Chapter 157. Tobacco-Free Campus[1]

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157.001 Authority

Travis County ("County") is authorized to restrict the use of Tobacco Products and tobacco-related activities pursuant to: Texas Constitution, Article V, Section 18 (powers and jurisdiction over all county business); Texas Local Government Code, Section 291.001 (authority to maintain public buildings); Texas Health and Safety Code, Section 121.003 (authority to provide for general health); Texas Health and Safety Code, Section 121.003(a) (authority to enforce any law reasonably necessary to protect the public health); and other applicable statutes, laws and ordinances.

157.002 Purpose

(a) Healthy Worksite. County is committed to providing a safe and healthy worksite and to promoting the health and well-being of its Employees clients and visitors utilizing County Facilities.

(b) Employee Assistance. County is also committed to providing all assistance possible, within the resources available to County, for County Employees in order to assist those individuals desiring to stop the use of Tobacco Products. County Employees are encouraged to contact the County Wellness Clinic and/or HR to pursue such assistance.

157.003 Definitions

As used in this Travis County Tobacco-Free Campus/Worksite Policy ("Policy"), the following words will have the meaning assigned in this Section 157.003:

(1) "Covered Individuals" means all persons entering County Facilities including but not limited to Employees, invitees, subcontractors, clients, or visitors.

(2) "Employees" means all persons hired or engaged by County to provide services for Travis County and not working as an independently contracted business, including regular employees (whether full-time or part-time), temporary employees, volunteers and interns and persons working as or for independent contractors for County.

[1] Chapter 57 was replaced by Travis County Commissioner's Court on 1/29/2013, Item #17, and renumbered as Chapter 157 on June 1, 2018 (approved May 15, 2018 Item 7). Chapter retitled May 29, 2018, Item 8.

(3) "Facilities" Unless otherwise specified in writing, and subject to section 157.004, "Facilities" include all property that is owned, leased or controlled by County for the purpose of conducting its business, including but not limited to:

(A) all enclosed property;

(B) indoor and outdoor open space within or between enclosed facilities [not including that space located outside the facility - i.e., public sidewalks, walkways, etc. unless covered by section 157.004(3)(C)];

(C) all outside areas within fifteen (15) feet of a doorway or window that can be opened;

(D) County owned or leased vehicles in all locations;

(E) private vehicles located on County property (owned or leased);

(F) garages and parking lots;

(G) worksites occupied by County Employees, as to those Employees;

(H) and all other facilities as indicated by authorized signage indicating it is a tobacco-free area.

(4) "Secondhand smoke" means tobacco smoke from any Tobacco Product that is exhaled by smokers or is given off by burning tobacco which could be inhaled by persons nearby."

(5) "Tobacco Product" means any product made, derived from or containing tobacco including, but not limited to: cigarettes, cigars, chewing tobacco, snuff, and pipe tobacco. This also includes any component, part or accessory of any of the above and any product which, to the observer, appears to be a Tobacco Product (i.e., water vapor "cigarettes" and similar products). This definition does not include any County approved tobacco-cessation product which might include nicotine or other tobacco-related product, such as a nicotine patch or nicotine gum.

157.004 Tobacco Product Use Prohibited

(a) Prohibition

(1) General. Subject to other specific provisions of this Policy, use of Tobacco Products is not permitted at any time by Employees or Covered Individuals within the limits of all County Facilities.

(2) Leased Properties. This Policy will apply to leased property/facilities according to the terms of the lease agreement applicable to that property. County will make its best effort to include the terms of this Policy in all future lease agreements entered into, whether the County is the Lessor or Lessee, at least as to County portions of any leased property and County employees occupying any leased property.

(3) Subcontractors/Independent Contractors. This Policy to individuals who are not regular direct County Employees (i.e., independent contractors and subcontractors) will be applied pursuant to contractual agreements under which those individuals are active at County Facilities. County will make its best effort to include the terms of this Policy in all future contracts related to work provided at County Facilities.

(4) Limitations. Unless otherwise specified, this Policy applies to all County Facilities, regardless of the Employees housed in or activities pursued in that Facility. This Policy is a Facilities policy and not a Personnel policy. All or portions of this Policy may be waived by the Commissioners Court.

(b) No Designated Areas. There will be no designated smoking areas within Facilities.

(c) Littering. Littering of tobacco-related products on the grounds of parking areas (lots, garages, driveways) is also prohibited.

(d) Surrounding Areas. County strives to be a good neighbor in the community, and as such, discourages the use of Tobacco Products on the property of nearby businesses and residences.

157.005 Enforcement

(a) Compliance. Compliance with the tobacco-free campus policy is mandatory for all Employees and Covered Individuals.

(b) Communication of Policy. The prohibitions under this Policy will be clearly communicated in all County Facilities by appropriate signage designed and installed by County; written copies of the Policy provided to all Employees; written copies of the Policy provided to Covered Individuals as requested or determined necessary by County; by publication on the County website; and by other means as determined necessary by County.

(c) Waiver. By written order, the County Commissioners Court may waive or all or a portion of this Policy as to any facility or any portion of any facility.

(d) Other Rules. The provisions of this Policy do not negate or impact the implementation of any other duly instituted laws, rules or ordinances which apply to areas also included in this Policy. Applicable City of Austin ordinances, and other municipal ordinances, will apply within the jurisdiction of those municipalities in addition to the more stringent provisions of this Policy.

157.006 Effective Date

This Policy will be effective April 7, 2013, and will replace any other related policies and procedures in place prior to this Effective Date.