

---

# COMMONWEALTH OF VIRGINIA



## OFFICE OF THE GOVERNOR

### Executive Order 41 (2006)

---

#### **BANNING SMOKING IN STATE OFFICES AND VEHICLES**

##### **Importance of the Issue**

Earlier this year, a United States Surgeon's General Report recommended elimination of smoking from indoor spaces to fully protect nonsmokers from exposure to secondhand smoke. As a major employer in Virginia, I am committed to taking steps to improve the health of employees and minimizing health risks in the workplace. Smoking and exposure to secondhand smoke has a demonstrable, negative effect on the health of employees and customers of state government. Wise use of taxpayer dollars, promotion of employee health, and protection of citizens doing business with state government suggests the need to limit smoking in state buildings. Moreover, protecting employee health and preserving the value of state assets suggests the need to limit smoking in state vehicles.

##### **Banning Smoking in State Offices and State Buildings**

By virtue of the authority vested in me as Governor under Article V, Section 1 of the Constitution of Virginia and Title 2.2 of the *Code of Virginia*, I hereby ban smoking in offices occupied by executive branch agencies and institutions, including institutions of higher education. I further direct that smoking shall be banned in any other building operated by executive branch agencies and institutions, including institutions of higher education, with the following exceptions:

- Smoking in correctional facilities shall be in accordance with guidelines set by the Director of the Department of Corrections; and
- Smoking in state mental health and mental retardation facilities and in mental health units at state teaching hospitals shall be in accordance with guidelines set by the Commissioner of Mental Health, Mental Retardation, and Substance Abuse Services.

Agency heads and heads of state institutions, including institutions of higher education may set appropriate guidelines for smoking outside on state-owned property, including appropriate signage. Such guidelines will be in accordance with guidance to be issued by the Secretary of Administration, in consultation with the Commissioner of Health.

### **Smoking Cessation and the State Employee Health Benefits Program**

I hereby direct the Secretary of Administration to take necessary steps to publicize available state employee benefits for smoking cessation and to encourage employees to avail themselves of these benefits. I also direct the Secretary to develop, by November 15, 2006, options for pricing the State Employee Health Insurance Program based on smoking and nonsmoking rates, in a manner similar to the approach used by most life insurers, as well as options for waiving co-payments and deductibles for smoking cessation related services.

### **Banning Smoking in State Vehicles**

By virtue of the authority vested in me as Governor under Article V, Section 1 of the Constitution of Virginia and Title 2.2 of the *Code of Virginia*, I hereby ban smoking in state-owned vehicles. Smoking in state police vehicles shall be in accordance with policy set by the Superintendent of State Police.

### **Effective Date of the Order and Implementation.**

This Executive Order shall become effective January 1, 2007. This order shall remain in full force and effect unless amended or rescinded by further executive order. The Secretary of Administration shall be responsible for implementation of the order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 26th day of October 2006.

---

Timothy M. Kaine, Governor

Attest:

---

Secretary of the Commonwealth