

MODEL NICOTINE-FREE POLICY AND PROTOCOLS

Version:

Date: (rev.):

Approved by:

History:

Rationale Summary: In order to promote and support the health and well-being of all staff, clients, and visitors on [ORGANIZATION] property while creating an environment that fosters healthful decision making.

Brief Policy Description: This policy prohibits the possession, use, manufacture, trade, purchase, or sale of all recreational nicotine and commercial tobacco products within our buildings and on our property. The Nicotine-Free Policy applies to all individuals on or in any [ORGANIZATION] property including vehicles and while actively representing [ORGANIZATION] on [ORGANIZATION] business (e.g., while working with clients in their homes or in the community). The nicotine-free policy includes all combustible tobacco products (including but not limited to cigarettes, cigars, cigarillos, pipes, etc.), all smokeless tobacco products (including but not limited to chewing tobacco, snuff, dissolvable tobacco, etc.), as well as all devices that deliver nicotine for recreational purposes, including but not limited to electronic “vaping” devices, nicotine salt pouches, and heat-not-burn products. The nature of this policy is not intended to control the ceremonial use of tobacco.

Please note that this policy supersedes all previous agency policies related to nicotine and/or tobacco use.

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NICOTINE-FREE POLICY

NICOTINE-FREE POLICY RATIONALE

As a provider of health care services, [ORGANIZATION] (hereafter [SHORT FORM]) is committed to the health and well-being of all clients, providers, staff, contractors, guests, and visitors on our premises. To uphold this commitment, [SHORT FORM] is taking a leadership role regarding the major public health concern presented by nicotine use.

In order to reduce the health and safety risks of all people present at our workplace(s) and to promote our commitment to public health and safety, all facilities and property of [SHORT FORM] are nicotine-free as of [Insert Date]. Furthermore, [SHORT FORM] will provide supportive nicotine treatment services or connection to services to ensure staff and clients can comply with the policy and access evidence-based resources to reduce or quit nicotine use if they choose.

NICOTINE-FREE POLICY STATEMENT

The goal of this nicotine-free policy is to prohibit the possession, use, manufacture, trade, purchase, or sale of all recreational nicotine products on any property owned, rented, or leased by [SHORT FORM], or on the properties of any subcontractor conducting [SHORT FORM] business on our behalf. Additionally, the policy provides details about the components of the policy ban, the procedure surrounding the policy, enforcement of the policy, and the provision of supportive nicotine treatment services.

POLICY SCOPE

This policy prohibits the possession, use, manufacture (in whole or in part), trade, purchase, or sale of all recreational nicotine tobacco products and electronic vaping devices as defined in the Definitions section of this policy. This policy does not cover the use of FDA-approved nicotine-containing cessation products used for the purposes of ceasing or reducing the use of recreational nicotine products or maintaining abstinence while on [SHORT FORM] property.

This policy governs the use of all individuals within or on any property owned, rented, leased or managed by [SHORT FORM], including properties owned, leased, rented, or managed by third-parties conducting work on behalf of [SHORT FORM]. This includes fleet vehicles at all times as well as employee or contractor vehicles if they are being used in the service of [SHORT FORM] functions (e.g., transporting clients). It also includes the use of nicotine tobacco products during telehealth services and other virtual communications with all representatives of [SHORT FORM]. The policy is also in effect when [SHORT FORM] employees or contractors are performing [SHORT FORM] business off-site in spaces where nicotine use is otherwise allowed (e.g., working with clients in a park where smoking is not prohibited). The policy may be extended beyond [SHORT FORM] property if a staff member is visibly using nicotine within sight. Under no circumstances should staff use nicotine with or provide nicotine to clients.

ENFORCEMENT OF VIOLATIONS

There are three broad classes of violation, (1) those committed by staff (including volunteers, contractors, and students), (2) those committed by clients, and (3) those committed by guests, visitors, and third-party contractors.

Violations are noted in the Definitions section and may also be classified by type: 1) Use, 2) Evidence of Use (e.g., smelling of smoke), and 3) Possession, Manufacture, Market Activity (purchase, sale, and trade). Violations of any type are documented as a violation of the policy. A subsequent violation of any of the above policies is considered a “second violation” and the individual in violation is subject to the second step in the Progressive Disciplinary Policy.

KEY DATES

This policy will be reviewed annually by the [SHORT FORM] Policy Review Committee as part of their regular policy review. At that time, associated policies, listed below, will be revised as needed.

