

NIH POLICY MANUAL

1321 – Tobacco-Free NIH

Issuing Office: OD/OM/ORS (301) 496-2215

Release Date: 12/19/2012 – Partial Revision: 01/30/2013*

1. **Explanation of Material Transmitted:** This chapter describes and provides details concerning the NIH Tobacco Free Policy.

* **Partial revision on 01/30/2013 to insert footnote #2 in Section C. Policy:** In conjunction with this policy, several NIH institutes have established tobacco free campuses: The National Cancer Institute campuses in Frederick and Shady Grove, MD; the National Institute of Allergy and Infectious Disease campus in Hamilton, MT and the National Institute of Environmental Health Sciences campus located in Research Triangle Park, NC.

2. **Filing Instructions:**

Remove: N/A.

Insert: NIH Manual 1321, dated 12/19/2012 – updated 01/30/2013.

PLEASE NOTE: For information on:

- Content of this chapter, contact the issuing office listed above.
 - NIH Manual System, contact the Division of Management Support, OMA on (301) 496-2832, or enter this URL: <http://oma.od.nih.gov/manualchapters>.
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A. Purpose:

The purpose of this chapter is to provide guidelines for the implementation of a policy on the prohibition of tobacco use at the National Institutes of Health (NIH) Bethesda campus.

B. Background:

On November 10, 2004, the Department of Health and Human Services (HHS) Secretary announced the first department wide Tobacco-Free initiative. On July 1, 2011 the HHS Secretary issued the current HHS Tobacco-Free Policy which specifically requires all properties owned or leased by HHS agencies to be tobacco free insofar as labor and lease agreements permit. The goal of Tobacco-Free HHS is to improve the health of its employees by promoting and supporting tobacco use cessation while protecting employees and the public from exposure to environmental tobacco smoke in the workplace.

The NIH is the steward of the medical and behavioral research for the Nation. Its mission is science in pursuit of fundamental knowledge about nature and behavior of living systems and the application of knowledge to extend healthy life and reduce the burdens of illness and disability.

A significant amount of research has been conducted on the health effects of smoking. The research has clearly identified that: tobacco use remains the leading preventable cause of death in this country and second hand smoke is a known cancer causing agent. In light of concern for those who visit or work at the NIH, it is imperative that we move forward with this tobacco-free policy and bring our mission home to our campus.

C. Policy:

The [National Institutes of Health Tobacco-Free Campus Policy](#) is applicable to all persons on the NIH's Bethesda campus, including employees of the NIH, contractors, fellows, visiting scientists, students, other Federal employees and members of the public while working in or visiting the campus.^{1, 2}

This policy does not extend to the permanent residential properties on the NIH campus. In addition, the Warren G. Magnuson Clinical Center will continue to apply the ["Smoking in the Clinical Center"](#) policy developed by the Medical Executive Committee as it pertains to patients who are part of a NIH Clinical Research Study.

¹ The NIH will continue to honor all current Collective Bargaining Agreements containing

provisions that address smoking/tobacco, and will implement this policy consistent with the Agreements and its obligations under law, rule or regulation.

² In conjunction with this policy, several NIH institutes have established tobacco free campuses: The National Cancer Institute campuses in Frederick and Shady Grove, MD; the National Institute of Allergy and Infectious Disease campus in Hamilton, MT and the National Institute of Environmental Health Sciences campus located in Research Triangle Park, NC.

D. References:

1. HHS “Be Tobacco Free”: <http://www.BeTobaccoFree.gov>
2. 45 C.F.R. 3.42 – Code of Federal Regulations – Title 45: Public Welfare - Conduct Of Persons And Traffic On The National Institutes Of Health Federal Enclave - Restricted Activities <http://cfr.vlex.com/vid/3-42-restricted-activities-19933610>
3. Executive Order 13058—Protecting Federal Employees and the Public From Exposure to Tobacco Smoke in the Federal Workplace, *August 9, 1997*
<http://www.gpo.gov/fdsys/pkg/WCPD-1997-08-18/pdf/WCPD-1997-08-18-Pg1224.pdf>
4. Federal Employees Health Benefits (FEHB) Program www.opm.gov/quitsmoking
5. HHS Policy Issuance: Prohibition of Tobacco Use in HHS-Occupied Facilities
<http://www.tobaccofreekids.org/pressoffice/2011/tobaccopolicy.pdf>
6. National Cancer Institute <http://www.cancer.gov/cancertopics/tobacco/smoking>
7. NIH Funded Smoking Cessation Support through the Federal Occupational Health Services.
[NIH Smoking Cessation Program Enrollment Form](http://www.nih.gov/ocohs/NIH_Smoking_Cessation_Program_Enrollment_Form)
8. National Institutes of Health Tobacco-Free Campus Policy
<http://tobaccofree.nih.gov/TFPolicy.htm>
9. NIH Policy Manual 1743, Keeping and Destroying Records, Appendix 1,
<http://oma.od.nih.gov/manualchapters/management/1743/>
10. National Network of Quit lines: 1-800-QUIT-NOW, TTY 1-800-332-8615
11. Public Law 98-474, October 12, 1984
<http://legacy.library.ucsf.edu/documentStore/n/b/b/nbb02b00/Snbb02b00.pdf>
12. Online Quit Guide <http://www.smokefree.gov/quit-guide.aspx>
13. Tobacco Cessation Support Programs - OPM

http://www.opm.gov/Employment_and_Benefits/WorkLife/OfficialDocuments/handbooksguides/Tobacco_Cessation/Smoking3.asp

14. Tobacco Cessation Support Programs – NIH
<http://tobaccofree.nih.gov/whatistf.htm#resources>
15. Tobacco-Free NIH Website <http://tobaccofree.nih.gov/>
16. Smokefree.gov <http://www.smokefree.gov/>

E. Definitions:

1. NIH Campus – For the purpose of the NIH Tobacco-Free Policy, the NIH Campus, located in Bethesda, Maryland, is defined as that portion of the property located within the perimeter security fence.
2. Tobacco – Any tobacco product (including cigarettes, cigars, pipes, smokeless tobacco, other tobacco products, and e-cigarettes).

