

RESOLUTION NO. 2015-102

AMENDING AND RESTATING THE SMOKING POLICY OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY BY ADDING A BAN ON ELECTRONIC CIGARETTES AND SIMILAR PRODUCTS

WHEREAS, pursuant to Resolution No. 2006-193 adopted October 17, 2006, the Board of Trustees of the Greater Cleveland Regional Transit Authority ("Authority") established a revised smoking policy prohibiting smoking on Authority vehicles and property, as well as in indoor and outdoor locations, and employee workplaces; and

WHEREAS, the purpose of that policy is to create a "smoke-free" environment for all transit customers, the public and Authority employees; and

WHEREAS, due to the recent development and expanded usage, in public and private spaces, of electronic cigarettes and similar products that produce a vapor which delivers nicotine or other substances to simulate smoking, the current policy needs to be amended and restated; and

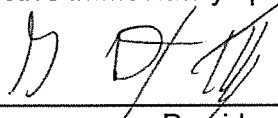
WHEREAS, the Board of Trustees remains committed to enhancing the comfort and safety of customers, the public and employees by maintaining a "smoke-free" environment for all, including those visiting Authority facilities or experiencing the "transit waiting" environment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:


Section 1. It is the policy of the Greater Cleveland Regional Transit Authority that employees, customers and passengers shall be afforded, to the extent possible, a smoke-free environment whenever at work or while using the transit system, including the "transit-waiting" environment. The General Manager/Secretary Treasurer is hereby authorized and directed to prohibit smoking in all revenue and non-revenue motor vehicles, rail vehicles, and at all indoor and outdoor areas of transit facilities, workplaces, and all other buildings owned, leased or rented by the Authority. The General Manager/Secretary Treasurer is hereby authorized and directed to post signs, as necessary, clearly prohibiting smoking at these facilities. The term "smoking" means: (a). inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant, and (b). using any electronic product or device that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe. "Smoking" does not include the burning of incense in a religious ceremony.

Section 2. That this resolution shall become effective immediately upon its adoption.

Adopted: October 20, 2015



President

Attest: 

CEO, General Manager/Secretary-Treasurer



TITLE/DESCRIPTION: AMENDING AND RESTATING THE SMOKING POLICY OF THE AUTHORITY BY ADDING A BAN ON ELECTRONIC CIGARETTES AND SIMILAR PRODUCTS	Resolution No.: 2015-102
	Date: October 15, 2015
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

1.0 **PURPOSE/SCOPE:** The proposed resolution amends the current smoking policy by adding a ban on electronic cigarettes and similar products. The resolution also restates the policy.

2.0 **DESCRIPTION/JUSTIFICATION:** The Authority’s current smoking policy was established by the Board of Trustees by Resolution No. 2006-193, adopted October 17, 2006. This ban on smoking followed the Ohio legislature’s action codified as Ohio Revised Code (“ORC”) Section 3794, prohibiting smoking in all public places and places of employment. Under ORC Section 3794.01(A), smoking is defined as “inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant.”

Pursuant to the Board’s action, the General Manager implemented measures to create a “smoke-free workplace” for employees and customers. Those measures included adding the policy to the Personnel Policies and posting smoking ban signs on Authority buses, trains and property.

With the advent and increased usage of electronic cigarettes (“e-cigarettes”) and similar products in public places and places of employment, it is now necessary to review and update the smoking policy. An e-cigarette is defined by Ohio Revised Code Section 2927.02(A)(6)(a), as “any electronic product or device that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.”

Complaints have been received from bus and rail operators as well as customers regarding the use of these devices on Authority vehicles and property. These complaints indicate that the use of e-cigarettes and similar products interferes with efforts by the Authority and its employees to provide a pleasant riding experience for our customers. With this amendment, e-cigarettes and similar products would be prohibited in all areas currently covered by the smoking ban.

3.0 **PROCUREMENT BACKGROUND:** N/A

4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** N/A

- 5.0 POLICY IMPACT: This amendment will eliminate any confusion regarding whether e-cigarettes are permitted and aid in the effort to provide a pleasant riding experience for Authority customers and a “smoke-free workplace” for employees and customers.
- 6.0 ECONOMIC IMPACT: None.
- 7.0 ALTERNATIVES: None.
- 8.0 RECOMMENDATION: Adopt the proposed resolution to amend and restate the smoking policy. This action was discussed with the Committee of the Whole Board on October 13, 2015 and recommended to the full Board for approval.
- 9.0 ATTACHMENTS: None.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



CEO, General Manager/Secretary-Treasurer