



Approved by

No. 2-22

The Commission

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**Prohibitions on Smoking, Use of Tobacco Products and Electronic Cigarettes  
on M-NCPPC Property and in M-NCPPC Vehicles**

**AUTHORITY**

This Administrative Practice was initially approved by the Commission on May 9, 1984. This Practice was last amended by the Commission on September 16, 2015.

Patricia Barney, Executive Director

**PURPOSE AND  
BACKGROUND**

This Practice recognizes the agency's compliance with applicable laws governing smoking on M-NCPPC property, and the increased public health concern regarding the use of other forms of tobacco products and e-cigarettes.

This Practice was developed May 9, 1984, to strengthen the agency's commitment to promoting a healthful workplace environment for employees and patrons. Since initial issuance, the Commission has adopted the following amendments to the Practice:

- 1987 and 1991: Incorporated State regulatory references and prohibited smoking in closed and open office areas.
- April 16, 2003: Updated policy to ensure compliance with new State regulations, and clarified the consequences of handling of policy violations and responsibilities for implementation of the policy.
- April 18, 2012: Updated policy to ensure compliance with the Annotated Code of Maryland, COMAR 09.12.23 (Regulation .01B(1)(b)) which strengthened prohibitions against involuntary exposure to environmental tobacco smoke in vehicles, regardless of the number of employees in the vehicle.
- September 16, 2015: Amended to incorporate State law amendments on the use of tobacco products and agency prohibitions on the use of electronic cigarettes.

**REFERENCES**

- Annotated Code of Maryland:
  - Maryland Clean Indoor Act of 2007, Health-General Title 24, Subtitle 5
  - Division II of the Land Use Article, Section 17-207, (2015 Maryland General Assembly, House Bill 585, effective October 1, 2015)
- The M- NCPPC Rules and Governing Use of Commission Parks and Recreation Facilities in Prince George's and Montgomery Counties (Chapter V, Section 3 – Alcohol/Tobacco, Controlled Substances)
- M-NCPPC Merit System Rules and Regulations

- M-NCPPC Administrative Practice 2-16, “Seasonal/Intermittent, Temporary, and Term Employment”
- Collective Bargaining Agreements

## DEFINITIONS

**The Commission:** The governing body of the Maryland-National Capital Park and Planning Commission (M-NCPPC) which is comprised of the five members from each of the agency’s two Planning Boards for Montgomery County and Prince George’s County.

**Electronic Cigarettes (e-cigarettes):** Electronic device that delivers vapor for inhalation, including any refill, cartridge, or any other component of an electronic cigarette.

**Indoor Workplace:** Any M-NCPPC enclosed office or facility; or agency-owned or leased vehicle used in the course of employment.

**The Maryland-National Capital Park and Planning Commission (M-NCPPC):** For purposes of this Practice, the terms “M-NCPPC” or “agency” shall be used to reference the entity acting in its organizational capacity.

**Smoking:** "Smoking" means the burning of a lighted cigarette, cigar, pipe, or any other matter of substance that contains tobacco. For purposes of signage in enclosed facilities and vehicles, the use of “no smoking” shall be interpreted to include the use of lighted tobacco products, other non-lighted tobacco products, or electronic cigarettes as identified on the signage.

**Tobacco:** All forms of tobacco including, but not limited to: cigarettes, cigars, shisha, pipes, water pipes (hookahs); as well as all forms of smokeless tobacco, including, but not limited to: chew, snus, snuff, sticks, strips, orbs.

## APPLICATION

The Policy establishes prohibitions as they relate to M-NCPPC property (including but not limited to, enclosed buildings, parks, outdoor facilities, community centers, buildings in a developed park areas), and vehicles. This Practice also applies to third-party property that is leased or operated by the M-NCPPC.