ASSOCIATED POLICIES

1. Employee Progressive Disciplinary Process
2. Employee Dress Code, Fragrance Free Workplace
3. Drug-Free Workplace
4. Contraband and Searches

DEFINITIONS OF KEY TERMS

Several key terms presented in this nicotine-free policy are defined here for clarity.

Electronic devices

Also known as Electronic Nicotine Delivery Systems (ENDS). Any device that delivers noncombustible tobacco and/or other vaporized or aerosolized liquids to a user inhaling from the device, including, but not limited to electronic versions of cigarettes, cigars, pipes, hookahs, and all pod-based and cartridge-based devices. Vapes, vaporizers, vape pens, hookah pens, electronic cigarettes (e-cigarettes or e-cigs), and e-pipes are some of the many terms used to describe electronic nicotine delivery systems (ENDS).

Nicotine tobacco products

Any commercial tobacco product that contains, is made from, or derived from tobacco or nicotine and is intended for human consumption, whether smoked, combusted, heated, inhaled, chewed, snorted, sniffed, inhaled, or ingested in any other form, including, but not limited to cigarettes, cigars, cigarillos, bidis, pipes, hookahs, all forms of chewing tobacco, snuff, and electronic devices. Except for the use of nicotine replacement therapy (gum, lozenges, patches) for pharmacotherapeutic reasons.

Pharmacotherapy

The appropriate use of medicine for the treatment of a condition, which in this context includes the seven FDA-approved medications for treating nicotine dependence (nicotine patch, nicotine gum, nicotine lozenge, nicotine inhaler, nicotine nasal spray, bupropion SR tablets, and varenicline tablets).

Property grounds

The entirety of the physical space that is owned or under the jurisdiction of [SHORT FORM], including all indoor and outdoor spaces, buildings, parking facilities, other structures, and organizational vehicles.

Staff member

All individuals who are employed by, intern or volunteer for, or formally represent [SHORT FORM] in any form or capacity.

Violation

The use of, or exhibiting explicit signs (such as smelling of tobacco smoke) of having used, any type of nicotine product—other than the approved use of pharmacotherapy—on the property grounds or while representing [SHORT FORM] in any capacity. Violations also include possession, manufacture, trade, purchase, or sale of non-medicinal commercial tobacco products.

NICOTINE-FREE POLICY, ASSOCIATED PROTOCOLS

ENFORCEMENT PROTOCOLS OF THE NICOTINE-FREE POLICY

Enforcement of the nicotine-free policy is the responsibility of all [SHORT FORM] staff. This section of the policy describes the general protocols associated with enforcement.

COMMUNICATION, EDUCATION, AND TRAINING

The nicotine-free policy will be communicated to all key stakeholders defined in the Policy Scope section above via several mechanisms.

1. Signage declaring the facility and property grounds to be nicotine-free will be prominently placed in building entrances, outside across the property grounds, parking lots, and in other conspicuous places.
2. The nicotine-free policy will be posted in staff common areas.
3. The nicotine-free policy will be communicated to new and current staff members via new staff communications and during new employee orientation.
4. Current staff will be notified by their managers and/or supervisors through information packets.
5. Current and new staff will sign to acknowledge their receipt, understanding, and compliance with the nicotine-free policy.
6. Job announcements will include a notice of the nicotine-free policy.
7. Clients will be informed about the nicotine-free policy with pertinent information detailed.
8. The website of [SHORT FORM] will prominently display the nicotine-free policy and will be updated to reflect any policy changes as they occur.

NICOTINE-FREE POLICY, ASSOCIATED PROCEDURES

Addressing Reported Nicotine-Free Policies Violations

Clients reported to have violated the nicotine-free policy will be contacted by a member of the client's care team and asked about the violation. Staff reported to have violated the nicotine-free policy will be contacted by their direct supervisor, manager, or Human Resources and asked about the violation. The client or staff member will be reminded of the nicotine-free policy and its rationale. The client or staff member may admit to having committed the violation, or there may be clearly observed evidence of the violation (e.g., tobacco smoke or aerosol odors, identification of a "spit cup").

Addressing Nicotine-Free Policies Violations Discovered Through Searches

In some intensive treatment settings (e.g., inpatient settings, criminal justice settings), the agency Drug-Free Policy may include announced, random, and ad hoc searches as described in the Contraband and Searches policy and procedures. Just as with other prohibited substances, contraband tobacco or nicotine products discovered in this way constitutes a violation of the nicotine-free policy and may be subject to confiscation and return or confiscation and destruction. In all cases, individuals found with tobacco products will be reminded of the

nicotine-free policy and its rationale. Individuals in possession of tobacco products will also be informed of the resources available to remain nicotine-free while on the premises and invited to available nicotine cessation services and/or offered a referral to cessation services.

