Office of the Governor
State of Oregon

EXECUTIVE ORDER 12-13

TOBACCO FREE PROPERTIES

Creating tobacco-free state properties will improve the health, wellness and productivity of employees, clients, volunteers and visitors. Tobacco use remains the No. 1 preventable cause of death in Oregon.

Death and disability resulting from tobacco use costs Oregon lives, and dollars. In 2009, tobacco cost Oregonians nearly $2.4 billion, with $1.25 billion in direct medical costs and almost $1.15 billion in lost productivity due to early death.

Conservative estimates find that the state employees who smoke cost the state more than $13 million each year. Because taxpayers pay the bill for state employees' medical benefits, state agencies bear some responsibility for assisting those employees in being as healthy as possible.

Tobacco-free campuses and property not only encourage tobacco users to quit, they also protect employees, clients and visitors from exposure to the toxins in secondhand smoke. The U.S. Surgeon General has concluded that there is no safe level of exposure to secondhand smoke. Secondhand smoke contains more than 50 known carcinogens as well as other chemicals that damage DNA such as cyanide and carbon monoxide.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. The Department of Administrative Services with assistance from the Oregon Health Authority shall implement the following tobacco free properties and campuses policy:

    a. State agency employees are prohibited from using tobacco products made for human consumption (including, but not limited to, cigarettes, cigars, pipes, chew, snuff, electronic cigarettes and smokeless tobacco) inside state agency buildings and on state agency grounds that are adjacent to state agency buildings;

    b. All individuals are prohibited from the smoking of tobacco products (including, but not limited to, cigars, loose tobacco, pipe tobacco, cigarettes as defined in ORS 323.010 and cigarillos as defined by

the Oregon Health Authority by rule) on state agency grounds that are adjacent to state agency buildings;

c. This Order shall not apply to the Oregon University System or Oregon community colleges. The Board of Higher Education and the boards of Oregon community colleges are encouraged to develop policies by December 31, 2014, that prohibit the use of tobacco products on campus in order to reduce tobacco use and exposure to secondhand smoke by students, employees and visitors;

d. This Order shall not apply to the use of tobacco products inside state employee residences that are located on state agency grounds. In lieu of the direction outlined in this Order, state agencies shall implement appropriate smoking policies for state employee residences on state agency grounds that are designed to limit the health impacts of second-hand smoke and promote wellness;

e. This Order shall not apply to the use of tobacco products on state agency grounds that are maintained primarily for the use and enjoyment of the public, including but not limited to Oregon Department of Transportation Rest Areas, public roads and sidewalks, and public beaches. The Oregon Parks and Recreation Commission is encouraged to adopt policies by December 31, 2014, that limits or restrict the use of tobacco products at state parks and recreation areas to address wellness issues, and to reduce the risk of forest fires. Other state agencies with grounds that are maintained primarily for the use and enjoyment of the public shall implement appropriate tobacco use policies that are designed to limit the health impacts of second-hand smoke and promote wellness; and

f. This Order shall not apply to the smoking of noncommercial tobacco products for ceremonial purposes in spaces designated, on a permanent or temporary use basis, for traditional ceremonies in

accordance with the American Indian Religious Freedom Act, 42 U.S.C. 1996.

2. The Department of Administrative Services with assistance from the Oregon Health Authority shall work with appropriate agencies to implement the policy outlined in this order by the timelines below:

    a. Properties and campuses wholly owned or leased by the state shall be tobacco free by January 2013;

    b. Shared properties and campuses shall be tobacco free by July 2013; and

    c. The Department of Corrections and Oregon Youth Authority properties and campuses shall be tobacco free no later than December 31, 2014.

3. This Order in no way limits the authority of state agencies to further limit or restrict the use of tobacco products in state agency buildings or on state agency grounds, to the extent allowed by law.

4. The Oregon Health Authority shall evaluate the implementation of the policy and shall generate a report to the Governor's office with evaluation results and recommendations for improving compliance with the Order.

5. In the event of a conflict between any provision of Oregon law and this Executive Order, Oregon law will prevail and the remaining terms of this Executive Order shall remain in force and effect.

6. This order shall expire December 31, 2022.

Done at Portland, Oregon, this 2nd day of August, 2012.

John A. Kitzhaber, M.D.
GOVERNOR

ATTEST:

Kate Brown
SECRETARY OF STATE