

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service
Rockville, Maryland 20852

Refer to: OCPS/DCCS

Effective Date: 04/28/2006

INDIAN HEALTH SERVICE CIRCULAR NO. 2006-03

TOBACCO-FREE POLICY

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1. PURPOSE. This circular establishes the Indian Health Service (IHS) policy prohibiting the use of commercial tobacco in IHS-operated properties to protect the health, safety, and comfort of IHS employees, contractors, and visitors. It is recognized that this policy will require behavior modification on the part of individuals who use tobacco products. It is the intent of this policy to support employees' efforts to cease using tobacco products through the "Tobacco Cessation Program" or any effective similar program.

2. BACKGROUND. Research indicates that smoking is the major preventable cause of illness and premature death in the United States. Over 400,000 people die annually as a result of tobacco use. Moreover, exposure to second-hand smoke is linked to a variety of negative health consequences and is responsible for approximately 3,000 lung cancer deaths annually among nonsmokers in the United States.

In 1997, Executive Order 13058, "Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace," issued by the President of the United States, established a smoke-free environment for Federal employees and members of the public visiting or using Federal facilities. The smoking of tobacco products is prohibited in all interior space owned, rented, or leased by the Executive Branch of the Federal Government and all in front of air intake ducts in any outdoor areas under Executive Branch control.

3. DEFINITIONS.

A. Property Owned or Leased by the IHS. All properties, whether owned or leased, directly operated by IHS.

B. Tobacco. The term "tobacco" includes cigarettes, cigars, pipes, chewing tobacco, and smokeless tobacco products.

C. Second-Hand Smoke. Second-hand smoke is environmental tobacco smoke that is inhaled involuntarily or passively by someone who is not smoking.

4. POLICY. The use of tobacco is prohibited on all IHS-operated properties, unless such use is allowed under terms of the current lease. In all such cases, the lease terms will be renegotiated at the earliest opportunity to reflect a zero tolerance for the use of tobacco products. This includes IHS Headquarters, Area Offices, hospitals, health clinics/stations, and all other offices or facilities. All areas that were previously designated for outdoor smoking are hereby eliminated. The use of tobacco is prohibited, in any form, at IHS-operated properties including

A. All interior and exterior spaces of IHS-operated properties.

B. All IHS-operated spaces in multi-tenant buildings.

C. All Government vehicles regardless of their location.

5. SCOPE. This policy applies to all IHS employees, clients, contractors, and visitors.

6. EXCEPTIONS.

A. Traditional Beliefs and Ceremonial Practices. The IHS continues to recognize the value and efficacy of patients' traditional beliefs and ceremonial practices. The use of tobacco for ceremonial purposes is allowed in the designated traditional healing room, including any space designated for a ceremony, or in a patient's private hospital room.

B. Space Not Operated by the IHS. Any spaces outside the leased areas of multi-tenant facilities not solely operated by the IHS.

C. Residential Property. Any IHS residential property such as Government housing quarters.

7. AUTHORITIES.

A. Department of Health and Human Services (HHS) "Tobacco-Free HHS Policy," dated January 3, 2005 (Supplemented on January 14, 2005)

B. Department of Health and Human Services, General Administration Manual, HHS Transmittal 87.01, Attachment IV, "Policy on Smoking in HHS Occupied Buildings and Facilities"

C. Executive Order 13058, "Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace," effective date August 9, 1997

D. Public Health Service Act, Section 1701(a)(7)(A)

E. Comprehensive Smoking Education Act of 1984

F. Comprehensive Smokeless Tobacco Health Education Act of 1986, (the "Smokeless Tobacco Act"), codified at 15 United States Code (U.S.C.) 1341 and 4401-08

8. IMPLEMENTATION. The implementation of the Tobacco-Free Policy is a component of a larger initiative to improve the health and wellness of our employees, patients, and visitors. The implementation of this policy will be accompanied by an emphasis on education and awareness programs, such as:

A. Smoking Cessation Programs The IHS will continue to offer support to employees who wish to stop using tobacco products through the Employee Assistance Program and the Tobacco Cessation Program offered by the Federal Occupational Health (FOH) Tobacco cessation classes are offered through the FOH for Federal employees who would like to take this opportunity to quit using tobacco. The FOH can be reached at (206) 615-2546, or employees can access the HHS Web site at <http://www.surgeongeneral.gov/tobacco/default.htm> for information regarding tobacco cessation programs.

