

Item 12



Travis County Commissioners Court Agenda Request

Meeting Date: February 12, 2013

Prepared By/Phone Number: Juanita Jackson 854-4467

Elected/Appointed Official/Dept. Head: Sherri E. Fleming,
County Executive for Health and Human Services and Veterans Service

Commissioners Court Sponsor: Judge Samuel T. Biscoe

AGENDA LANGUAGE:

Consider and take appropriate action on planned implementation strategies for Chapter 57 – Travis County Tobacco-Free Campus/Worksite Policy.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

On January 29, 2013, the Commissioners Court approved a Tobacco Free Workplace policy for all Travis County properties. The Court directed staff to develop a plan for implementation and communication strategies to notify all constituents and employees of the new policy.

STAFF RECOMMENDATIONS:

Staff seeks the Court's approval on the proposed signs and communication materials.

ISSUES AND OPPORTUNITIES:

Upon the Court's approval, staff will continue working with designated Travis County departments to roll out the plan for notifying staff, creating and printing the approved communications materials, and installing signs in the areas identified by Facilities Management to meet the effective date of the policy.

FISCAL IMPACT AND SOURCE OF FUNDING:

At this time, the cost associated with the implementation of signage will be \$8,080. The City of Austin has committed to fund \$5,000 of the total costs. The remaining balance of \$3,080 will come from the Health & Human Services and Veterans Services budgeted line item #1580010001.

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to the County Judge's office, agendar@co.travis.tx.us by **Tuesdays at 5:00 p.m.** for the next week's meeting.

REQUIRED AUTHORIZATIONS:

Leslie Browder, County Executive for Purchasing and Budget Office

Mary Etta Gerhardt, Assistant County Attorney

Cyd Grimes, Travis County Purchasing Agent

Nicki Riley Travis County Auditor

William Paterson, Risk Management-HRMD

Josie Pena, Clinic Administrator, Travis County Wellness Clinic

Steve Manila, County Executive for Transportation, and Natural Resources

Leroy Nellis, Planning and Budget Office

Lloyd Evans, Facilities Management

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Chapter 57 - Travis County Tobacco-Free Campus/Worksite Policy

57.001 **Authority.** Travis County (“County”) is authorized to restrict the use of Tobacco Products and tobacco-related activities pursuant to: Texas Constitution, Article V, Section 18 (powers and jurisdiction over all county business); Texas Local Government Code, Section 291.001 (authority to maintain public buildings); Texas Health and Safety Code, Section 121.003 (authority to provide for general health); Texas Health and Safety Code, Section 121.003(a) (authority to enforce any law reasonably necessary to protect the public health); and other applicable statutes, laws and ordinances.

57.002. **Purpose.**

(a) **Healthy Worksite.** County is committed to providing a safe and healthy worksite and to promoting the health and well-being of its Employees clients and visitors utilizing County Facilities.

(b) **Employee Assistance.** County is also committed to providing all assistance possible, within the resources available to County, for County Employees in order to assist those individuals desiring to stop the use of Tobacco Products. County Employees are encouraged to contact the County Wellness Clinic and/or HR to pursue such assistance.

57.003 **Definitions.** As used in this Travis County Tobacco-Free Campus/Worksite Policy (“Policy”), the following words will have the meaning assigned in this Section 57.003:

(a) **“Covered Individuals”** means all persons entering County Facilities including but not limited to Employees, invitees, subcontractors, clients, or visitors.

(b) **“Employees”** means all persons hired or engaged by County to provide services for Travis County and not working as an independently contracted business, including regular employees (whether full-time or part-time), temporary employees, volunteers and interns and persons working as or for independent contractors for County.

(c) **“Facilities”** Unless otherwise specified in writing, and subject to Section 57.004, “Facilities” include all property that is owned, leased or controlled by County for the purpose of conducting its business, including but not limited to:

(c-i) all enclosed property;

(c-ii) indoor and outdoor open space within or between enclosed facilities [**not** including that space located outside the facility - i.e., public sidewalks, walkways, etc. unless covered by (c-iii)];

(c-iii) all outside areas within fifteen (15) feet of a doorway or window that can be opened;

(c-iv) County owned or leased vehicles in all locations;

(c-v) private vehicles located on County property (owned or leased);

(c-vi) garages and parking lots;
(c-vii) worksites occupied by County Employees, as to those Employees;
(c-viii) and all other facilities as indicated by authorized signage indicating it is a tobacco-free area.

