## Purpose/Belief Statement

We, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **(name of facility)**, understand that the use of tobacco, cannabis or electronic vapor products on childcare premises and in vehicles used to transport children or during any off-premise activities is an environmental hazard and detrimental to the health and safety of children, staff, and visitors.

## Background

Exposure of children to environmental tobacco, cannabis or vapor smoke is associated with increased rates of lower respiratory illness and increased rates of middle ear effusion, asthma, and sudden infant death syndrome. Exposure during childhood may also be associated with development of cancer during adulthood.

**Applicable NV Childcare Laws/Rules**

***Nevada Clean Indoor Air Act –*** [***NRS 202.2483***](https://www.leg.state.nv.us/NRS/NRS-202.html#NRS202Sec2491)

Smoking prohibited in certain areas; voluntary creation of nonsmoking areas; local regulation; posting signs; removal of paraphernalia; enforcement; retaliation prohibited.

1. Except as other provided in subsection 3, smoking in any form is prohibited within indoor places of employment including, but not limited to, the following:
	1. Childcare facilities
2. Without exception, smoking is any form is prohibited within school buildings and school property.

**Application**

This policy applies to all children, families, visitors, volunteers, and staff.

## Procedures/Practice

Smoking and the use of tobacco/electronic vapor/cannabis products is always prohibited:

* on the premises of the childcare facility
* on vehicles used to transport children
* during any off-premise activities sponsored by our facility

Signs are posted at each entrance to the facility and on vehicles used to transport children. The signs are posted in a manner and location that adequately notify families, visitors, volunteers, and staff of the tobacco-free childcare facility policy.

## Communication

Our facility will review this policy with parents/guardians, volunteers, and staff in writing and verbally at childcare-sponsored or related events. Copies of the policy are in staff and parent handbooks. We may provide materials and information provided by the local health department.

**Staff\***

* All current staff members and newly hired staff will review the **Tobacco-Free Policy** before providing care for children.
* Staff will sign an acknowledgement form that includes the individual's name, the date the facility’s policy was given and explained to the individual, the individual's signature, and the date the individual signed the acknowledgment.
* The childcare facility shall keep the signed **Tobacco-Free Policy staff acknowledgement form** in the staff member’s file.

**Parents/Guardians**

* A copy of the policy will be given and explained to the parents/guardians of newly enrolled children on or before the first day the child receives care at the facility.
* Parents/guardians will sign an acknowledgement form that includes the child’s name, date the child first attended the facility, date the operator’s policy was given and explained to the parent, parent’s name, parent’s signature, and the date the parent signed the acknowledgement.
* The childcare facility shall keep the signed **Tobacco-Free Policy parent acknowledgement form** in the child’s file.

**\*** For purposes of this policy, "staff" includes the operator and other administration staff who may be counted in ratio, additional caregivers, substitute providers, and uncompensated providers.

## Enforcement

Parents and visitors using tobacco/cannabis/electronic vapor products will be asked to refrain while on the childcare premises or to leave the premises.

The consequences for employees who violate the tobacco/vape/cannabis use policy will be in accordance with personnel policies.

## Definitions

* “Child care facility” ([NRS 441A.30](https://www.leg.state.nv.us/NRS/NRS-441A.html#NRS441ASec030)) – An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children.
* "Premises" – the entire childcare building and grounds including but not limited to natural areas, outbuildings, dwellings, vehicles, parking lots, driveways, and other structures located on the property.
* “E-cigarette” – Any electronic oral device that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution or any other substance, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.
* “Off-premises activity”– any event sponsored by our facility that is not on the childcare facility premises, including but not limited to field trips and educational or entertainment activities.
* “Smoking" – The use or possession of a lighted or heated cigarette, e-cigarette, cigar, little cigar, pipe, hookah or any other lighted or heated tobacco/cannabis product containing, made, or derived from tobacco and intended for inhalation in any manner or in any form.
* “Tobacco product” – Any product containing, made or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, or ingested by any other means, including but not limited to cigarettes, e-cigarettes, cigars; little cigars, hookah, snuff, snus, and chewing tobacco. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.
* “Cannabis (Marijuana) product” – Any product containing, made or derived from cannabis that is intended for human consumption and is presented in the form of a foodstuff, extract, oil, tincture, or other product. ([NRS 678A.070](https://www.leg.state.nv.us/NRS/NRS-678A.html#NRS678ASec085))

## Tobacco Cessation Resources

Our facility will consult with the local health department or other appropriate health and community-based organizations to provide staff and administrators with information and access to treatment programs and services to support them in complying with this policy. The Nevada Tobacco Quitline 1-800-QUIT-NOW (1-800-784-8669) offers free coaching sessions, helps develop a plan to quit, provides reading materials, and offers counseling. Visit <https://www.nevadatobaccoquitline.com/>

## References

* NV DPBH Tobacco Prevention and Control Branch, <https://dpbh.nv.gov/Programs/TPC/Tobacco_Prevention_and_Control_-_Home/>
* NV Legislature – Nevada Revised Statures, <https://www.leg.state.nv.us/NRS/>

## Effective and Review Dates

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| --- |
|  |
| Effective Date |

|  |
| --- |
| **This policy was reviewed and approved by:** |
| Director/Owner |
| Print name: | Date: |
| Signature: |
| Childcare Health Consultant (recommended) |
| Print name: | Date: |
| Signature: |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |  |
| Annual Review Dates |

## Parent/Guardian Acknowledgement Form

I, the parent or guardian of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **(child or children’s name)** acknowledge that I have read and received a copy of the facility’s 100% Tobacco-Free Policy for Nevada Child Care.

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Date policy given/explained to parent/guardian |  | Date of child's enrollment  |
|  |  |  |
| Print name of parent/guardian |  |  |
|  |  |  |
| Signature of parent/guardian |  | Date |

## Staff Acknowledgement Form:

I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **(name)** acknowledge that I have read and received a copy of the facility's 100% Tobacco-Free Policy for Nevada Childcare.

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|  |
| Date policy given/explained to staff  |
|  |  |  |
| Staff signature  |  | Date |