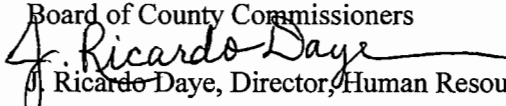




DATE: November 5, 2019

TO: Mayor Jerry L. Demings,  
-AND-  
Board of County Commissioners

FROM:   
J. Ricardo Daye, Director, Human Resources Division

SUBJECT: **BCC Consent Agenda – November 12, 2019**  
**Sunset of Tobacco/Nicotine Surcharge**

Contact: Patrick Peters, Benefits and Wellness Administrator, 407-836-5817

In 2010, the County initiated a tobacco/nicotine surcharge for employees who used tobacco/nicotine products and who enrolled in the County's Medical Plans. Since then, there have been significant developments in the healthcare industry. The Centers for Disease Control and Prevention (CDC) defined smoking as an addiction. The Affordable Care Act identified smoking cessation as a preventive coverage without any barriers (cost) to the benefit. This is equivalent to the preventive coverage designation for chronic medical conditions such as hypertension, hyper-cholesterol, asthma, diabetes, etc.

The federal guideline "Treating Tobacco Use and Dependence" identifies tobacco dependence as a chronic disease that often requires repeated interventions and multiple attempts to quit. According to the American Lung Association, punitive measures like tobacco surcharges have not been proven effective in encouraging smokers to quit or reduce tobacco usage. "Best Practices for Comprehensive Tobacco Control Programs" suggests that tobacco users have greater success when they have access to effective cessation assistance and know how to obtain it.

In light of this information, the Medical Oversight Committee re-evaluated the tobacco/nicotine surcharge to determine its effectiveness. The surcharge does not apply to spouses or dependents on the plan and there is no viable method to validate tobacco usage accurately. The tobacco/nicotine surcharge is incongruent with the absence of any penalty or penalties for other chronic diseases. Furthermore, with technological innovations that bring advanced nicotine delivery devices to the marketplace, it is even more important to educate members on the perils of nicotine consumption and promote prevention.

Currently, fewer than 200 County employees acknowledge tobacco usage and pay the surcharge. That number is substantially below the CDC's estimate that 14% of the population uses tobacco or nicotine products. The County's intent is to make a switch toward a culture that demonstrates a more tangible commitment to our employees' health and wellness. Education is the key to having a positive impact on tobacco and or nicotine usage. The County will do more to communicate tobacco cessation and educate employees on health alternatives to tobacco and nicotine usage.

**Action Requested:**

**Approval to sunset the Tobacco/Nicotine Surcharge effective December 31, 2019.**

cc: Byron W. Brooks, AICP, County Administrator  
Randy Singh, Deputy County Administrator