(d) **“Secondhand smoke”** means tobacco smoke from any Tobacco Product that is exhaled by smokers or is given off by burning tobacco which could be inhaled by persons nearby.”

(e) **“Tobacco Product”** means any product made, derived from or containing tobacco including, but not limited to: cigarettes, cigars, chewing tobacco, snuff, and pipe tobacco. This also includes any component, part or accessory of any of the above and any product which, to the observer, appears to be a Tobacco Product (i.e., water vapor “cigarettes” and similar products). This definition does not include any County approved tobacco-cessation product which might include nicotine or other tobacco-related product, such as a nicotine patch or nicotine gum.

57.004 **Tobacco Product Use Prohibited.**

(a) **Prohibition.**

(a-1) **General.** Subject to other specific provisions of this Policy, use of Tobacco Products is not permitted at any time by Employees or Covered Individuals within the limits of all County Facilities.

(a-2) **Leased Properties.** This Policy will apply to leased property/facilities according to the terms of the lease agreement applicable to that property. County will make its best effort to include the terms of this Policy in all future lease agreements entered into, whether the County is the Lessor or Lessee, at least as to County portions of any leased property and County employees occupying any leased property.

(a-3) **Subcontractors/Independent Contractors.** This Policy to individuals who are not regular direct County Employees (i.e., independent contractors and subcontractors) will be applied pursuant to contractual agreements under which those individuals are active at County Facilities. County will make its best effort to include the terms of this Policy in all future contracts related to work provided at County Facilities.

(a-4) **Limitations.** Unless otherwise specified, this Policy applies to all County Facilities, regardless of the Employees housed in or activities pursued in that Facility. This Policy is a Facilities policy and not a Personnel policy. All or portions of this Policy may be waived by the Commissioners Court.

(b) **No Designated Areas.** There will be no designated smoking areas within Facilities.

(c) Littering. Littering of tobacco-related products on the grounds of parking areas (lots, garages, driveways) is also prohibited.

(d) Surrounding Areas. County strives to be a good neighbor in the community, and as such, discourages the use of Tobacco Products on the property of nearby businesses and residences.

57.005 **Enforcement** -

(a) Compliance. Compliance with the tobacco-free campus policy is mandatory for all Employees and Covered Individuals

(b) Communication of Policy. The prohibitions under this Policy will be clearly communicated in all County Facilities by appropriate signage designed and installed by County; written copies of the Policy provided to all Employees; written copies of the Policy provided to Covered Individuals as requested or determined necessary by County; by publication on the County website; and by other means as determined necessary by County.

(c) Waiver. By written order, the County Commissioners Court may waive all or a portion of this Policy as to any facility or any portion of any facility.

(d) Other Rules. The provisions of this Policy do not negate or impact the implementation of any other duly instituted laws, rules or ordinances which apply to areas also included in this Policy. Applicable City of Austin ordinances, and other municipal ordinances, will apply within the jurisdiction of those municipalities in addition to the more stringent provisions of this Policy.

57.006 **Effective Date**. This Policy will be effective April 7, 2013, and will replace any other related policies and procedures in place prior to this Effective Date.



Travis County Employee Notification Tobacco Free Work Site



Travis County is dedicated to protecting employees, clients and visitors from the dangers of tobacco use and exposure to secondhand smoke. Effective April 7, 2013, Travis County is going tobacco-free.

Employees, sub-contractors, clients, invitees and visitors may not use tobacco products on any Travis County property, indoors or outdoors, including parking lots, vehicles (private and County owned or leased) and garages. Tobacco is not allowed at any worksite occupied by County employees, regardless of property ownership.

Tobacco products include, but are not limited to, cigarettes, cigars, chewing tobacco, snuff, and pipe tobacco, and any product that appears to be a tobacco product, such as an electronic, or water vapor cigarette.

For Travis County Employees

Travis County strives to offer benefits that can help people quit using tobacco, should they choose to do so.

