

# STATE OF DELAWARE



## EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER  
NUMBER Seventy One

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: RESTRICTING SMOKING IN STATE BUILDINGS AND VEHICLES

WHEREAS, the report of the Surgeon General of the United States has emphasized that employers should take appropriate action to protect non-smokers from exposure to environmental tobacco smoke; and

WHEREAS, numerous studies have demonstrated that smoking adversely affects the health of both smokers and persons passively exposed to tobacco smoke; and

WHEREAS, recent reports issued in Delaware indicate that Delaware has high rates of smoking and a substantial incidence of smoking related respiratory disease and

WHEREAS, the "Smoking in Delaware" report estimated that 15% of all deaths in Delaware in 1985 were attributed to smoking and that these deaths caused a loss of almost 10,000 years of potential life; and

WHEREAS, the responsibility to protect the health, safety and well being of Delaware citizens, and the authority to regulate the use of State buildings rests ultimately with the Governor; and

WHEREAS, numerous state departments and agencies have already implemented or are in the process of developing regulations concerning smoking in the workplace;

NOW, THEREFORE, I, MICHAEL N. CASTLE, by virtue of the authority vested in me as Governor of the State of Delaware hereby declare and order that:

1. Effective September 1, 1989, the smoking of tobacco products shall be prohibited in State-owned or operated facilities or in any portion of any facility leased and occupied by the State under the jurisdiction of the Executive Branch except in designated smoking areas established pursuant to this Executive Order.
2. Designated smoking areas may be established by the appropriate Cabinet Secretary or agency head subject to the following conditions:
  - A. Areas designated to permit smoking may not include:
    1. Classrooms, lecture halls, auditoriums, meeting rooms or conference rooms;
    2. Common areas such as entrances, foyers, hallways, stairways, restrooms, copy rooms and equipment or storage rooms, unless otherwise permitted by this Executive Order;
    3. Entire Cafeterias;
    4. Work areas and work stations during normal work hours, including individual enclosed office space normally occupied by a single person.
  - B. Designated employee smoking areas may be established in employee lounges or portions of cafeterias, as designated by the appropriate agency head, provided that at least one or more lounge per facility can be designated for smoking and one or more lounge can be designated for non-smoking. In the case of facilities that do not have multiple lounges, a Cabinet Secretary may designate a single smoking area within a building in order that one employee smoking area can be established in any facility of suitable size.
3. In addition, any agency which maintains vehicles for use by employees on a pooled basis shall either ban smoking in vehicles completely or designate the specific vehicles in which smoking is permitted. The number of vehicles so designated may not exceed the approximate proportion of all employees using the

pooled vehicles that smoke. As an exception any vehicle used to transport clients or the general public on a regular basis shall be assigned non-smoking status.

4. In the case of facilities occupied by multiple State agencies, the Secretary of the Department of Administrative Services shall have the responsibility for designating smoking areas. In preparing such designations the Secretary shall consider the recommendations of the affected Cabinet Secretary and the Statewide Labor Management Committee.
5. The Secretary of the Department of Administrative Services shall have the authority to modify smoking designations made by other agencies based on a determination that concentrating tobacco smoke in one area may potentially have an adverse impact on the operation of heating, ventilation and air conditioning systems.
6. State-owned or operated 24-hour residential facilities for patients or inmates, and any State-owned or leased facility which is used as a private family home shall be exempt from the specific requirements of this Executive Order. In the case of exempted residential facilities, the appropriate Cabinet Secretaries shall develop reasonable smoking policies that are consistent with the intent established by this Executive Order and are tempered by the need to operate such facilities in an orderly and safe manner.
7. In implementing this Executive Order, state agencies shall phase out any contractual arrangements that permit the sale of tobacco products in properties under the jurisdiction of the State by January 1, 1990.
8. The State Personnel Director, in consultation with the Statewide Labor Management Committee, shall monitor the implementation of this Executive Order and shall assist as requested with planning and implementation. In addition, the Personnel Director, with the advice of the Statewide Labor Management Committee shall develop and schedule a series of smoking cessation seminars that can be offered to employees. A report by the Statewide Labor Management Committee on the implementation of this Executive Order shall be submitted to the Governor by July 1, 1990.

9. Prior to September 1, 1989, each department or agency affected by this Executive Order shall develop and promulgate the policies necessary to ensure compliance including posting signs and giving appropriate notice of the existence of the Executive Order and its application to the particular building.
10. Nothing in this Executive Order shall preclude a department or agency from implementing or continuing a smoking policy that is more restrictive than that contained herein. Implementation of this Executive Order shall not be considered a legitimate reason to request additional space.
11. No employee or applicant for employment shall be discriminated against as a result of his or her smoking habits. However, all employees are expected to obey the rules promulgated pursuant to this Executive Order. Employees who violate the Executive Order shall be appropriately counselled. Repeated flagrant violations shall be cause for discipline pursuant to the appropriate personnel standards.



APPROVED THIS 3<sup>rd</sup> day  
of April, 1989.

Michael A. Castle  
Governor

ATTEST:

[Signature]  
Secretary of State