## POLICY

It is the policy of the Maryland-National Capital Park and Planning Commission (M-NCPPC) to provide and maintain a safe and healthy work environment for all employees and patrons. The M-NCPPC shall comply with all applicable State and local laws pertaining to prohibitions on smoking. Pursuant to State law and this policy, smoking, or other use of tobacco, and the use of cigarettes is prohibited as follows:

1. The use of e-cigarettes\* and all forms of tobacco products (lighted and non-lighted) is prohibited in:
  - Enclosed offices and facilities. This includes any workplaces that are leased or operated by M-NCPPC.
  - Owned or leased M-NCPPC vehicles used in the course of employment regardless of the number of employees in the vehicle.

- Any other M-NCPPC property (enclosed or outdoor) which is designated by the Department Head through the use of signage.

\*Prohibitions on the use of e-cigarettes are effective December 1, 2015.

2. Use of Lighted Tobacco on Outdoor Property

Pursuant to agency policy and State law, smoking of lighted tobacco products is also prohibited on outdoor property under the M-NCPPC's jurisdiction unless specifically excluded consistent with the law. (See subsection titled "Property Excluded from Smoking Prohibitions".) This restriction on all outdoor property will go into effect June 30, 2016.

*Property Excluded from Smoking Prohibitions*

Consistent with State law, the prohibition on the use of lighted tobacco products excludes any designated venue or facility reasonably determined by the M-NCPPC to be appropriate for the purpose of generating admission fees, rental fees, or similar charges for use of M-NCPPC property.

3. Use of E-cigarettes At Entryways

The use of e-cigarettes shall not be permitted near entrances, operable windows, and ventilation systems of agency offices/facilities.

4. Signage

Signs shall be posted on agency property to inform employees and patrons of the tobacco and e-cigarette prohibitions of this policy. (See Appendix A to this Practice.)

The applicable "No Smoking" sign shall be visibly posted at each property that falls within the scope the specific policy restrictions. At a minimum, signs shall be posted:

- At each entrance to and within facilities/offices covered by this policy;
- Within each M-NCPPC vehicle;
- Outside each park area; and
- At any other property identified by the respective Department Head.

**RESPONSIBILITIES**

**The Department of Human Resources and Management** is responsible for ensuring that Federal/State and local regulatory requirements are implemented through applicable policy and safety standards.

**The Department Head** or his/her designee is responsible for:

- Ensuring:
  - Signs prohibiting smoking and the use of e-cigarettes and other forms of tobacco products are appropriately posted throughout departmental property/facilities/offices/vehicles in accordance with this policy.
  - Consistent application and compliance with this policy.

- Reviewing and approving any disciplinary actions related to violations of policy by employees.

**Supervisors** are responsible for:

- Ensuring that each employee under his/her supervision understands prohibitions outlined in the Practice; and
- Enforcing the provisions of this Practice when there are violations by employees. Employment actions involving discipline must be authorized by the Department Head.

**Park Police** are responsible for:

- Enforcement of State laws and Park Rules pertaining to the use of tobacco and e-cigarettes on M-NCPPC property.

**Employees** are responsible for:

- Complying with this policy and all other applicable workplace laws and regulations; and
- Immediately reporting any violations of policy. Concerns regarding violations should be directed to the immediate supervisor or Department Head.

**VIOLATIONS** Violations of this policy will result in disciplinary action up to, and including, termination. Disciplinary actions are to be handled in accordance with the applicable employment provisions of the Merit System Rules and Regulations; collective bargaining agreements; and M-NCPPC Administrative Practice 2-16, Seasonal/Intermittent, Temporary, and Term Employment. Violations also may result in applicable fines under State/local laws and prosecution by external safety compliance agencies.

Appendix A to Administrative Practice 2-22  
No Smoking Signage

The following signage includes standard language that will be used to identify prohibitions on the use of tobacco and e-cigarettes.

*Signage Implementing the new State Law  
Extending Prohibition on the Use of Lighted  
Tobacco at Outdoor Property*



*Signage for Enclosed Facilities/Offices,  
Vehicles and other areas designated by  
the department. Note: Pursuant to  
Practice 2-22, E-cigarettes and tobacco  
use can be restricted in outdoor areas  
specifically designated by a Department  
Head.*

