

# NIH Policy Manual

## 1321 - Tobacco-Free NIH

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### Transmittal Notice

- 1. Explanation of Material Transmitted:** This chapter describes and provides details concerning the NIH Tobacco Free Policy. The policy has been updated to include all persons at all NIH workplaces, including employees of NIH, contractors, fellows, visiting scientists, students, other federal employees and members of the public while working at or visiting NIH.
- 2. Filing Instructions:**

**Remove:** NIH Policy Manual, Chapter 1321, dated 12/19/2012; Partial revision dated 01/30/2013

**Insert:** NIH Policy Manual, Chapter 1321, dated 06/16/2020

**PLEASE NOTE:** For information on:

- Content of this chapter, contact the issuing office listed above.
- NIH Policy Manual, contact the Division of Management Support, OMA on 301 -496-4606, or enter this URL <https://oma.od.nih.gov/DMS/Pages/Manual-Chapters.aspx>.

### A. Purpose

This chapter transmits the NIH policy on the prohibition of the use of any tobacco products by all persons at all National Institutes of Health (NIH) owned or leased facilities.

### B. Scope

1. The Tobacco-Free NIH policy is applicable to all persons at all NIH workplaces, including, but not limited to, NIH employees, contractors, fellows, visiting scientists, students, other federal employees and members of the public while working at or visiting NIH owned or leased facilities.
2. Exceptions:

- a. This policy does not extend to the permanent residential properties on the NIH campus;
- b. The NIH Clinical Center adheres to its Medical Administrative Policy regarding the use of the patient smoking area for adults enrolled in a NIH Clinical Research Study;
- c. NIH will continue to honor all current Collective Bargaining Agreements containing provisions that address smoking/tobacco use and will implement this policy consistent with said standing Agreements and any obligations under law, rule, or regulation;
- d. Food and Drug Administration (FDA)-approved tobacco cessation products may be used for the purpose of tobacco/nicotine cessation; including, but not limited to, nicotine gum or patches. Note: E-cigarettes and other Electronic Nicotine Delivery System (ENDS) devices are not FDA-approved tobacco cessation products.
- e. When NIH employees (federal, contractor, or others) are teleworking on private property, not at an official NIH workplace, they are not legally required to follow this policy; however, all NIH employees are encouraged to take advantage of NIH's tobacco cessation services.

## **C. Background**

On August 9, 1997, Executive Order 13058 prohibited the smoking of tobacco products in all interior space owned, rented, or leased by the executive branch of the Federal Government and in any outdoor areas under executive branch control in front of air intake ducts. The Federal Management Regulation (41 C.F.R. 102) contains regulatory policies that support this Executive Order.

On November 10, 2004, the Department of Health and Human Services (HHS) Secretary announced the first Department-wide, Tobacco-Free initiative with the goal of improving the health of its employees by promoting and supporting the cessation of tobacco use while protecting employees and the public from exposure to environmental tobacco smoke in the workplace.

On July 1, 2011, the HHS Secretary issued the current Tobacco-Free HHS Policy, which specifically requires all properties owned or leased by HHS agencies to be tobacco free insofar as labor and lease agreements permit.

NIH is the United States' preeminent biomedical research agency. NIH's mission is to seek fundamental knowledge about the nature and behavior of living systems and the application of that knowledge to enhance health, lengthen life and reduce illness and disability. A significant amount of research has been conducted on the health effects of smoking. This research has clearly identified that tobacco use remains the leading preventable cause of death in this country and secondhand smoke has been identified as a cancer-causing agent.

NIH seeks to live up to its reputation, name and mission by setting an example through the creation of a healthy atmosphere. By encouraging tobacco cessation, NIH seeks to improve the health of all staff and visitors while positioning NIH as a model for other agencies and organizations planning similar programs and policies aimed at promoting healthy, tobacco-free behaviors.

The Tobacco-Free NIH initiative is not designed to penalize any segment of the NIH workforce; rather, NIH employees and contractors are encouraged to take full advantage of all available resources to aid in their tobacco-use cessation. NIH strongly encourages supervisors and coworkers to support those attempting to cease the use of tobacco products. Tobacco and smoking cessation information and resources may be found in Appendix I.

The NIH website, [cancer.gov](http://cancer.gov), contains links to many relevant sources of information:

1. Tobacco-related research studies sponsored or conducted by NCI;
2. Tobacco-related diseases and other statistics;
3. Live help from the Cancer Information Service;
4. NCI Tobacco Control Monograph Series;
5. Surgeon General's 50th Anniversary Report on Smoking and Health; and
6. Information from other agencies and organizations such as the Centers for Disease Control and Prevention (CDC) and the Food and Drug Administration (FDA).

## **D. Policy**

### **1. Provisions**

- a. Tobacco use and smoking are prohibited at all times by all individuals while at any NIH workplace, including:
  - i. Any workspace owned, controlled, leased, or reserved for NIH – whether that workspace takes up all or any portion of a building and whether any portion of that building is tobacco-free or not;
  - ii. In all buildings, to include parking garages and parking lots;
  - iii. On all outside property or grounds, including inside personal vehicles on all NIH workplaces;
  - iv. In all government vehicles; and
  - v. The NIH Bethesda Campus workplace including MLP 11 (Gateway Visitor Multi-Level Parking), Building 66 (Gateway Center), Building 66A (Visitor Automobile Inspection Station), Building 67 (Commercial Vehicle Inspection Facility (CVIF)), Building 82 (RA Bloch International Cancer Center) and all property and buildings inside the NIH Bethesda Campus' perimeter security fence.
- b. The use of any tobacco products is prohibited, including chewing tobacco, cigarettes, cigars, smokeless tobacco, e-cigarettes, Electronic Nicotine Delivery System devices, pipes, vaporizers (i.e., vaping) and any other tobacco or smoking

product or device except FDA-approved tobacco cessation products.