Addressing Observed Nicotine-Free Policies Violations

1. Assess your own safety. If the situation seems likely to escalate regardless of your efforts, seek assistance from nearby staffers or security personnel.
2. Approach the individual(s) in violation in a friendly, non-confrontational manner.
3. Introduce yourself and state your position.
4. In a respectful way, inform the individual(s) in violation of the policy that for the safety, security, and health of our clients [SHORT FORM] is a nicotine-free space.
5. Inform those in violation that if they need short term assistance, they can contact Human Resources or the clinical team for NRT gum or lozenge which should help control cravings for the duration of their visit/shift.
6. Variations:
 - a. Visitors who violate the nicotine-free policy will be informed of the policy and asked to discontinue their nicotine use immediately and offered nicotine treatment services. Those visitors who refuse to discontinue their nicotine use should be informed of the boundaries of the nicotine-free policy (i.e., tell them where they are permitted to use nicotine off-site).
 - b. All staff are expected to be aware of the nicotine-free policy as of its initiation. Staff found in violation of the nicotine-free policy will be reminded of the policy and offered nicotine treatment options. Staff may be subject to disciplinary action, up to and including termination of employment.
 - c. Clients who violate the nicotine-free policy will be informed/reminded of the policy and asked to discontinue their nicotine use immediately and offered nicotine treatment services. Clients who refuse to comply with the policy may not be able to continue to receive services.
7. If the individual is not a client but would like information regarding cessation resources, refer them to the front desk for a quitline pamphlet.
8. If an individual violating the policy refuses to comply, the staff member should report the situation to the appropriate personnel noted below.
 - a. Client refusal: A member of the client's care team (e.g., case manager, counselor) and potentially security personnel.
 - b. Staff member: The staff member's supervisor or manager, Human Resources, or potentially security personnel.
 - c. Visitor/Other: Security personnel.

Progressive Disciplinary Action for Staff Violations

The progressive disciplinary policy of [SHORT FORM] is designed to provide a structured corrective action process aligned with other currently existing enforcement processes with the intention of preventing recurrence of undesirable employee behavior.

Guidelines for disciplinary actions associated with staff violations of the nicotine-free policy are outlined below. While violations may require disciplinary actions and/or dismissal, they are to be treated as an opportunity to educate people about the dangers of nicotine use and to offer nicotine treatment services. Even so, all such violations will be subject to disciplinary actions ultimately based on the discretion of the appropriate supervisor, manager, and/or Human Resources. All staff violations will be formally documented and recorded. Violations reported by a third-party will require verification or confirmation.

First Offense

Verbal intervention with the staff member and a review of the nicotine-free policy as presented in the staff information packets will occur. The staff member will be clearly informed that it is expected that no further violations will occur and the verbal warning/intervention will be noted in the staff member's records. Additionally, the staff member will be informed of the nicotine treatment services available.

Second Offense

A second violation will prompt the supervisor to have the staff member sign a written notice of their violation, which will be filed in the staff member's records. The expectation that no further violations will occur will be reiterated. Again, the staff member will be informed of the nicotine treatment services available.

Third Offense

A third violation will prompt the supervisor to present a written Memorandum of Expectation to be signed and filed in the staff member's records. This document will clearly state the expectations and consequences for any further policy violations and clarify that such behavior may result in further disciplinary action that may affect pay, status, tenure, and/or possible termination. Again, the staff member will be informed of the nicotine treatment services available.

Fourth Offense

A fourth violation will prompt the supervisor to evaluate the need for the initiation of disciplinary action that may affect pay, status, tenure, and/or include termination. Based on the supervisor's discretion, a final written Memorandum of Expectation will be used to document the violation and to document that another violation will result in termination. This document will be signed and filed in the staff member's records. Again, the staff member will be informed of the nicotine treatment services available.

Progressive Disciplinary Action for Client Violations

The progressive disciplinary policy of [SHORT FORM] is designed to provide a structured corrective action process aligned with other currently existing enforcement processes with the intention of preventing recurrence of undesirable employee behavior.

Guidelines for disciplinary actions associated with client violations of the nicotine-free policy are outlined below. While violations may require disciplinary actions and/or dismissal from treatment, they are to be treated as an opportunity to educate people about the dangers of

nicotine use and to offer nicotine treatment services. Even so, all such violations will be subject to disciplinary actions ultimately based on the discretion of the appropriate care team. All client violations will be formally document and recorded. Violations reported by a third-party will require verification or confirmation.

