

HONOLULU POLICE DEPARTMENT
POLICY
ORGANIZATION, MANAGEMENT, AND ADMINISTRATION

April 22, 2016

Policy Number 2.54

SMOKING AND THE USE OF TOBACCO PRODUCTS IN THE WORKPLACE

POLICY

Smoking and the use of tobacco products by departmental personnel shall be restricted in accordance with state laws, city ordinances and policies, and departmental directives.

PROCEDURE

I. **DEFINITIONS**

Electronic smoking device: Any electronic product that can be used to aerosolize and deliver nicotine or other substances to the person inhaling from the device, including (but not limited to) an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, hookah pipe or pen, and any cartridge or other component of the device or related product, whether or not sold separately.

Smoke or smoking: Inhaling, exhaling, burning, or carrying any lighted or heated tobacco or plant product intended for inhalation in any manner or form. "Smoking" includes the use of an electronic smoking device.

Smoking Policy Coordinator: The commander of the Professional Standards Office (PSO).

Tobacco product: Any product made or derived from tobacco that contains nicotine or other substances and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means. This includes (but is not limited to) a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, snus, or an electronic smoking device. A "tobacco product" does not include drugs, devices, or combination products approved for sale by the United States Food and Drug Administration as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

II. RESTRICTIONS ON SMOKING

- A. Chapter 328J, Hawaii Revised Statutes, prohibits smoking in buildings and vehicles owned, leased, or operated by the state or City and County of Honolulu; partially enclosed places open to the public; in sports arenas, outdoor arenas, stadiums, and amphitheaters; and within a minimum of 20 feet from entrances, exits, windows that can open, and ventilation intakes that serve an enclosed or partially enclosed area where smoking is prohibited.
- B. Section 41-14.2, Revised Ordinances of Honolulu 2021 (ROH), prohibits smoking in certain areas within the City and County of Honolulu.
- C. Smoking is prohibited on the handicapped-accessible ramp that is located on the corner of South Beretania and Hale Makai Streets.
- D. Officers are prohibited from smoking and using tobacco products when they are identifiable as employees of the department.

Civilian employees are prohibited from smoking and using tobacco products when on duty and identifiable as an employee of the department.

Exemption: This section does not apply to officers or civilian employees in the performance of a specific lawful police objective or during a period of relief from duty that is approved by a supervisor.

III. RESPONSIBILITIES

- A. The Smoking Policy Coordinator is responsible for coordinating program implementation and ensuring equitable enforcement of this directive throughout the department.
- B. The PSO shall inspect and evaluate each element for compliance with this policy.

5-17-2023

IV. COMPLIANCE AND COMPLAINTS

- A. Element commanders shall ensure that their personnel are in compliance with state laws, city ordinances and policies, and departmental directives regarding smoking and the use of tobacco products.

Element commanders shall make every reasonable effort, within the parameters of applicable laws and city policies, to resolve complaints regarding smoking and the use of tobacco products.

- B. Complaints regarding smoking/no smoking areas that are not resolved at the element level shall be referred to the Smoking Policy Coordinator for resolution.

The Smoking Policy Coordinator shall recognize the concerns of smokers and nonsmokers and the parameters of city ordinances and state laws when addressing the complaint.

V. SEVERABILITY CLAUSE

- A. Whenever a section of this directive conflicts with a law, statute, or ordinance; the law, statute, or ordinance shall take precedence.
- B. If any section of this directive is affected, the remaining sections that do not conflict with the law, statute, or ordinance will remain in effect.

5-17-2023


ARTHUR J. LOGAN
Chief of Police

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board for one week

Policy first issued
November 14, 1997