

Southwest Virginia Higher Education Center (SWHEC / Agency 948)
Use of Tobacco Products, Smoking, & Vaping Prohibited

APPLICABILITY: All Center Employees, Tenants, General Public

PURPOSE OF POLICY:

This policy is adopted in order to promote a safe and healthy working and learning environment for Center employees, tenants, students, customers, and visitors on its property and from the potential health hazards from exposure to tobacco products, smoke, or vapor. In addition, the prohibition on smoking assists the Center to be in compliance with Virginia Executive Order 41 (2006), banning smoking in state offices and vehicles; the Administrative Guidelines for Executive Order 41, *Code of Virginia* § 18.2-371.2, Virginia Department of Health (VDH) Guidance, and the Virginia Indoor Clean Air Act (*Code of Virginia* § 15.2-2820 et seq).

DEFINITIONS:

Electronic Nicotine Delivery Systems (ENDS): Electronic cigarettes (e-cigarettes) and vaping devices that are battery-operated devices designed to deliver nicotine and other additives to the user in an aerosol. The cartridges contained in these devices contain a mixture of liquids, which may include propylene glycol, glycerol, nicotine and chemical flavorings.

Smoking: The carrying or holding of any lighted pipe, cigar or cigarette of any kind or any lighted smoking equipment or the lighting, inhaling or exhaling of smoke from a pipe, cigar or cigarette of any kind.

Tobacco Products: Means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings.

Vaping: Drawing in and exhaling an aerosol, commonly called vapor; the act of using an electronic cigarette.

STATEMENT OF POLICY:

Smoking, using Electronic Nicotine Delivery Systems (ENDS), or the use of tobacco products by employees, tenants, students, customers, and visitors is prohibited inside facilities owned or leased by the Center and in state-owned vehicles or rented vehicles being used for official Center or state business. It is also prohibited (1) within 25 feet of all entries, outdoor air intakes, and operable windows of facilities owned or leased by the Center; and (2) in any outside area adjacent to a facility whose configuration and/or other physical conditions allow smoke/vapor either to enter and affect the internal environment or to unduly affect the environment of those entering or exiting the facility.

Additionally, Virginia law prohibits the purchase and possession of tobacco products, nicotine vapor products (e-cigarettes), and alternative nicotine products by anyone under 21 years of age (with the exception of active duty military personnel).

EXCEPTIONS: The only permitted exceptions are specified below:

1. *Sponsored research involving the authorized use of tobacco or tobacco products:* In the case of smoking, the principal investigator must obtain a written waiver signed by the Executive Director or his/her designee. Any such waiver will designate a specific room within the facility and sponsored research requirements. Smoke, like any other contaminant, will be controlled. All research involving the participation of human subjects, including that with tobacco, or tobacco products requires approval by the Executive Director or his/her designee.
2. *Authorized theatrical smoking or vaping:* Any use of tobacco products in a theatrical production that is required by the script or for character motivation shall be accomplished using non-tobacco substitute material. If a combustible product is to be used, there must be prior approval by the Executive Director or his/her designee. Audiences must be notified that there will be smoking on stage.
3. This policy does not apply to any cessation product specifically approved by the U.S. Food and Drug Administration for use in treating nicotine or tobacco dependence.

VIOLATIONS OF POLICY:

Persons found to be in violation of this policy will be asked to cease the violation. Additional action, such as referral to law enforcement authorities, is possible depending upon the severity of the violation.

For Center employees, a violation of this policy may result in disciplinary action up to and including termination as outlined in Department of Human Resource Management (DHRM) Policy 1.60 (Standards of Conduct) and the violation shall be considered in the employee performance evaluation.

In the case of a violation by a tenant, the appropriate authority supervising the tenant will be notified.

Policy Approval:

Policy Effective November 1, 2022 (initial adoption)

 <<<On File>>>
David N. Matlock, Executive Director

 10/19/2022
Date

Center Oversight Office: Operations/Security