



**DEPARTMENT OF
DEFENSE, VETERANS AND EMERGENCY MANAGEMENT**

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DVEM Policy and Procedure Statement 21-07

May 20, 2021

TO: All Defense, Veterans and Emergency Management Employees

FROM: Major General Douglas A. Farnham, Commissioner and Adjutant General

SUBJECT: Tobacco-Free Workplace

1. This policy supersedes DVEM Policy and Procedure Statement 17-03, dated June 1, 2017, subject as above. Unless sooner rescinded or superseded, this policy will expire on May 31, 2023.

2. References:

a. Department of Defense Instruction 1010.10, Health Promotion and Disease Prevention, dated April 28, 2014, Incorporating Change 2, January 12, 2018

b. Army Regulation 600-63, Army Health Promotion, dated April 14, 2015

c. Air Force Instruction 40-102, Tobacco Free Living, dated November 11, 2016

d. Army Regulation 215-1, Military Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities, dated September 24, 2010

e. Executive Order 13058 – Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace, dated August 9, 1997

f. Code of Federal Regulations (CFR), Title 41, Part 102-74, Facility Management, dated January 1, 2011

g. MSRA Title 22, Chapter 262, Smoking

h. MRSR Title 22, Chapter 263, Subchapter 2, 1580-A, Smoking in Places of Employment

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i. State of Maine, Department of Administrative and Financial Services, Bureau of Human Resources Policy and Practices Manual, Section 9.5, Smoking Policy

3. The State of Maine and the Department of Defense, Veterans and Emergency Management have established policies supporting a tobacco-free workplace. DVEM is committed to providing a healthy and productive work environment for employees, clients, visitors, and contractors. The ultimate goal of Tobacco-Free Workplace Policies is to improve the health and productivity of our most valued resource – our employees.

4. Although federal and state policies differ slightly in their restrictions, DVEM will adopt one policy consistent for all department controlled facilities. All State and Federal properties will limit tobacco use to a few Designated Tobacco use Areas (DTAs). The Tobacco-Free Workplace Policy, is clearly stated below:

The use of tobacco products is prohibited within the boundaries of all federal and state workplaces (except in approved DTAs), including all buildings, facilities, indoor and outdoor spaces and the surrounding grounds owned, managed, or inhabited by the Department of Defense, Veterans and Emergency Management. This policy applies to parking lots, walkways, vehicles, aircraft, and also to privately owned vehicles that are parked or operated on our properties. For illustrative purposes of this policy, tobacco is defined as any type of tobacco product to include, but not limited to: cigarettes, cigars, little cigars, cigarillos, dissolvable products, electronic cigarettes (i.e. vape pen, e-hookah, hookah pen), traditional smokeless tobacco products (i.e. chewing tobacco and moist snuff), and waterpipes (i.e. hookah, shisha, narghile, argileh).

5. This policy does not affect individual tobacco use on private property, public roads or sidewalks. The success of this policy depends upon the courtesy and cooperation of both tobacco users and non-users; everyone is responsible to respectfully follow and implement this policy.

6. Other command guidance and policy considerations:

a. DVEM Facilities: Each installation's building manager will acquire and prominently post as many signs as deemed necessary to publicize that tobacco use is strictly restricted to Designated Tobacco Areas ("DTAs"). The signs will state that:

**“TOBACCO USE IS RESTRICTED TO DESIGNATED TOBACCO AREAS (DTA).
USE OF TOBACCO PRODUCTS OUTSIDE DTAs IS PROHIBITED.”**

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All DTAs on DVEM controlled property will be reviewed for compliance with applicable State or service regulations. DTAs will be determined by applicable regulations and must be approved by the Bureau Director responsible for managing the DVEM controlled installation/facility; if an installation/facility has multiple buildings, not every building will have a DTA. All DTAs will be clearly marked, will be exclusively located outdoors and have no requirement to be covered or enclosed. Approved tobacco disposal containers will be made available and used in DTAs.

b. Non-DVEM Facilities: Employees of DVEM housed in non-DVEM controlled facilities will follow the written policy of the facility owner except that DVEM employees will not use tobacco products indoors unless the facility owner has established an indoor DTA.

c. At a minimum DTAs shall comply with the following minimum distance standards:

(1) Greater than 50 feet from building entrances, pedestrian walkways, parking lots, dining areas (e.g. outdoor patios, break areas) and athletic grounds.

(2) Greater than 100 feet from playgrounds.

d. Uniformed military members and all other employees at temporary duty locations are encouraged to follow the provisions of this policy and must follow the tobacco use policy of the temporary duty location.

e. Time allotted to use tobacco products is during normal break time. There are no additional breaks for use of tobacco products. Employees must follow the department's work rules regarding work and lunch breaks.

f. Enforcement of this policy is expected. Violation of this policy subjects the individual to progressive discipline consistent with the terms of the applicable collective bargaining agreement (CBA), Technician Personnel Regulation (TPR) or other applicable laws, regulations, or policies and may include punitive measures.

7. Tobacco Use Cessation Programs: DVEM will distribute information about tobacco cessation programs and encourage our workforce to take advantage of these programs.

a. The State of Maine is committed to providing support to people who wish to stop using tobacco products by giving them access to a variety of resources, including group counseling. Tobacco users are encouraged to contact the Maine Tobacco Hotline by calling the toll free number at 1-800-207-1230.

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b. DVEM Employees can also use the Maine Quit Link program which is available at <https://mainequitlink.com>.

c. Tobacco Information and Prevention Source (TIPS) sponsored by CDC's Office on Smoking and Health, provides a comprehensive array of information and resources, including publications on stopping the use of tobacco is available at <http://www.cdc.gov/tobacco>.

d. Federal Technicians may make use of the Employee Assistance Program by calling 1-800-869-0276.



Major General Douglas A. Farnham
Commissioner and Adjutant General