Employees, dependents, and retirees covered under the County's United Healthcare insurance can visit with a physician at any of the 3 clinic locations, Airport Blvd., Del Valle, and Downtown, with no copay. The physician can provide a prescription that covers non over-the-counter quit medications and therapies, free of charge.

Free Community Resources

- Seton Family of Hospitals is offering free tobacco cessation classes at locations throughout Travis County and resources such as nicotine patches, gum, and lozenges. Classes run in six-week sessions. Call 512-324-2762 to sign up or visit the Seton Tobacco Education Resource Center.
- Tobacco Quitline 1-877-YES QUIT (1-877-937-7848); www.yesquit.com offers free and confidential phone counseling services and resources such as nicotine patches, gums, or lozenges, to those who qualify.
- Freedom from Smoking group classes are being held, free of charge, for the general public throughout the year. Classes run for nine weeks and take place on the Capital Metro main campus at 2910 E. 5th Street, Austin, TX. For details, call 512-389-7506 or email timothy.kelly@capmetro.org.



Travis County is dedicated to protecting employees, clients and visitors from the dangers of tobacco use and exposure to secondhand smoke.

Effective April 7, 2013, Travis County is going tobacco-free.

TRAVIS COUNTY'S TOBACCO-FREE POLICY

Employees, sub-contractors, clients, invitees and visitors may not use tobacco products on any Travis County property, indoors or outdoors, including parking lots, vehicles (private and County owned or leased) and garages.

Tobacco is not allowed at any worksite occupied by County employees, regardless of property ownership.

Tobacco products include, but are not limited to, cigarettes, cigars, chewing tobacco, snuff, and pipe tobacco, and any product which appears to be a tobacco product, such as an electronic or water vapor cigarette.

FREE HELP TO QUIT TOBACCO

FOR TRAVIS COUNTY EMPLOYEES

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FREE COMMUNITY RESOURCES

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DID YOU KNOW ?

Tobacco use is the #1 preventable cause of death and disability, responsible for over 443,000 deaths in the US each year. It kills more than AIDS, crack, heroin, cocaine, car accidents, fire, suicide and murder - COMBINED.

In Travis County, there are 11 deaths per week due to tobacco use.

For every person who dies because of tobacco, another 20 are living with a serious tobacco-related disease or medical condition.

In Texas, 4,300 nonsmokers die each year from exposure to secondhand smoke

Secondhand smoke is dangerous, both indoors and outdoors. It contains more than 7,000 chemicals, including cyanide, lead, arsenic, mercury, formaldehyde, benzene and acetone. Seventy of these are known to cause cancer.

Source: Austin/Travis County Health & Human Services Dept.

QUESTIONS?

If you'd like to learn more about the tobacco-free policy at Travis County, or want to access one of the many free resources that can help you quit tobacco, please contact us at (512) 854-5509 or send an email to TravisWellness@co.travis.tx.us.



Made possible by funding from the Department of Health and Human Services and Austin/Travis County Health and Human Services Department

www.co.travis.tx.us





TRAVIS COUNTY – TOBACCO-FREE WORKSITE POLICY



Frequently Asked Questions

(Q) Why implement a tobacco-use free worksite (TFW) policy?

(A) As a concerned employer, one of the most important actions we can take is to create and promote an environment that protects employees from the effects of tobacco use and the impact of secondhand smoke. We will achieve this by providing a tobacco-free workplace and support our employees in their efforts to live a tobacco-free lifestyle.

(Q) What is meant by “tobacco” products?

(A) Cigarettes, cigars, chewing tobacco, snuff, pipes, snus, electronic smoking devices, and any non-FDA approved nicotine-delivery devices.

(Q) When does the policy go into effect?

(A) On April 7, 2013

(Q) Which facilities are impacted by the TFW policy?

(A) Facilities means all property that is owned, leased, or used by Travis County for the purpose of conducting its business, including but not limited to:

- Indoor and outdoor spaces and common areas;
- Parking lots, garages, and driveways;
- Personal vehicles parked in Travis County parking areas
- Vehicles owned or leased by Travis County

(Q) Does the TFW policy apply to employees only at these workplaces?

