. Employers can download flyers about the Tennessee Tobacco QuitLine Program at the website as well.

Provide employees with on-site smoking cessation opportunities (company pays, company co-pays or employee pays). Employers can also hire certified tobacco cessation specialists to offer smoking cessation groups, or arrange for a staff person to be trained to conduct smoking cessation. For additional information, view the Tobacco Cessation Directory at <http://health.state.tn.us/Downloads/TQLCessationDirectory.pdf>.

Tennessee Success Story

Jimmy Edge, Personnel Manager for The Old Mill Square in Pigeon Forge, Tennessee, started discussing a smoke-free policy in February 2007. The smoking policy was rewritten and on April 1, 2007, Old Mill became a smoke-free complex. “I was not being mean and just saying stop smoking; I really want them to know how it affects their lives.” There is an eight week program offered to employees. Cessation classes are offered on the complex, and the employees are paid for the time they go to the class. He also contacted the local pharmacy to set up a system where the company would pay for lozenges and patches for those who are willing to quit. The lozenges and patches are completely free for the first 4 weeks. Employees have the option of taking one or all of the services offered. Although the employees have not completely quit smoking, it has been reduced. Jimmy is in the process of becoming a facilitator through the American Cancer Society so that he can teach the classes himself.



SMOKE-FREE

NON-SMOKER PROTECTION ACT...



Frequently Asked Questions

Q: Why is smoking at the workplace such an issue?

A: A landmark 2006 U.S. Surgeon General's report established that scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke. Eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke.

Q: What is secondhand smoke?

A: Secondhand smoke is composed of sidestream smoke (the smoke released from the burning end of a cigarette) and exhaled mainstream smoke (the smoke exhaled by the smoker). Secondhand smoke is classified by the U.S. Environmental Protection Agency as a Group A carcinogen, a rating used only for substances proven to cause cancer in humans at any level of exposure.

Q: Why is secondhand smoke harmful?

A: Every time someone smokes, poisons such as benzene, formaldehyde and carbon monoxide are released into the air. This means that not only are smokers inhaling these harmful substances, but so is everyone else around them. Secondhand smoke causes irritation of the eye, nose and throat and can irritate the lungs, leading to coughing, excess phlegm, asthma attacks, chest discomfort and reduced lung function.

Q: Can secondhand smoke cause lung cancer in nonsmokers?

A: Yes. In the United States, secondhand smoke is responsible for an estimated 3,400 lung cancer deaths and 35,000 coronary heart disease deaths each year.

Q: Where can I find smoking cessation resources?

A: Resources are available at <http://health.state.tn.us/tobaccoquitline.htm> including a Tobacco Cessation Directory. There is also information at local health departments throughout the state.

Q: Should we offer a smoking cessation program for our employees?

A: To help your employees adjust to the no-smoking policy, a company-sponsored smoking cessation program is strongly encouraged. Resources to quit smoking are available at <http://health.state.tn.us/tobaccoquitline.htm> or by calling 1-800-QUIT-NOW (1-800-784-8669). For the hearing-impaired call, 1-877-559-3816. Tobacco cessation services are also available through the American Lung Association: <http://www.lungusa.org/site/pp.asp?c=dvLUK9O0E&b=22937> or the American Cancer Society: http://www.cancer.org/docroot/PED/ped_10.asp?sitearea=PED&level=1

Q: Won't my employees who smoke want to leave?

A: Employees may suggest they wish to leave your workplace due to the no-smoking policy; however, all workplaces in Tennessee are now smoke-free. The individual will encounter the same smoking policy everywhere unless he/she chooses to work strictly in an outside environment.

Q: Whom can I contact if I have additional questions?

A: If you have any questions about complying with the Tennessee Non-Smoker Protection Act call 1-800-293-8228, or visit the Smoke-Free Tennessee Website at <http://health.state.tn.us/smokefreetennessee/>.

Q: How do I ensure that my business properly follows or complies with the new law?

A: You should begin by removing ALL ashtrays and ash receptacles from the business including restrooms and other places where smoking may occur. Clearly display No Smoking signs within the business.

Q: What are the penalties for a business that violates the smoking ban?

A: For a first violation in a twelve month period, a written warning from the Department of Health or the Department of Labor and Workforce Development is provided. The second violation in a twelve-month period is a civil penalty of \$100, and the third or subsequent violation in a twelve-month period is a penalty of \$500 dollars.



APPENDIX

Model Tobacco-Free Worksite Policy Memo

Memorandum



TO: All Employees

FROM: CEO or Human Resources Representative

RE: Tobacco-free Workplace

DATE: [DATE]

Effective [DATE], [COMPANY] will implement a campus-wide tobacco-free policy for all employees and visitors in order to provide a healthy, productive and safe environment for all. This policy will apply to:

- All [COMPANY] employees on all shifts;
- Customers, vendors, clients and all other visitors; and
- Members of committee, including the Board of Directors.