## **E. Responsibilities**

### **1. NIH Employees, Contractors, Visiting Scientists, Students and Visitors**

- a. All persons at all NIH workplaces are responsible for adhering to this policy.
- b. As with all NIH policies, the sponsoring organization receiving a visitor assumes responsibility for the visitor's compliance with this policy.
- c. Employees and staff who violate this policy may be subject to administrative action.
- d. Contractors who violate this policy will be reported to their contract manager.

### **2. NIH Supervisors/Managers**

- a. Supervisors/Managers are responsible for ensuring all of their staff are aware of this policy and adhere to it.
- b. Supervisors should ensure their operating units maintain their own internal correspondence files in relation to reminding, advising and counseling their employees regarding this policy.

### **3. NIH Institutes, Centers and Offices (ICO's)**

- a. Every NIH ICO is responsible for upholding the Tobacco-Free NIH policy within their respective areas.

### **4. Office of Research Services**

- a. The Office of Research Services (ORS) will maintain the Tobacco-Free NIH website and respond to questions and issues received at [tobaccofree@mail.nih.gov](mailto:tobaccofree@mail.nih.gov).
- b. ORS will coordinate with the Office of Human Resources (OHR) to share reminders concerning the NIH Tobacco-Free policy and to orient new employees and supervisors to the policy.

## **F. Procedures**

### **1. Policy Violations Observed by Another Person**

- a. Enforcement is the responsibility of all NIH staff. Any person who observes a violation of this policy may report said violation to the supervisor, if known, of the employee in question.

### **2. Policy Violations Observed by, or Reported to, an Employee's Supervisor**

- a. Once the employee's supervisor has been notified of a violation, or if the supervisor directly observes a violation by an employee under their direction, the supervisor is responsible for taking appropriate administrative action.
- b. The same administrative approach should be applied to addressing violations of other NIH policies. Supervisors should consult with a NIH employee relations specialist for advice on the appropriate action for one or more violations.

## **G. References**

[41 C.F.R. § 102 - Federal Management Regulation](#)

[45 C.F.R. § 3.42 - Conduct of Persons and Traffic on the National Institutes of Health Federal Enclave – Restricted Activities](#)

[Executive Order 13058 – Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace \(August 9, 1997\)](#)

[HHS Policy Issuance: Prohibition of Tobacco Use in HHS-Occupied Facilities \(June 23, 2011\)](#)

[National Cancer Institute, Tobacco \(January 23, 2017\)](#)

[National Cancer Institute, Tobacco Control Monograph Series](#)

[National Institutes of Health Clinical Center Patient Handbook \(May 2018\); Smoking Policy, pp. 30-31](#)

[National Institutes of Health, National Cancer Institute](#)

[NCI Tobacco-Free Policy \(October 12, 2018\)](#)

[NIH Policy Manual, Chapter 1743 “Keeping and Destroying Records”](#)

[Rocky Mountain Labs Is a Tobacco-Free Campus \(March 14, 2012\)](#)

[Visiting NIEHS, Tobacco-Free NIEHS \(April 23, 2018\)](#)

[Wellness@NIH, Tobacco-Free](#)

## **Appendix 1: Tobacco and Smoking Cessation Support**

NIH encourages and supports employees who wish to eliminate dependence on the use of tobacco products.

### **A. For Federal Employees**

1. Enrollees in a Federal Employees Health Benefits (FEHB) plan have full access to [treatments](#) that are proven to help quit smoking.
2. Institutes, Centers and Offices (ICOs) may pay the full or partial cost of employee participation in a Smoking Cessation Product (SCP) program. Employees should discuss alternatives with their supervisors and administrative officers and submit [Standard Form 1034](#), if necessary.

#### A. For All NIH Staff

1. [Centers for Disease Control and Prevention, How to Quit Smoking](#) (May 23, 2018)
2. [Centers for Disease Control and Prevention, Office on Smoking and Health. Tobacco Use: At A Glance 2017](#) (2017)
3. [Food and Drug Administration. Tobacco Products](#) (September 18, 2018)
4. [National Cancer Institute, How to Handle Withdrawal Symptoms and Triggers When You Decide to Quit Smoking](#) (October 29, 2010)
5. [Online Quit Guide](#)
6. The [HHS Be Tobacco Free website](#) has the tools to help quit tobacco use and live a longer, healthier life – it brings together the best information HHS has on the health effects of tobacco, quitting smoking and more.
7. The National Cancer Institute Quitline, 1-877-44U-QUIT (1-877-448-7848), is available Monday through Friday, 9:00 a.m. to 9:00 p.m. ET.
8. The National Network of Quitlines provides live telephone support and at 1-800-QUIT-NOW, TTY 1-800-332-8615.
9. The [Smokefree.gov](#) website is intended to help you or someone you care about quit smoking. Different people need different resources as they try to quit smoking cigarettes. The information and professional assistance available on this website can help to support both your immediate and long-term needs as you become, and remain, a non-smoker.
  - a. [Smokefree Women](#)
  - b. [Smokefree Español](#)
  - c. [Smokefree Teen](#)
  - d. [Smokefree Veteran](#)
  - e. [Smokefree Apps.](#)
10. The [Wellness@NIH](#) website aim to take a fresh look at the information resources, tools and new developments related to tobacco use and cessation – including aspects directly related to your workdays at NIH – whether you are a federal employee, contractor, or intern/fellow.