STEVEN L. BESHEAR
GOVERNOR

EXECUTIVE ORDER

2014-747
September 4, 2014

Secretary of State
Frankfort
Kentucky

WHEREAS, pursuant to Executive Order 2006-807, smoking is prohibited in office buildings and common areas occupied by Executive Branch Employees; and

WHEREAS, it is the duty of the Governor to protect the health, safety and welfare of the citizens and the employees of the Commonwealth of Kentucky; and

WHEREAS, one of the goals of my kyhealthnow initiative is to reduce Kentucky's smoking rate by 10% by 2019; and

WHEREAS, Kentucky has the highest rate among all states of adult smokers, the 6th highest rate of youth smoking, and leads the nation in cancer deaths; and

WHEREAS, over 22,000 members of the state employee health plan, including nearly 5,000 state employees, self reported for plan year 2014 that they were tobacco users, and experience shows that the health care costs for these individuals are approximately 20% higher as compared to those who do not self-report using tobacco; and

WHEREAS, I am committed to taking necessary steps to improve the lives and health of the citizens and employees of the state and minimizing their exposure to unnecessary health risks in the workplace and beyond; and

WHEREAS, smoking and breathing secondhand smoke causes disease including cancer, heart disease and various respiratory conditions and there is no level of exposure to secondhand smoke considered to be safe; and

WHEREAS, a United States Surgeon's General report has recommended the elimination of smoking from indoor spaces to fully protect non-smokers from exposure to secondhand smoke; and

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WHEREAS, the United States Department of Health and Human Services, Centers for Disease Control and Prevention (CDC), has found that the use of smokeless tobacco is known to be a cause of cancer and is associated with leukoplakia, gum disease and tooth decay, and that the use of smokeless tobacco during pregnancy increases the risk of preeclampsia, premature birth and low birth weight; and

WHEREAS, recently there has been an increase in the use of electronic cigarettes and vaping devices, including increased use in the workplace and public places and vapor produced from these devices can release chemicals such as nicotine and other tobacco related contaminants, including tobacco-specific nitrosamines and formaldehyde, all of which can adversely impact bystanders; and

WHEREAS, the Surgeon General of the Air Force has issued a formal memorandum warning all personnel about the dangers of e-cigarettes and noting that their use is banned wherever the smoking of conventional tobacco cigarettes is prohibited because these devices contain and emit harmful chemicals, are currently unregulated, and pose known and unknown health risks to users and non-users alike; and

WHEREAS, according to a study cited by the CDC there is evidence that implementation of a tobacco-free campus policy results in an increase in tobacco quit rates and reduced daily use of tobacco products; and

WHEREAS, it is the duty of the Governor and state government, as the Commonwealth's largest employer, to create a vision and establish high achievable standards for the state and its citizens, leading by example to reach and accomplish the goals which have been set:

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NOW, THEREFORE, I, Steven L. Beshear, Governor of the Commonwealth of Kentucky, under the authority vested in me by the Kentucky Constitution, Sections 69 and 81, and the provisions of KRS 61.165 and KRS 56.463, do hereby Order and Direct the following:

I. The use of tobacco, any tobacco product, and any electronic cigarette or vaping device shall be prohibited on any and all properties owned, leased or contracted for use by the Executive Branch of the Commonwealth of Kentucky, including but not limited to all buildings or portions of buildings, land and vehicles owned, leased or contracted for use by agencies or instrumentalities of the Executive Branch of the Commonwealth of Kentucky over which the Finance and Administration Cabinet has control.

II. It is the intent of this order that Skilled Nursing Facilities, Intermediate Care Facilities, Acute Care Hospitals and Personal Care Homes under the administration of the Cabinet for Health and Family Services (CHFS) shall go tobacco-free and e-cigarette or vaping device-free in a manner and timeframe established by the Secretary of the Cabinet for Health and Family Services under guidelines established by CHFS and by the Finance and Administration Cabinet. These guidelines will take into consideration certain federal regulations as well as the specific needs of residents of these facilities.

III. It is the intent of this order that existing Kentucky veterans centers shall go tobacco-free and e-cigarette or vaping device-free in a manner and timeline established by the Commissioner of the Department of Veterans Affairs and under guidelines established by the Commissioner and by the Finance and Administration Cabinet. These guidelines will respect the specific needs of the residents of these facilities. The new Kentucky veterans center scheduled to open in 2015 will open as a tobacco-free campus.

IV. The outdoor areas of Kentucky state parks, the Kentucky Horse Park, wildlife management areas, highway rest areas, the Kentucky State Fairgrounds, Bluegrass Station, and training centers operated by the Department of Military Affairs are exempt from this order. The outdoor areas of armories managed or operated by the Department of Military Affairs are exempt from this order only during those time periods when the facilities are rented for use by third parties.

V. This Executive Order shall not apply to the Judicial and Legislative Branches of Government or Constitutional Officers of the state, but I encourage all of them to follow this example.

VI. The Secretaries of the Finance and Administration Cabinet, the Personnel Cabinet and all other affected agencies shall take all steps necessary to effectuate the provisions of this Order.

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For the health and wellbeing of all Kentuckians, I hereby encourage all businesses and educational institutions, public and private, and all state and local government facilities to follow this example.

This Order shall be effective November 20, 2014.

STEVEN L. BESHEAR, GOVERNOR
Commonwealth of Kentucky

ALISON LUNDERGAN GRIMES
Secretary of State