

# E-cigarettes & State Properties

## An Implementation Guide for State Agencies in Oklahoma

*The enclosed resources have been developed to assist state agencies in amending their tobacco-free policy to include e-cigarettes and vapor devices in compliance with Executive Order 2013-43. To submit questions regarding the executive order, or for clarification regarding any items within this guide, please contact OSDH at 1-866-ONLY-AIR (1-866-665-9247) or email ONLYAIR@health.ok.gov.*

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**Mary Fallin**  
Governor

**FILED**

DEC 23 2013

OKLAHOMA SECRETARY  
OF STATE

**EXECUTIVE DEPARTMENT  
EXECUTIVE ORDER 2013-43**

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I, Mary Fallin, Governor of the State of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby direct and order as follows:

In 2012, I signed Executive Order 2012-01, which prohibited the use of any tobacco product on any and all properties owned, leased or contracted for use by the State of Oklahoma, including but not limited to all buildings, land and vehicles owned, leased or contracted for use by agencies or instrumentalities of the State of Oklahoma. The goal of this Executive Order was to provide for a healthier work environment, encourage healthier lifestyle choices for state employees and protect visitors to state property.

In the last couple of years, there has been an increase in the use of electronic cigarettes and vaping devices, including use in the work place and public places. While the popularity and use of these products has increased, we still do not know the potential long-term health effects associated with these devices. We do, however, know that the vapor produced from these devices can release chemicals such as nicotine and other tobacco related contaminants, including tobacco-specific nitrosamines and formaldehyde. Because the secondhand vapor contains chemicals, it can impact bystanders.

Additionally, many electronic cigarettes and vaping devices look like traditional cigarettes and emit a vapor that looks like cigarette smoke. The similarity of these products to combustible cigarettes, which are prohibited on state property under Executive Order 2012-01, may create confusion for employees and visitors and present enforcement challenges for state agencies.

On December 17, 2013, Secretary of Health and Human Services Dr. Terry Cline released a Public Health Advisory to consumers and advised using caution when using or considering using these e-cigarette and vaping devices. This is, in part, due to the reality that these devices contain and emit harmful chemicals, are currently unregulated, and pose known and unknown health risks to users and non-users alike.

State and local laws and ordinances have been created to ensure clean indoor air for Oklahoma citizens in most places. The vapor emitted from these devices contains chemicals and toxins that undermine Oklahoma citizens' expectations of clean indoor air. Accordingly, over 100 worksites across Oklahoma have voluntarily prohibited the use of these devices on their property. Another 65 school districts have passed similar polices thereby protecting approximately 150,000 of our children while on school property.

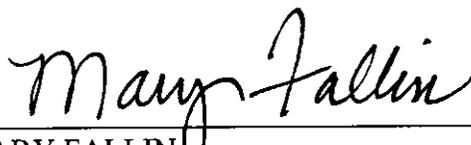
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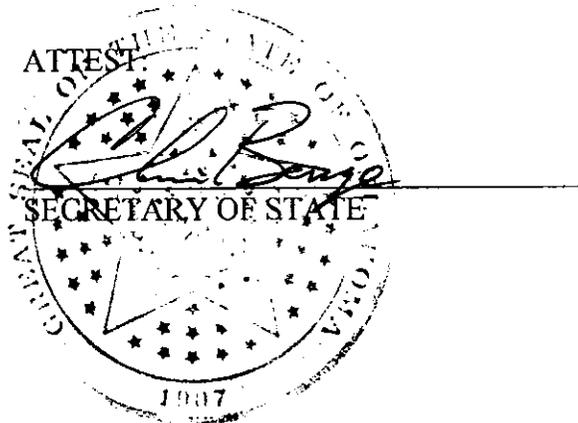
Therefore, the use of any electronic cigarette or vaping device shall be prohibited on any and all properties owned, leased or contracted for use by the State of Oklahoma, including but not limited to all buildings, land and vehicles owned, leased or contracted for use by agencies or instrumentalities of the State of Oklahoma. Provided, however, this Executive Order shall not apply to residents of Veteran's Affairs Residential Facilities while at those facilities.