Smoking is prohibited on all [COMPANY] owned and/or leased locations/premises; all internal and external areas, parking garages and parking lots; all entrances and exits; and all company owned and/or leased vehicles.

In addition, use of all tobacco products, including smokeless/chewing tobacco will be prohibited. Company sponsored events – both on our premises and at external locations, where appropriate – will be tobacco-free.

Compliance with these guidelines will be strictly enforced and policy violations will be subject to the standard disciplinary actions of the company.

Those employees who use tobacco products and would like to quit are invited to call the Tennessee Tobacco QuitLine at 1-800-QUIT-NOW (1-800-784-8669) and participate in cessation programs being offered by the company (please see attached schedule of events).

Any question you may have regarding this policy should be directed to _____ at extension_____.

Thank you for your cooperation.



Model Tobacco-Free Worksite Policy

Effective [DATE], [COMPANY] implements a campus-wide smoke-free policy for all employees, customers and visitors in order to provide a healthy, productive and safe environment for all.

I. POLICY

This policy is in effect during work hours and will apply to:

- All [COMPANY] employees on all shifts;
- Customers, vendors, clients, consultants, contractors and all other visitors; and
- Members of committees, including our Board of Directors.

Smoking and tobacco use of any kind will be prohibited on all [COMPANY] owned and/or leased locations/premises; all internal and external areas, parking garages and parking lots; all entrances and exits; and all company owned and/or leased vehicles. Additionally, the policy will be in place at all company sponsored events – both on our premises and at external locations.

Employees who choose to use tobacco products must do so on their regularly scheduled breaks or meal period and off company property.

No ashtrays are permitted in any indoor areas.

II. PROCEDURE

Copies of this policy shall be distributed to all current and future employees and posted on the premises and available for inspection upon request.

[COMPANY] shall not discharge, refuse to hire or in any manner retaliate against an employee, applicant or customer who exercises any rights afforded by this policy, or anyone who reports a violation or attempts to file a complaint of this policy.

Compliance with this policy is mandatory and policy violations by employees will be subject to the standard disciplinary actions of the company.

Any disputes involving the policy should be handled through the company’s established procedures for resolving work-related problems. If the problem persists, an employee can speak to [NAME OF APPROPRIATE WORKPLACE CONTACT] at extension _____.

III. TOBACCO CESSATION OPPORTUNITIES

[COMPANY] encourages all employees who use any tobacco products to quit. The Tennessee Tobacco QuitLine at 1-800-QUIT-NOW (1-800-784-8669) offers a free and confidential program for all Tennessee residents who want to quit. Employees who are hearing-impaired should call 1-877-559-3816.

Additional information on cessation programs is available upon request to [NAME OF WORKPLACE CONTACT] at extension _____.

IV. QUESTIONS

Any questions regarding the tobacco-free workplace policy should be directed to [NAME OF APPROPRIATE WORKPLACE CONTACT] at extension _____.

Thank you for your cooperation.



Tennessee Success Story

Terri Sharp, the human resources manager at Fisher and Company of Linden, Tennessee stated, “Through our wellness program, we have raised awareness of a healthy lifestyle. Since smoking and health issues related to smoking are a risk factor identified by the screenings, we have targeted smoking cessation as a primary goal in improving the health of our employees. The Non-Smoker Protection Act made it easier for us to separate smokers from non-smokers and create a healthier environment. We will continue to offer help to those wishing to quit smoking and restrict access to smoking areas.”

An employee with the company, Terry Wood, has been smoke-free since October of 2006. He said, “I have been smoke-free for 14 months now, and it is wonderful. The Smoking Cessation class was just the encouragement I needed to make the ‘quit.’ I received so much information and support. The instructor was the cheerleader, and the entire group participating in the sessions joined in cheering each other on. I feel great and am so proud to say I AM SMOKE-FREE!”

REFERENCE

Centers for Disease Control and Prevention. *Save Lives, Save Money: Make Your Business Smoke-Free*. Atlanta, Georgia: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, June 2006. http://www.cdc.gov/tobacco/secondhand_smoke/business_guide.htm

DHHS, CDC, Office on Smoking and Health. *Making Your Workplace Smoke-Free: A Decision Maker’s Guide*. http://www.cdc.gov/tobacco/secondhand_smoke/00_pdfs/fullguide.pdf

DHHS, CDC, Coverage for Tobacco Use Cessation Treatments. http://www.cdc.gov/tobacco/quit_smoking/cessation/coverage/index.htm

U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Secondhand Smoke: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006. <http://www.surgeongeneral.gov/library/secondhandsmoke/report/>

Tennessee Tobacco Use Prevention and Control Program

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615/741-0380
<http://www.health.state.tn.us>