B. Other Tobacco Cessation Resources and Important Links.

(1) Free Quitline Smoking Cessation (1) 877-724-1090
The line is answered by a group of clinical counselors

(2) American Cancer Society <http://www.cancer.org>

(3) American Lung Association <http://www.lungusa.org>

(4) American Heart Association <http://www.americanheart.org>

C. Health and Wellness. The IHS will promote activities that highlight the importance of health and wellness in general.

D. Posters and Flyers Educational posters and flyers will be strategically placed throughout the facilities.

9. RESPONSIBILITIES.

A. Director, IHS. The Director, IHS, or his/her designee is responsible for implementing and ensuring compliance with the Tobacco-Free Policy across the entire IHS. The Director, IHS, or his/her designee shall ensure that Headquarters Office Directors, Area Directors, and service unit Chief Executive Officers (CEO) are responsible for the implementation of and compliance with the "Tobacco-Free Policy" in their respective programs and administrative areas.

B. Director, Division of Grants Operations. The Director, Division of Grants Operations, is responsible for encouraging all recipients of an IHS grant to provide their employees a tobacco-free workplace and promote the non-use of all tobacco products.

C. Director, Division of Administrative Services. The Director, Division of Administrative Services, is responsible for instructing all security personnel:

(1) to advise Headquarters employees and visitors of the IHS Tobacco-Free Policy,

(2)to document all non-compliance incidents in an incident log, and

(3)to forward a biannual report on all incidents of noncompliance to the designated Headquarters Tobacco-Free Coordinator. The reports will be submitted for 2 years, at the end of which the implementation progress will be reevaluated to see if further reporting is warranted.

D. Director, Division of Human Resources. The Director, Division of Human Resources, includes a copy of this circular in all new employee and student orientation programs.

E. Human Resource Staff. All levels of Human Resource staff are responsible for reporting the number of written warnings and forwarding the compiled report to the designated Tobacco-Free Coordinator at all levels every 6 months for 2 years.

F. Headquarters Tobacco-Free Coordinator. The Headquarters Tobacco-Free Coordinator will:

(1)ensure that suitable uniform signs for Headquarters stating, “Do Not Use Tobacco in Facility or on Grounds” are posted at the entrance to the property and near entrance doors of buildings for the public to view. The signs should be posted no later than 60 days after implementation of this policy.

(2)compile Area and Headquarters reports and send them to the HHS Tobacco-Free Coordinator every 6 months. The compiled reports will be submitted for 2 years, at the end of which the implementation progress will be reevaluated to see if additional reporting is required.

(3)prepare a report of all incidents documented in the Headquarters incident log as reported by security personnel.

(4)ensure that all levels of staff are informed of the Tobacco-Free Policy

(5)ensure that managers and supervisors at all levels are responsible for the enforcement of this policy.

(6)increase employee awareness of this Tobacco-Free Policy via written and electronic notices.

G. Area Director. The Area Director or his/her designee is responsible for the distribution of the Tobacco-Free Policy to the service unit CEOs and Health Clinic Directors to ensure that their facilities are in compliance with the Tobacco-Free Policy. The Area Director or his/her designee shall:

(1)designate an Area Tobacco-Free Coordinator to receive, compile, and summarize reports consisting of policy implementation, barriers, and recommendations to access the progress of implementation from the service units. The compiled

report will be forwarded to the Headquarters Tobacco-Free Coordinator every 6 months for 2 years.