The Executive Order shall be distributed to all members of the Governor's Executive Cabinet and the chief executives of all state agencies, who shall cause the provisions of this order to be implemented by all appropriate officials and agencies of state government. The Oklahoma State Department of Health ("OSDH") and Tobacco Settlement Endowment Trust ("TSET") will provide assistance to state agencies for implementing this order. The Executive Order shall be effective January 1, 2014.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 23<sup>rd</sup> day of December, 2013.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

  
\_\_\_\_\_  
MARY FALLIN



## Implementation Checklist

Several activities must be considered in order to smoothly transition the inclusion of e-cigarettes and other vaping devices into your agency's tobacco free worksite policy. Steps to consider when adding e-cigarettes and vaping devices to current policies include the following:

1. Develop or amend current policy to ensure compliance with Executive Order 2013-43.
2. Announce and begin to promote the modified tobacco-free policy to employees and continue to send periodic reminders that e-cigarettes and vapor products may not be used on state property. Initial communication should include an announcement from agency leadership in person or in writing; other methods of communication may include newsletter, posters, bulletin boards, email, and any other communication system available.
3. Make policy handout information available at visitor entrances; continue to inform new employees and visitors of the tobacco-free policy that includes e-cigarettes and vapor products.
4. Post vape-free decals (available from the Oklahoma State Department of Health using the form provided in this packet) at all entrances to your buildings and utilize other forms of communication to ensure compliance with the policy.
5. Remind employees of the free resources provided by the Oklahoma Tobacco Helpline for tobacco users who wish to quit. The Helpline can be accessed by calling 1-800-QUIT-NOW or visiting [www.okhelpline.com](http://www.okhelpline.com). Communicate to staff any rules your agency has regarding access to the Oklahoma Tobacco Helpline during work hours.
6. Candidates for employment should be informed of the policy both during the application process and during the employee orientation process.
7. To ensure ongoing compliance with the new tobacco-free policy that includes e-cigarettes and vapor products, organizers of meetings, conferences, trainings, etc. using the facilities and property should notify attendees through the most efficient means possible. In addition, any contracts for use or lease of the property or facilities will clearly state the tobacco-free policy, including e-cigarettes.

**Sample Letter to Employees Announcing Tobacco-Free Policy Change**

Date \_\_\_\_\_

Fellow Oklahoma State Employee:

In order to provide for a healthier work environment, encourage healthier lifestyle choices for state employees and protect visitors to state property, Governor Mary Fallin signed Executive Order number 2013-43 prohibiting the use of e-cigarettes and other vapor products on all state property.

Consistent with this Executive Order, the \_\_\_\_\_ (Insert Agency) \_\_\_\_\_ has revised our comprehensive tobacco free policy to include e-cigarettes and vapor products. This policy will end the use of e-cigarettes and other vaping devices on all state agency property at all times and in the delivery of our services regardless of location, effective January 1, 2014. The full text of this new agency policy (\_\_\_\_(Number/Title)\_\_\_\_) is attached.

For employees who wish to quit tobacco or e-cigarettes, a variety of cessation resources are available, many at no cost or covered by state-provided insurance programs. Free quit coaching and other resources are available through the Oklahoma Tobacco Helpline by calling 1-800-QUIT-NOW (784-7669) or visiting [www.okhelpline.com](http://www.okhelpline.com). The \_\_\_\_\_ (Agency) \_\_\_\_\_ will be supportive of those wanting to quit and will assist in connecting employees with the available resources.

Working together, we can provide our vital public services in an environment that protects the health of visitors and employees alike.

Sincerely,



## Cessation Resources

Providing support to employees, partners and visitors

### What is the Oklahoma Tobacco Helpline?

- The Helpline is a **free and effective service** that provides one-on-one coaching sessions over the telephone, information and advice about stopping tobacco use, referrals to community resources when needed, and nicotine replacement “starter kits” for many. The Helpline has been proven to work for people all over the country.

