

# Smoking out the law on e-cigarettes in the workplace

29 states, plus the District of Columbia, have laws prohibiting anyone from smoking in the workplace. Like similar bans in other states, Ohio's statewide workplace ban applies to "smoking," which means "inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted smoking device *for burning tobacco or any other plant.*"

Electronic cigarettes do not burn tobacco. Instead, they use a heating element to vaporize a liquid solution that includes a concentration of nicotine. Because these vaporizing devices do not contain tobacco, they are not prohibited by workplace smoking laws.

According to the Zanesville Times Recorder, e-cigarettes will be coming to your workplace, and will test the limit of your anti-smoking policy:

As vaping becomes more prevalent, it's quickly evolving into a controversial workplace issue. Employers will be faced with the challenge of contemplating the pros and cons of e-cigarettes for their workplaces and will need to consider adapting a policy that reflects their position

Proponents of e-cigarettes in the workplace argue that there exists no proof of any associated health risks, and that they improve employee productivity by eliminating the need of smoke breaks during the workday.

Opponents argue that these devices contain nicotine and detectable levels of known carcinogens and toxic chemicals, and that prohibiting their use in the workplace eliminates the risk of any complaints from nonsmoking co-workers, customers or others annoyed by the vapors.

There are no laws requiring that you allow e-cigarettes in your workplace. Laws that prohibit smoking in the workplace are a floor, not a ceiling. You are free to ban these devices in your workplace, and should consider doing so.

Companies should review their smoke-free workplace policies specifically to prohibit e-cigarettes, and to indicate employees using e-cigarettes are considered smokers for purposes of any wellness or smoking-cessation initiatives.