First Offense

Verbal intervention with the client and a review of the nicotine-free policy as presented in the client information packets will occur. The client will be clearly informed that it is expected that no further violations will occur and the verbal warning/intervention will be noted in the client's records. Additionally, the client will be informed of the nicotine treatment services available.

Second Offense

A second violation will prompt the responsible party to have the client sign a written notice of their violation, which will be filed in the client's records. The expectation that no further violations will occur will be reiterated. Again, the client will be informed of the nicotine treatment services available.

Third Offense

A third violation will prompt the supervisor to present a written Memorandum of Expectation to be signed and filed in the client's records. This document will clearly state the expectations and consequences for any further policy violations and clarify that such behavior may result in dismissal from services. Again, the client will be informed of the nicotine treatment services available.

Fourth Offense

A fourth violation will prompt the responsible party to evaluate the need for dismissal from services. Based on the responsible party's discretion, a final written Memorandum of Expectation will be used to document the violation and to document that another violation will result in dismissal from services. This document will be signed and filed in the client's records. Again, the client will be informed of the nicotine treatment services available.

SUPPORTIVE NICOTINE TREATMENT SERVICES

To promote the health and well-being of our clients and staff and to support the nicotine-free policy, [SHORT FORM] offers a variety of services designed to treat nicotine dependence. Upon presenting at our facilities, all clients will be given a nicotine use screening and assessment of readiness to quit use. New hires and existing staff members will receive the nicotine use screening and assessment. For all clients and staff members who report nicotine use, nicotine treatment services will be offered. These services may include a brief motivational intervention and/or referral, access to individual and/or group counseling sessions, and FDA-approved pharmacotherapy options.

NICOTINE USE SCREENING AND ASSESSMENT

All clients intending to receive services and staff members employed at [SHORT FORM] will be asked about their use of nicotine products—including all forms of tobacco and nicotine, such as cigarettes, cigars, smokeless tobacco, and electronic nicotine delivery systems—during the admission or hiring process. Those people who report using nicotine products will be asked about their interest in quitting and will be offered nicotine treatment services.

NICOTINE TREATMENT SERVICES

The following types of nicotine treatment services may be available to clients and staff members. These services are intended to provide support for clients and staff members in alignment with a commitment to health and welfare, while simultaneously upholding the nicotine-free policy. The nicotine use screening and assessment process described above will precede nicotine treatment services and identify clients and staff members who may be interested in receiving them.

Brief Intervention

Upon completion of the nicotine use screening and assessment, a brief intervention will be provided to all clients and staff members who currently use nicotine. The brief intervention will take the form of the Ask, Advise, Refer (AAR) model.

- Ask – All clients and staff will be asked about their nicotine use during the screening and assessment process. They will be asked if they use any form of nicotine, including electronic devices and smokeless tobacco products.
- Advise – Those clients and staff who report current nicotine use will be advised to quit. In this process, clients and staff will be reminded that quitting nicotine is in the best interest of their health and that [SHORT FORM] will support their efforts as possible. This message will be delivered in a clear, personalized, and non-judgmental manner.
- Refer – Clients and staff who express interest in reducing or quitting nicotine and/or learning more, will receive an appropriate referral. This referral may be to receive clinical services at the organization, Employee Assistance Program (EAP), to contact the state quitline, or another applicable external supports.

Individual Counseling for Clients

Clinical staff with education and training will be equipped to deliver individual counseling services for nicotine cessation. Multiple individual counseling sessions will be utilized to evaluate the client's readiness to quit, to create a treatment plan, and to assist the client in setting and achieving goals, with cessation being the ultimate objective. Treatment techniques, such as Motivational Interviewing and Cognitive Behavioral Therapy, will be employed to help the client achieve their goals.

Group Counseling for Clients

Staff with education and training in delivering group counseling services for nicotine cessation will offer this service. Group nicotine cessation counseling sessions will occur on a regular basis and will be available to clients who are interested in quitting and who the clinical care team find appropriate for group treatment.

Pharmacotherapy

Staff with a valid license to prescribe pharmacotherapy for clients to assist with their nicotine cessation goals will be available. Appropriately trained clinical staff who do not have the ability to prescribe medication may also make pharmacotherapy recommendations (e.g., Tobacco Treatment Specialist). Only FDA-approved pharmacotherapy options for nicotine cessation will be prescribed or recommended, depending upon availability.