(A) **No.** The policy applies to **all** Travis County employees, vendors, and visitors that the use of tobacco products is prohibited. This includes and is not limited to **all** properties: (buildings, parking lots, personal vehicles, and County vehicles parked in the lots).

(Q) Why should the County be concerned that I use tobacco products?

(A) The County has the responsibility to provide a safe environment for every one of its employees. By eliminating tobacco use in the workplaces, the County will reflect its public health role in reducing health hazards not only for its employees, but also to those that do business at its workplaces. Research findings show that tobacco use in general, including smoking and breathing secondhand smoke, constitute a significant health hazard.

(Q) What are the risks associated with exposure to Secondhand Smoke (SHS)?

(A) Second Hand Smoke immediately affects the heart, blood vessels, and blood circulation in a harmful way.

- There is no safe level of exposure to SHS. Any exposure to second hand smoke is harmful.

- Over time it can cause heart disease, strokes, and heart attacks.
- SHS causes lung cancer in people who have never smoked. Even brief exposure can damage cells in ways that set the cancer process in motion...
- Babies and children exposed to SHS are at an increased risk of sudden infant death syndrome (SIDS), acute respiratory infections, ear infections, and more severe and frequent asthma attacks.

(Q) How will I know where tobacco use is allowed?

(A) Posted signs notifying **all** employees, vendors and visitors that tobacco use is not permitted on any of Travis County worksites.

(Q) Can I smoke or use tobacco in my personal vehicle?

(A) No. The use of tobacco products in your vehicle while it is located on Travis County property is prohibited.

(Q) Why is the County taking away my right to use tobacco products?

(A) Your right to use tobacco is not being taken away. Travis County is not requiring that you quit using tobacco. You may continue to use tobacco products, but not on Travis County premises.

(Q) What will happen if an employee or a group of employees is discovered using tobacco at one of the TFW policy locations?

(A) The process of achieving a tobacco-free worksite takes time. Self-enforcement will become part of the norm. If you suspect violation or observe a violation of the TFW policy, you may remind the tobacco user of the policy and ask them to voluntarily comply with the policy. You can also bring the situation to the attention of your supervisor/manager, if necessary.

(Q) Will cessation programs be available for employees who may choose to quit using tobacco products?

(A) Yes. A resource packet will always be available at the County Wellness Clinic which provides information about Travis County benefits available through United Healthcare including cessation classes, as well as how to obtain nicotine replacement therapy and other pharmaceutical treatment options at no charge through your medical insurance.

MANAGERS/SUPERVISORS TRAINING
(May be adapted for Unit Level training)

I. PURPOSE OF MINI-TRAINING

- Action by Commissioners Court on January 29, 2013 and subsequent Court appearances

II. THE TRAVIS COUNTY TOBACCO-FREE POLICY – Handout #1

- A. Property/facility policy, not a personnel policy
- B. Travis County employees, customers, clients, vendors and guests that go to a workplace or Travis County property are EXPECTED to adhere to the policy
- C. Implementation – READ them together
 - a. Notice to Employees
 - b. Signage and Posters
 - c. Resource Packet available (have packets available for each mgr/spvsr if they want one)
 - d. Support teams within individual units (at discretion of manager/supervisor)
 - e. Navigate carefully – be positive and encouraging
 - f. Allow employee time to attend cessation classes
 - i. List county-provided assistance available
 - ii. Other community resources available
 - g. Enforcement
 - i. Self-enforcement expected
 - ii. Low-key SOFT enforcement. GOAL: Assist employees to take advantage of tobacco cessation opportunities
 - iii. BE POSITIVE, no punitive actions
 - iv. Reminder cards available (how to get them; examples of how to use)
 - v. Enforce through established Travis County and Department personnel policies and rules of operation, respectively
 - h. Next Steps

III. Roles and Responsibilities (In Development) – Handout #2

- A. This information also provided to employees; everyone has a role/responsibility. Use this document if employees have questions or concerns.
- B. **Be a champion** for the HEALTH OF EMPLOYEE and include dependents to access smoking cessation opportunities.
- C. Collect and forward complaints, questions, and successes to *Name of TC Person and contact information* for tracking and future report back to Commissioners. (*Suggested email address “TobaccofreeTC.co.travis.tx.us”*)

IV. FAQs – Handout #3

V. Resource Packet – Handout #4

- A. Additional packets available upon request. (If you know how many tobacco users in your unit, you may have 1 for each now.)
- B. *List items enclosed and discuss each one; may group “flyers” but specific about resources included*

VI. Q&A – allow about 5 additional minutes



Why E-Cigarettes Are Prohibited By Tobacco Free Workplace Policy?