### How does telephone counseling work?

- A Helpline Quit Coach™ works with callers to determine their readiness to quit, discusses their options for using FDA-approved nicotine replacement products, assists callers in developing a quit plan that is right for them, and schedules up to four follow-up sessions to coach callers through their quitting process to encourage them along the way. Quit Coaches have a health or counseling background, receive extensive training and many are former smokers.

### Are nicotine replacement products provided at no cost?

- All tobacco users over age 18 who are ready to stop using tobacco and register for helpline services are eligible to receive at least a two-week “starter kit” of nicotine replacement patches, gum or lozenges, unless not indicated due to health concerns. The helpline sends a starter kit to the tobacco user’s home.
- Only FDA-approved nicotine replacement products are utilized as part of the Oklahoma Tobacco Helpline’s services.
- Patches, gum or lozenges are free and there’s no catch. No one will call the tobacco user to sell them something and there are no hidden charges!

### Who is eligible to receive Helpline services?

- Anyone living in Oklahoma ages 13 and older may call the Helpline and receive free services. Helpline specialists will assist tobacco users, providers and concerned family members or friends.

### What are the Oklahoma Tobacco Helpline hours?

- The Helpline is available 24 hours a day, 7 days a week.

### For Spanish-speaking individuals

- 1-855-DEJELO-YA

### Improved Service to the Deaf and Hard of Hearing

- 1-877-777-6534 TTY
- 1-866-748-2436 Deaf Videophone

**For more information, visit [www.okhelpline.com](http://www.okhelpline.com)**

The Oklahoma Tobacco Helpline is funded by the Oklahoma Tobacco Settlement Endowment Trust, Oklahoma State Health Department and the Centers for Disease Control and Prevention.

## Vapefree Materials Order Form



Date: \_\_\_\_\_

Agency: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: OK Zip: \_\_\_\_\_

E-mail: \_\_\_\_\_ Number of Locations: \_\_\_\_\_

Number of decals needed: \_\_\_\_\_

*Note: It is recommended that you utilize the decals at each entrance to each location. The decals may be adhered to the exterior or interior of doors and windows and are readable from both sides.*

Number of palm cards needed: \_\_\_\_\_

*Note: Palm cards are two-sided business cards that match the vapefree decal on one side and have a short message reminding people that use of e-cigarettes and vapor devices is not allowed on the other side.*

Please submit this order form using one of the following options:

- By email to [OnlyAir@health.ok.gov](mailto:OnlyAir@health.ok.gov)
- By fax to (405) 271-9053
- By mail to
  - Oklahoma State Department of Health
  - Attn: Center for the Advancement of Wellness
  - 1000 NE Tenth Street
  - Oklahoma City, OK 73117
- To discuss by phone, call (405) 271-3619

## **Frequently Asked Questions**

### **Why was Executive Order 2013-43 issued?**

All state property in Oklahoma has been tobacco free since Executive Order 2012-01 was implemented in 2012. Since that time, the availability and use of e-cigarettes and vaping devices have increased in Oklahoma, which raises new concerns about the potential long-term health risks for individuals exposed to the vapor. State Health Commissioner Dr. Terry Cline issued a public health advisory on December 17, 2013 urging people to use caution around e-cigarettes and vaping devices. Accordingly, Governor Mary Fallin issued Executive Order 2013-43 prohibiting the use of e-cigarettes and vaping devices on state property.

### **When do state owned properties have to be in compliance with the executive order?**

The executive order was issued on December 23<sup>rd</sup>, 2013 to be effective on January 1, 2014.

### **Where and to whom does the executive order apply?**

The executive order prohibiting the use of e-cigarettes and vaping devices on state property applies to every person on all properties owned, leased or contracted for use by the State of Oklahoma, to include both indoor and outdoor locations.

Specifically, the executive order applies to employees, visitors, guests, spectators, volunteers, faculty, staff, students, contractors, subcontractors, vendors and any other individual providing any type of product or service on state owned/leased property. Additionally, the order applies to any and all properties owned, leased or contracted for use by the state of Oklahoma, including but not limited to all buildings, land and vehicles.