SUPPORTIVE STAFF SERVICES

Education and Training on Nicotine and Nicotine Treatment

All staff members will receive basic education and training about nicotine products and the nicotine-free policy. New staff members will be informed about the nicotine-free policy prior to beginning their employment. Additionally, staff will be trained to deliver a consistent message to clients about the dangers of nicotine use and the health benefits of quitting nicotine to support the nicotine-free policy. Admissions staff will learn to administer the nicotine use screening and assessment process and to follow up with a brief intervention for all individuals who report current nicotine use.

Designated clinical staff members (e.g., Tobacco Treatment Specialists) will receive further training in order to offer more extensive nicotine dependence treatment, including conducting individual counseling, group counseling, and pharmacotherapy recommendations and prescriptions. Education and training will include common treatment methodologies, including Motivational Interviewing and Cognitive Behavioral Therapy.

Nicotine Treatment Services for Staff

Appropriate organizational designees will assist staff members seeking support for tobacco and nicotine use by helping them locate nicotine treatment services. The following assistance will be offered:

- Human Resources will work with the organizational insurer to ensure nicotine cessation services are benefits included with every employer-sponsored plan.

- Human Resources will work with the insurer to clearly describe the nicotine cessation benefits and the process for activating those benefits.
- Human Resources or other relevant groups may incentivize staff members to use nicotine cessation benefits.
- Human Resources will also work with the organization's Employee Assistance Plan (EAP) provider(s) to identify nicotine cessation benefits covered under that contract.
- Human Resources will work with the EAP provider(s) to clearly describe the nicotine cessation benefits and how to activate them.
- Human Resources will communicate these benefits and the associated processes to staff regularly.
- Human Resources will provide information to the staff on how to enroll in the state tobacco quitline.

Notice and Acknowledgement of Nicotine-Free Policy

[ORGANIZATION] is a nicotine-free environment at all times.

The use of all nicotine products—including all tobacco products and electronic devices—is prohibited either inside or outside [ORGANIZATION] property. This policy includes anywhere within sight of [ORGANIZATION] and inside vehicles that are on the property.

Residential Program Guidelines

- You will be required to stop using all non-FDA-approved nicotine, tobacco, and associated devices while receiving treatment on campus and/or on the property of [ORGANIZATION].
- If you use any non-FDA-approved nicotine products in [ORGANIZATION] buildings, you may be asked to leave the treatment program. You may also be asked to leave the treatment program if found using non-FDA-approved nicotine products anywhere on the property of [ORGANIZATION].
- Nicotine dependence will be treated the same as any other addictive substance.
- If you use any form of non-FDA-approved nicotine product—including electronic devices—nicotine dependence will be included in your treatment plan. You will have the opportunity to receive FDA-approved medication in order to treat nicotine dependence.
- You will be expected not to use any non-FDA-approved nicotine products while away from the facility on passes or appointments.
- All non-FDA-approved nicotine products—including cigarettes, electronic devices, smokeless tobacco, lighters, and all other items related to the use of such products—are prohibited on the property of [ORGANIZATION]. If found, these products may be confiscated.

Client Name (Print): _____

Client Signature: _____

Date: _____

Notice and Acknowledgement of Nicotine-Free Policy

[ORGANIZATION] is a nicotine-free environment at all times.

The use of all nicotine products—including all tobacco products and electronic devices—is prohibited either inside or outside [ORGANIZATION] property. This policy includes anywhere within sight of [ORGANIZATION] and inside vehicles that are on the property.

Inpatient Program Guidelines

- You will be required to stop using all non-FDA-approved nicotine, tobacco, and associated devices while receiving treatment on campus and/or on the property of [ORGANIZATION].
- If you use any non-FDA-approved nicotine products in the inpatient buildings, the violation will be addressed according to the guidelines, and you may ultimately be asked to leave the treatment program. This procedure applies if you are found using non-FDA-approved nicotine products anywhere on the property of [ORGANIZATION].
- Nicotine dependence will be treated the same as any other addictive substance.
- If you use any form of nicotine product—including electronic devices—nicotine dependence will be included in your treatment plan. You will have the opportunity to receive FDA-approved medication in order to treat nicotine dependence.
- All non-FDA-approved nicotine products—including cigarettes, electronic devices, smokeless tobacco, lighters, and all other items related to the use of such products—are prohibited on the property of [ORGANIZATION]. If found, these products may be confiscated.

Client Name (Print): _____

Client Signature: _____

Date: _____