E-cigarettes are prohibited by the policy because they are counter to these stated purposes.

According to the U.S. Food and Drug Administration (FDA) and the World Health Organization, e-cigarettes can increase nicotine addiction and tobacco use and perpetuate smoking by “dual use”, sustaining nicotine dependence. The message in e-cigarette marketing is designed to continue the smoking habit and “bring you a memorable smoking experience” (see American Made Liquid Elixir ad below).

American Made Liquid Elixir (Smoke Juice) : Our Cloud 9 Super Electronic Cigarette has been mated to the finest Smoking Liquid available - The Cloud 9 Smoking Liquid Elixir (Smoke Juice), an American made, product where consistency and quality are paramount. The synergy of these two great products will bring you a memorable smoking experience. Place this Smoking Liquid Elixir (Smoke Juice) into your Electronic Cigarette and enjoy. Cloud 9 is proud to offer you this smoking ("vaping") experience and we stand behind our flagship products. We strongly feel that "An Experienced Smoker ("vaper") Is Our Best Customer"

Cartridges Filled With American Made Liquid Elixir Smoke Juice: Cloud 9 is proud to be the first company to off cartridges filled in the USA with American Made Smoke Juice. Cloud 9 has made quality control its top priority, and it shows. The compliments we receive from our customers', once they have smoked ("vaped") these cartridges, bear witness to the delicious flavor and purity of this American Made product. Our many months of research and development with various natural blends of tobaccos have yielded the superb Cloud 9 flavor for your smoking ("vaping") enjoyment. We can truly say "**An Experienced Smoker ("vaper") Is Our Best Customer**"



Manufacturers of this product admit that their product “is only intended for committed smokers and is not a smoking cessation product and is not to be used as such.” (See Cloud 9 warning and information from American Made Liquid Elixir below)

Warnings: Cloud9 products are intended for use by adults over the age of 21. Cloud9 products are only intended for committed smokers and should not be used by non-smokers. Cloud9 products contain nicotine and flavoring that is extracted from tobacco along with other ingredients that may be harmful to your health. Our products should not be used by children, pregnant women, women breast feeding, or persons with or at risk of heart disease, high blood pressure, diabetes, or taking medicine for depression or asthma. Cloud9 is not a smoking cessation product and is not to be used as such. **Please keep all Cloud9 products out of reach of children and pets**

The Travis County policy specifically and explicitly allows approved cessation products such as nicotine patches and gum.

There is legal precedent to prohibit e-cigarettes.

The U.S. Court of Appeals for the D.C. Circuit, in *Sottera, Inc. v. Food & Drug Administration*, 627 F.3d 891 (D.C. Cir. 2010), recently issued a decision with regard to e-cigarettes and other products “made or derived from tobacco” and the jurisdictional line that should be drawn between “tobacco products” and “drugs,” “devices,” and combination products, as those terms are defined in the FD&C Act. The court held that e-cigarettes and other products made or derived from tobacco can be regulated as “tobacco products” under the Act and are not drugs/devices unless they are marketed for therapeutic purposes.

Mexico, Australia, Canada and Israel have already banned e-cigarettes, in addition, the states of New Jersey and New Hampshire have also imposed restrictions on their use.

Despite manufacturer claims that e-cigarettes are “safer than commercial tobacco products,” the contents of the e-cigarette liquid and the “vapor mist” that is exhaled by the user remain undisclosed and are not simply “water vapor.” E-cigarettes are currently a relatively new product, which leaves a great deal of unknowns not only about the health risk, but also about product manufacturing quality and safety. There are several hundred brands of e-cigarettes on the market, and test results vary greatly between brands and even among models from the same brand. In July 2009, the FDA released results of its preliminary analysis (<http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm173146.htm>) of several electronic cigarettes, which found that the cartridges contain carcinogens, including nitrosamines, and toxic chemicals such as diethylene glycol, a component of antifreeze.