### **Are e-cigarettes and vaping devices prohibited beyond the normal hours of operation and on weekends as well?**

Yes. The executive order is in effect 24 hours a day, seven days a week, regardless of business hours, and applies to any regular activity or special event held on state-owned property. This includes, but is not limited to, athletic events, conferences and training outside of the normal service hours of state agencies.

### **Why can't e-cigarettes and vapor products be used on state property? Isn't the vapor just water vapor?**

There are two primary concerns related to the use of vapor products outdoors on state property. First, these products are relatively new, and much more research is needed on

the potential impact for users and bystanders. Research has shown that the vapor is not just water vapor – e-cigarettes and vapor products still release nicotine and toxic chemicals into the air. Citizens in Oklahoma have come to expect clean air in most places, and the use of e-cigarettes and vapor products results in less clean air than currently experienced on state property.

The second concern is related to social norms and public perception of smoking prevalence. Many e-cigarettes look like traditional cigarettes and emit a vapor that looks like traditional cigarette smoke. Research shows that teens that see tobacco use in their homes or public places in their community may come to see smoking as a normal part of adult behavior. Since many state agencies offer services to families and youth, it is important to maintain social norms that protect youth from exposure to tobacco use of any kind on state property or by state employees while providing services to Oklahoma citizens.

**What about vaping devices that contain no nicotine? Can they be used on state property?**

No. The executive order prohibits the use of any e-cigarette or vaping device, regardless of nicotine content. The vapor produced by these products looks the same, and thus may create confusion for employees and enforcement challenges for state agencies.

**My state agency leases space in a building that has many other leased offices occupied by businesses that are not state agencies. What boundaries of this property or building must be in compliance with the executive order?**

A state agency that is located on property shared with other agencies or businesses can comply with this executive order by modifying its policy to prohibit the use of e-cigarettes and vaping devices on the parts of the property that are under its control. The use of any vaping devices should be prohibited within the boundaries of the office space and other areas that are under the state agency's control (including any hallways, entrances or outdoor areas under its control) and in the agency's state vehicles. Shared areas and common areas in a shared building typically would not be under the control of the state agency.

**Will the use of e-cigarettes or vaping devices by employees and others in personal vehicles located on state property be prohibited by the executive order?**

Yes, as well as any other form of tobacco use.

**Will the executive order apply to contractors working on construction projects on state property?**

Contractors conducting business on state property will be subject to the tobacco-free policy the same as anyone else on state property.

**Are all state-owned colleges and universities required to be in compliance with the executive order?**

Yes. Several state-owned colleges and universities have already included e-cigarettes in their comprehensive tobacco-free policy, and all state-owned colleges and universities must be in compliance with this executive order.

**How should this change be communicated to everyone so they will be made aware that e-cigarettes or vaping devices may not be used on state property?**

- Decals will be provided to state agencies and should be placed at all entrance doors.
- Managers and supervisors should inform all employees of this new policy.
- In addition to decals, agencies are encouraged to implement policy communication and awareness efforts. Examples include e-mail blasts, a designated area on agency website, and/or policy information announced and distributed during activities and events.
- Organizers of events (including, but not limited to, meetings, conferences, and trainings) using the facilities and property should notify attendees through the most efficient means possible.
- Any contracts for use or lease of the property or facilities should clearly state the tobacco free policy, including e-cigarettes and vaping devices.
- Candidates for employment should be informed of the policy both during the application process and during the employee orientation process.
- Additionally, state agencies should provide information about services available through the Oklahoma Tobacco Helpline to all employees. By calling 1-800-QUIT-NOW or going to [www.okhelpline.com](http://www.okhelpline.com), individuals can receive free quit coaching and may be eligible for free FDA-approved cessation medications, such as patches, lozenges or gum.

**How will the executive order be enforced?**

As with any policy, each state agency will be charged with ensuring employees and visitors are in compliance. Agencies may utilize a variety of communication methods to remind employees or visitors of the policy proactively, as well as reminding employees and visitors of the policy if someone is in violation.