



EL PASO COUNTY DEPARTMENT OF HUMAN RESOURCES

TOBACCO-FREE WORKSITE POLICY

Adopted Date: October 17, 2016

I. Purpose

The purpose of this policy is to provide safe and healthy worksites and to promote the health and wellness of employees, subcontractors, and visitors utilizing County of El Paso Facilities.

II. Authority

The County of El Paso "COUNTY" is authorized to restrict the use of Tobacco Products and tobacco related activities pursuant to: Texas Constitution, Article V, Section 18 (powers and jurisdiction over all COUNTY business); Texas Local Government Code, Section 291.001 (authority to maintain public buildings); Texas Health and Safety Code, Section 121.003 (authority to enforce any law reasonably necessary to protect the public health); City Ordinance Article 9.50.050 (ability for County to declare establishment, facility, or outdoor area a nonsmoking place or any place which a no smoking sign is posted).

III. Definitions

- A. Covered Individuals:** Covered Individuals means all persons entering County Facilities including but not limited to Employees, subcontractors, invitees, or visitors.
- B. Employees:** Employees means all persons employed or engaged by the COUNTY to provide services for the COUNTY and not working as an independently contracted business, including but not limited to regular employees (whether full-time or part-time), temporary employees, volunteers, and interns.
- C. E-Cigarette:** E-Cigarette means any electronic oral device or nicotine delivery device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substance, and the use of inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, hookah pen or under any other product name or description.
- D. Facilities:** Facilities include all property that is owned, leased or controlled by the COUNTY for the purpose of conducting its business, including but not limited to:
1. all enclosed property;
 2. indoor and outdoor open space within enclosed facilities [not including the space located outside the facility - i.e., public sidewalks, walkways, etc. unless covered by City Ordinance or State Statute];
 3. all outside areas within twenty (20) feet of a doorway or window that can be opened;
 4. County owned or leased vehicles in all locations;
 5. garages and parking lots; and
 6. all other facilities or property as indicated by authorized signage indicating it is a tobacco-free area.
- E. Invitee:** Invitee means person(s) who is invited to a COUNTY facility, park, or sports arena.
- F. Park:** Park means "County Park", namely any property that is owned, leased or controlled by the COUNTY for public recreational purposes, whether dedicated or developed as a park or not.
- G. Smoking:** Smoking means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, e-cigarette, e-hookah, weed, plant or combustible substance in any manner or in any form, including any device that allows for combustion or conduction of a product for the purpose of inhaling smoke or vapor.
- H. Sports Arena:** Sports arena means sports pavilions, stadiums, gymnasiums, swimming pools, baseball fields, softball fields, racquetball or handball courts, golf courses and any other similar places where

members of the general public assemble either to engage in physical exercise or activities, participate in athletic competition, or witness sporting events, whether enclosed indoors or outdoors.

- I. Tobacco Product:** Tobacco Product means any product made, derived from, or containing tobacco including, but not limited to: cigarettes, cigars, chewing tobacco, snuff, and pipe tobacco. This also includes any component, part, or accessory of any of the above. This definition does not include any County approved tobacco-cessation product which might include nicotine or other tobacco-related product, such as a nicotine patch or nicotine gum.

IV. Smoking, Use of Tobacco Product, E-Cigarettes Prohibited

A. Prohibition

1. **General:** Smoking, Use of Tobacco Products, or Use of E-Cigarettes is not permitted at any time by Covered Individuals within the limits of all County Facilities, Parks, or Sports Arenas.
2. **Leased Properties.** This Policy will apply to leased property/facilities according to the terms of the lease agreement applicable to that property. The County will make its best effort to include the terms of this Policy in all future lease agreements entered into, whether the County is the Lessor or Lessee, at least as to the County portions of any leased property and County employees occupying any leased property.
3. **Limitations.** Unless otherwise specified, this Policy applies to all County Facilities, Parks, and Sports Arenas regardless of the Employees housed in or activities pursued in that Facility, Park, or Sports Arena.

B. No Designated Areas. There will be no designated smoking areas within Facilities, Parks, or Sports Arenas.

C. Littering. Littering of tobacco-related products on the grounds of parking areas (lots, garages, driveways) is prohibited.

D. Surrounding Areas. County strives to be a good neighbor in the community, and as such, discourages the use of Tobacco Products on the property of nearby businesses and residences.

V. Enforcement

A. Compliance. Compliance with the tobacco-free worksite policy is mandatory for Covered Individuals. Employees who violate or permit others to violate this policy are subject to disciplinary action. Subcontractors who violate this policy are subject to termination of existing contract with the COUNTY of El Paso. Visitors or invitees who violate this policy are subject to removal from the COUNTY property.

B. Communication of Policy. The prohibitions under this Policy will be clearly communicated in all COUNTY Facilities by appropriate signage designed and installed by the COUNTY; written copies of the Policy provided to all Employees; written copies of the Policy provided to Covered Individuals as requested or determined necessary by the COUNTY; by publication on the COUNTY website; and by other means as determined necessary by the COUNTY.

C. Waiver. By written order, the COUNTY Commissioners Court may waive all or a portion of this Policy as to any facility, park, or sports arena, or any portion thereof. The following County locations are exempt from this policy:

- a. **Ascarate Golf Course:** Ascarate Golf Course property not already prohibited by any other ordinance or statute
- b. **County Coliseum:** County Coliseum property not already prohibited by any other ordinance or statute.

D. Other Rules. The provisions of this Policy do not negate or impact the implementation of any other duly instituted laws, rules or ordinances which apply to areas also included in this Policy. Applicable City of El Paso ordinances, and other municipal ordinances, will apply within the jurisdiction of those municipalities in addition to the more stringent provisions of this Policy.

