

Title 4. Environment and Natural Resources – Chapter 411
CLEAN AIR POLICY

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411.1. Purpose and Policy

411.1-1. Purpose. It is the purpose of this Clean Air Policy to provide a healthy working and learning environment within buildings and vehicles owned and operated by the Oneida Tribe.

411.1-2. Policy. The Oneida Tribe is committed to health and wellness in all forms. There is long standing evidence that smoking is harmful to oneself and that second-hand smoke is harmful to others. In addition, the long term effects of electronic cigarettes on individuals are unclear. In an effort to provide a healthy environment for children, employees, and visitors, smoking will be restricted as described within this policy.

411.2. Adoption, Amendment, Conflicts

411.2-1. This Policy was adopted by motion of the Oneida Business Committee on May 25, 1994 and amended by resolution BC-02-24-10-I and BC-05-28-14-A.

411.2-2. This Policy may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

411.2-3. Should a provision of this Policy or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this Policy which are considered to have legal force without the invalid portions.

411.2-4. In the event of a conflict between a provision of this Policy and a provision of another law, ordinance, policy, regulation, rule, resolution, or motion, the provisions of this Policy shall control. Provided that, nothing in this Policy is intended to repeal or modify any existing law, ordinance, policy, regulation, rule, resolution or motion.

411.2-5. This Policy is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

411.3. Definitions

411.3-1. This section shall govern the definitions of words and phrases used within this Policy. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Building” means a structure that has a roof and more than two (2) substantial walls.

(b) “Electronic cigarette” means a device that enables a person to ingest nicotine, or other chemicals or substances, by inhaling a vaporized liquid and shall include the cartridges and other products used to refill the device. “Electronic cigarette” shall not include any device that is prescribed by a healthcare professional.

(c) “Indoor” means within the exterior walls of any building.

(d) “Main entrance” means the front entrance to any building, or any entrance a majority of the employees and public use to access the building.

(e) “Smoke” or “Smoking” means the inhalation of:

(1) the smoke of burning tobacco encased in cigarettes, pipes and cigars; or

(2) a vaporized liquid from an electronic cigarette, whether the liquid contains or does not contain nicotine.

(f) “Tribe” means the Oneida Tribe of Indians of Wisconsin.

411.4. Regulation of Smoking

411.4-1. Except as provided in 411.4-1(b)(1) and 411.4-2, no person may smoke:

- (a) in any building owned or operated by the Tribe.
- (b) within thirty (30) feet of any building owned or operated by the Tribe. Receptacles for disposing of smoking materials shall be maintained at least thirty (30) feet from the main entrances of the building.
 - (1) A person may smoke within thirty (30) feet of the Oneida One Stop outlets or any gaming establishments. Receptacles for disposing of smoking materials may be maintained within thirty (30) feet of the entrances of these buildings.
- (c) in any vehicle owned or operated by the Tribe.

411.4-2. *Exemptions.*

- (a) There shall be an exemption for specific cultural uses for the reasonable burning of tobacco, sage, cedar, and/or sweetgrass. Employees working in the vicinity of this cultural use shall be notified prior to use.
- (b) Specifically exempted from this policy are:
 - (1) all gaming areas in any Tribal building. Smoking and non-smoking employee break rooms shall be provided in these buildings and shall have separate ventilation. Employees shall not smoke while working in these buildings, other than in the provided break room.
 - (2) residential buildings that are owned by the Tribe, including, but not limited to single-family dwellings, two-family dwellings and multiple-family dwellings.

411.4-3. *Posting and Notices.* All Tribal buildings, except for those listed in 411.4-2(b), shall be posted “Non-Smoking” on entrances. In addition, the hallways, restroom facilities, and other public areas of these buildings may also be posted “Non-Smoking.” Signs shall be large enough that they can be viewed and read thirty (30) feet from the building.

411.4-4. *Violations.*

- (a) Any building manager or designated agent of the Oneida Business Committee may file for injunctive relief with the Tribe’s judicial system against any person who repeatedly or willfully violates this policy.
- (b) An employee of the Tribe who violates this policy during his or her work hours may be:
 - (1) reprimanded for a first time violation;
 - (2) suspended without pay for one (1) week for a second violation; or
 - (3) terminated from employment for any violation thereafter.

End.

Adopted - 5-25-94, motion, grace period for 30 feet until shelters complete, except for at educational facilities where minors are present.

Amended – BC-02-24-10-I

Amended – BC-05-28-14-A