F. Responsibilities:

1. **NIH Employees, Contractors, Visiting Scientists, Students, and Visitors:**
All persons on the NIH Bethesda campus are responsible for adhering to the policy referenced above. As with all NIH policies, the sponsoring organization receiving a visitor assumes responsibility for the visitor's compliance with this policy. Employees and staff who do not conform to this policy may be subject to administrative action. Contractors found to be in violation of this policy will be reported to their contract manager.
2. **NIH Supervisors/Managers:** Supervisors/Managers are responsible for ensuring that all of their staff are aware of this policy and adhere to it. Supervisors should ensure that their operating units maintain their own internal correspondence files in relation to advising and counseling employees regarding this policy.

Note: Any person who observes violations of the policy may report these violations to the supervisor of the employee in question. Once the employee's supervisor has been notified, or if the supervisor directly observes a violation by an employee under their direction, the supervisor is responsible for discussing the violation with the employee and taking appropriate administrative action. The same administrative approach should be applied that is used in addressing

violations of other NIH policies. Supervisors should consult with an NIH employee relations specialist for advice on the appropriate action. The NIH Police can issue a citation if they observe someone smoking in violation of a Federal statute.

G. Procedures:

1. Policy Violations Observed by another Person:
 - a. Any person who observes violations of the policy may report the violations 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 that is used in addressing violations of other NIH policies.

H. Smoking Cessation Support:

The NIH encourages and supports employees who request assistance in eliminating dependence on the use of tobacco products.

For Federal Employees

- Federal Employees Health Benefits (FEHB) Program:
Enrollees have full access to treatments that are proven to help quit smoking.
www.opm.gov/quitsmoking
- NIH Funded Smoking Cessation Support through the Federal Occupational Health Services. [NIH Smoking Cessation Program Enrollment Form](#)
- Smoking Cessation Product (SCP):
An Institute or Center (IC) 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 <http://www.gsa.gov/portal/forms/download/115462> if necessary.

For All NIH Staff

- HHS has created a new resource to help you be tobacco free.
The new website, www.BeTobaccoFree.gov, brings together the best information HHS has on the health effects of tobacco, quitting smoking, and more.
- Smokefree.gov <http://www.smokefree.gov/> - The information and professional assistance available on this website can help prepare an individual to quit, provide support during quitting, and assistance in remaining a nonsmoker.
- National Cancer Institute <http://www.cancer.gov/cancertopics/tobacco/smoking> - The National Cancer Institute provides a wide variety of free resources for anyone who is seeking help in quitting smoking.
- Online Quit Guide <http://www.smokefree.gov/quit-guide.aspx>
- National Network of Quit lines provides live telephone support and resources and is available at 1-800-QUIT-NOW, TTY 1-800-332-8615

For Assistance Specifically Geared Towards Women

The following site, which is supported by the National Cancer Institute, covers a wide variety of issues that are important to women: <http://women.smokefree.gov/Default.aspx>

I. Records Retention and Disposal:

All records (e-mail and non-e-mail) pertaining to this chapter must be retained and disposed of under the authority of the [NIH Manual Chapter 1743](#), "Keeping and Destroying Records," Appendix 1, Item 2300-750-1 Adverse Action File, c. Admonishments.

NIH e-mail messages, including attachments that are created on the NIH computer systems or transmitted over the NIH networks that are evidence of the activities of the agency or have informational value are considered Federal records. These records must be maintained in accordance with current NIH Records Management guidelines. Contact your IC Records Liaison or the NIH Records Officer for additional information.

All e-mail messages are considered Government property, and, if requested for a legitimate Government purpose, must be provided to the requester, employee's supervisor, NIH staff conducting official reviews or investigations, and the Office of Inspector General who may request access to or copies of the e-mail messages. E-mail

messages must also be provided to the Congressional Oversight Committees, if requested, and are subject to Freedom of Information Act requests. Back-up files are subject to the same information requests as original messages and documents.

J. Internal Controls:

The purpose of this chapter is to provide guidelines for the implementation of a policy on the prohibition of tobacco use at the NIH Bethesda campus.

1. Office responsible for Reviewing Internal Controls relative to this chapter:

Note: All NIH ICs and Offices are responsible for upholding the Tobacco-Free NIH policy within their respective areas.

The Office of Research Services (ORS) will:

- send out annual e-mail reminders concerning the Tobacco-Free policy at the NIH
- work with the Office of Human Resources (OHR) to include annual reminders in HR news bulletins
- work with OHR to orient prospective employees and supervisors to the policy
- respond to and track any questions or issues sent to tobaccofree@mail.nih.gov

2. Frequency of Review: Ongoing

3. Method of Review: Tracking of activities listed Section J-1.

4. Reports: Tracking reports will be sent to the Director, ORS.