- (2)ensure that Area and service unit managers, supervisors, and employees are informed of and are in compliance with the Tobacco-Free Policy.
- (3)ensure the appropriate manuals are updated to include this Tobacco-Free Policy.
- (4)encourage Tribal Leaders to adopt and implement a similar tobacco-free circular.

H.Contracting Officers. Contracting Officers shall ensure that all contractors are notified of the Tobacco-Free Policy.

I.Regional Human Resources Officers. The Regional Human Resources Officers shall include a copy of this circular in all new employee and student orientation programs.

J.Chief Executive Officer. The CEO or his/her designee is given the responsibility of informing the staff of the Tobacco-Free Policy through memoranda, staff meetings, newsletters, e-mail broadcasts, bulletin announcements, and/or department meetings. The CEO or his/her designee shall:

- (1)notify the local Tribal Health Board about the IHS Tobacco-Free Policy.
- (2)notify the public about the IHS Tobacco-Free Policy through public meetings, radio, posted announcements, newsletters, community bulletins, Web site announcements, and/or local newspapers in accordance with IHS Public Affairs policies.
- (3)ensure that employees are informed and in compliance with the Tobacco-Free Policy.
- (4)instruct the security supervisor to ensure that incidents of non-compliance are documented (including visitors, patients, and employees).

K.Security personnel. Security personnel are responsible for:

- (1)documenting in a log verbal warnings and the number of visitors asked to leave after refusing to comply with the policy and forwarding the compiled report to their designated Tobacco-Free Coordinator once every 6 months for 2 years.
- (2)identifying employees who are not in compliance with the policy and reporting them to the appropriate manager or supervisor.

L.Tobacco-Free Coordinator. Tobacco-Free Coordinators will assess the progress of implementation by summarizing reports on policy implementation, barriers to implementation, and recommendations to improve compliance progress reports. The

reports will be forwarded to the designated Area Tobacco-Free Coordinator every 6 months for 2 years.

M. Facility Management Supervisor. The Facility Management Supervisor is to remove all “No Smoking” signs and replace them with new signs stating that no tobacco products may be used in this tobacco-free environment. The signs should be posted at the entrance to the property and near the entrance doors of the building for the public to view. The signs should be posted in each location no later than 60 days after implementation of the policy.

10. ENFORCEMENT. Managers and supervisors at all levels are responsible for the enforcement of this policy and for documenting verbal warnings.

A. Employee Violation. Employees who fail to comply with this policy may be subjected to appropriate disciplinary action.

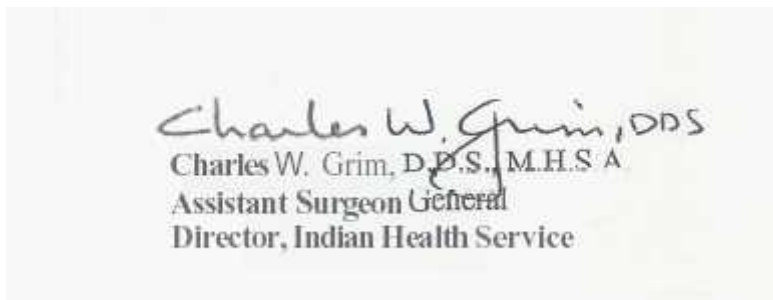
B. Visitors and Patient Violations. Visitor and patient violations shall be handled accordingly:

(1) The visitor or patient is to be informed politely of the IHS Tobacco-Free Policy.

(2) Security personnel shall ask patients or visitors who refuse to comply with the policy to leave the property and shall document the incident.

11. SUPERSEDURE. This circular supersedes the IHS Special General Memorandum No. 2002-04 “Protecting IHS Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace and in United States Government Vehicles,” dated August 26, 2002.

12. EFFECTIVE DATE. This circular is effective on the date of signature by the Director, IHS. There will be a grace period of 3 months to allow individuals to adjust to the changes required by this policy.



Charles W. Grim, DDS
Charles W. Grim, D.D.S., M.H.S.A.
Assistant Surgeon General
Director, Indian Health Service