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BLOGS

Archives; Workplace Policies; Workplace Safety

Electronic Cigarettes at Work?

Electronic cigarettes or e-cigarettes have been in the news and are apparently growing in popularity. The New York Times recently published an online [debate](#) on the potential health benefits of e-cigarettes and their potential regulation. Other news outlets have published similar articles. (see, e.g., [here](#), [here](#), and [here](#)). Many employers are wondering how to react to employees who want to use e-cigarettes at work.

E-cigarettes are battery-powered devices that allow users to inhale nicotine vapors from a heated liquid. Proponents of e-cigarettes [argue](#) that they are a safer alternative to smoking and can help some smokers quit. Detractors [believe](#) that e-cigarettes could cause more Americans to become addicted to nicotine and that, at a minimum, more research and regulation are [necessary](#) to manage health risks.

According to the Minnesota Department of Health, the States smoking ban does not apply to e-cigarettes. (See MDH's [Smoking Ban FAQ](#)) Cities like St. Paul have passed tougher [regulation](#) of e-cigarettes sales, but the City's ordinance does not affect where the devices can be used.

Many employers are unsure how to react. Some want to prohibit the use of e-cigarettes while others see potential benefits. The devices may detract from employee productivity and create a distraction, or they could prevent smoke breaks that cause employees to leave the workplace.

Minnesota employers need to be cautious whenever they seek to regulate a lawful consumable product because of the State [statute](#) prohibiting adverse employment decisions based on their off-duty use. The provisions of that statute, however, are limited to restricting decisions due related to use . . . off the premises of the employer during nonworking hours. Use of a lawful consumable product at work can be restricted.

As with so many employment issues, employers should set aside their personal judgments regarding the wisdom of e-cigarette use and base their policies on actual effects of their use in the workplace. When considering whether to allow or ban e-cigarettes, employers should focus on employee productivity and morale and on any other actual, work-related effects of e-cigarette use. Employers should also keep their ears open for news regarding additional government regulation or research regarding potential health effects on coworkers.