



August 19, 2014

TO: SCVHHS Executive Management Group

FROM: René G. Santiago
Director, SCVHHS



Central Services
Policies
and
Procedures

SUBJECT: No Smoking Policy

REFERENCE: Santa Clara County No Smoking Policy, Board Policy No. 3.47
The Joint Commission Standards EC.02.01.03
Santa Clara County Ordinance Code: §B13, Chapter V
Santa Clara County Ordinance Code: §B13-89 (Violations)
Title III of the American with Disabilities Act (ADA) 1990
Public Law 100-690 Drug Free Workplace Act of 1998

DEFINITIONS:

“Smoke” or “smoking” means and includes the combustion of any lighted pipe, lighted cigar, lighted cigarette of any kind, or any similar article or any other combustible substance in any manner or in any form including use of any electronic smoking device.

“Electronic smoking device” shall mean an electronic and/or battery-operated device that can deliver an inhalable dose of nicotine to the “Electronic smoking device” which includes any product meeting this definition, regardless of whether it is manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, electronic vape, vaporizer or any other product name or descriptor.

BACKGROUND:

The health hazards from smoking and second-hand smoke are well documented. Smoking is hazardous to the health of smokers and non-smokers and is one of the most preventable causes of death. With efforts to reduce the health risks associated with smoking to County employees and the general public, the Santa Clara County Board of Supervisors adopted expansions of the County’s No Smoking Policy in April 2009 and in 2014. This policy strives to create a smoke-free campus at Santa Clara Valley Medical Center campus and all County-owned and operated health facilities and clinics where patient care is provided.

POLICY:

Smoking of any substance is prohibited on the entire Santa Clara Valley Medical Center campus and all existing and future County-owned and operated health facilities and clinics where patient care is provided.

The smoking prohibition extends up to and including the property line. Smoking is also prohibited in all County vehicles. Sale of cigarettes or other tobacco products is prohibited at Santa Clara Valley Health and Hospital System facilities. Staff members may not provide smoking materials to patients or visitors.

PROCEDURES:

I. General

1. Visible “No Smoking” signs that give notice of the County policy shall be posted at all major entrances and exits of the Health and Hospital System and its leased satellite facilities in the community. Where feasible, smoking cessation resources should be placed alongside “No Smoking” signs to provide support to those who would like to stop smoking.
2. Every employee is responsible for adhering to and supporting this policy. Health and Hospital System employees witnessing violations of this policy may remind smokers of the “smoke free-campus” Policy. The message should be courteous and focus on the importance of maintaining a healthy environment in our health care facilities. Managers and Protective Services may be contacted if necessary.
3. Violations of the No Smoking Policy by Health and Hospital System personnel are treated in the same manner as violations of any other system-wide policy. Violations of the Santa Clara County Ordinance Code §B13 Chapter 5 are treated as set forth in the Santa Clara County Ordinance Code §B13-89. (See Attachment A, Violations – Santa Clara County Ordinance Code §B13-89).
4. A summary of the County’s No Smoking policy shall be included in all contracts and leases, including personnel service contracts, where smoking cessation could be influenced. Contractors shall be required to abide by the County’s No Smoking policy while performing County work.

II. Employees

1. Employees who choose to smoke may do so only on non-county property during their break periods of the workday, and only in compliance with Board Policy 3.47 and the Santa Clara County Ordinance Code, §B13 Chapter V.
2. Employees who smoke are encouraged to participate in the smoking cessation program offered by SCVHHS and the County.

III. Patients

1. Patients are informed of the smoking policy upon admission to the hospital through admission packets.
2. Physicians of hospitalized patients will determine the supportive therapy for patients, including cessation techniques.

IV. Smoking Cessation Support/Education

To assist employees and patients who would like to stop smoking, Valley Health Plan, Employee Wellness and Tobacco Prevention Education Program (TPEP) can provide information and training programs for smoking cessation. Employees and patients interested in smoking cessation may call the telephone numbers posted in educational information posted and made available at the hospital and clinics.

Attachment A: Violations- Santa Clara County Ordinance Code §B13-89

Issued: 03/18/1982
Revised: 08/19/2014

VIOLATIONS – Santa Clara County Ordinance Code §B13-89

1. It shall be unlawful for any person who owns, manages, operates, or otherwise controls the use of any premises subject to the restrictions of this chapter to fail to comply with its provisions.
2. It shall be unlawful for any person to smoke in any area restricted by the provisions of this chapter.
3. Infraction(s) any person who violates any provision of this chapter shall be guilty of an infraction, punishable by:
 - (a) A fine not exceeding one hundred dollars (\$100) for a first violation.
 - (b) A fine not exceeding two hundred dollars (\$200) for a second violation.
 - (c) A fine not exceeding five hundred dollars (\$500) for each additional violation within one year.
4. Misdemeanor

Any person, owner, operator, employer, or manager of any establishment, subject to this chapter, who violates Section B13-86; or who violates any other provision of this chapter, in excess of three violations within one year, shall be deemed guilty of a misdemeanor. Upon conviction of a misdemeanor and or violation of this chapter, a person shall be subject to payment of a fine not to exceed one thousand (\$1,000) dollars and/or shall be subjected to incarceration in the County jail for a period to exceed six (6) months.
5. Each day that a violation of Section B13-85 and B13-87 continues shall constitute a separate violation of this Chapter.
6. The County Executive or his/her designee is hereby authorized to institute and pursue civil actions for the recovery of fines for violations of this chapter in the name of the County, pursuant to the provisions of §25132 of the Government Code (Ord. No. NS-625.4, §2m 1-4-94).