A study (<http://onlinelibrary.wiley.com/doi/10.1111/j.1600-0668.2012.00792.x/pdf>) published in 2012 in *Indoor Air* measured the contents of exhaled e-cigarette vapor and found that exhaling the vapor releases measurable amounts of carcinogens and toxins into the air, including nicotine, formaldehyde, and acetaldehyde. The authors concluded that e-cigarettes are a new source of chemical and aerosol exposure and their potential health impact is a concern that should be investigated further. Other researchers have found inconsistent labeling of nicotine content on e-cigarette cartridges, such that cartridges labeled as not having nicotine did in fact contain nicotine, and vice versa, as well as other signs of poor quality control, including leaky cartridges and defective parts.



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Inform



Travis County Tobacco Cessation Resources



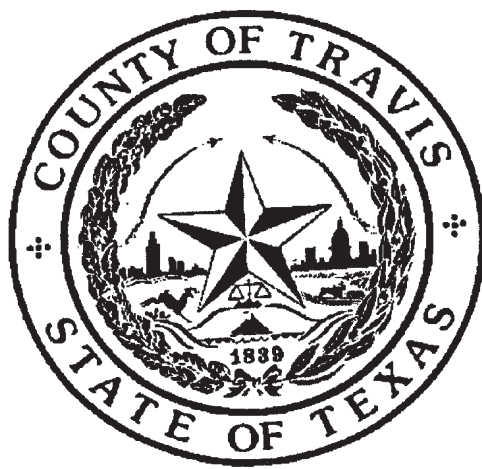
Travis County is committed to supporting employees who want to quit tobacco. For those interested, there are a variety of free/ low cost tools available to employees trying to quit. While the list below is not exhaustive, we hope it will make your quit attempt a bit easier. We wish you the best of luck!

Resource	Provider	Cost
Cessation classes	Travis County Wellness Clinic	Free (employees & family)
	Seton Tobacco Education Resource Center	Free
Online programs	American Cancer Society: Yes You Can	Free
	American Lung Association: Freedom from Smoking	Free (basic program)
	My Last Dip	Free
	The Ex plan	Free
Over-the-counter nicotine replacement therapy (patch, gum)	Available at most drug stores	\$4 -\$5 /day
	Seton Tobacco Education Resource Center	Free (to those who qualify)
Prescription pills to help with cravings (Chantix, Zyban)	Travis County Wellness Clinic	Free
Counseling	Travis County Employee Assistance Program (800-343-3822)	Free (8 visits per year)
Telephone counseling	American Cancer Society's Tobacco Quitline (1-877-YES QUIT)	Free
Smartphone apps	NCI's Smokefree QuitGuide for iPhone	Free
	Livestrong MyQuit Coach for iPhone	\$3.99
	QuitNow! for Android	Free
Online Information	Live Tobacco Free Austin	Free
	SmokeFree	
	American Cancer Society: Stay Away from Tobacco	
	CDC: Smoking & Tobacco	
	National Cancer Institute: Smokeless Tobacco	
	Nicotine Anonymous	

Building or Parking Lot Sign



TOBACCO-FREE PROPERTY



Effective April 7, 2013

Reminder Card (business card)



**TOBACCO-FREE
PROPERTY**



EFFECTIVE APRIL 7, 2013

Employees, sub-contractors, clients and visitors may not use tobacco on any Travis County property, indoors or outdoors, including parking lots, vehicles (private and County owned or leased) and garages.

Tobacco is not allowed at any worksite occupied by County employees, regardless of property ownership.

Tobacco includes, but is not limited to, cigarettes, cigars, smokeless tobacco and all forms of electronic cigarettes.

For **FREE** help to quit tobacco, call **1-877-YES-QUIT**

For Travis County employees, email TravisWellness@co.travis.tx.us

THIS IS A TOBACCO-FREE VEHICLE



THANK YOU FOR YOUR COOPERATION.

vehicle decal 6x6



**THIS IS A
TOBACCO-FREE VEHICLE**



THANK YOU

vehicle decal
(2x2 - window)

