

UNIVERSITY OF CALIFORNIA, BERKELEY
Policy on a Tobacco-Free Campus

University of California, Berkeley

Policy Issued: January 1, 2014

Revision Effective Date: January 1, 2020

Supersedes: Tobacco-Free Campus Policy version issued
June 12, 2017

Next Review Date: June 12, 2024



Smoke- and Tobacco-Free Campus

Responsible Executive: Vice Chancellor–Student Affairs

Responsible Offices: University Health Services (UHS)

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Policy Statement

Consistent with its emphasis on health and environmental protection, the University of California, Berkeley is smoke- and tobacco-free effective January 1, 2014, meaning the use of tobacco*, smokeless tobacco, or unregulated nicotine products (i.e. “e-cigarettes”) is strictly prohibited in indoor and outdoor spaces owned or leased by UC Berkeley. In addition, the sale and advertising of tobacco products on UC Berkeley-owned or -leased property is not permitted.

* Although not specifically addressed by this policy, smoking of cannabis, including medical use, is prohibited by the [Federal Controlled Substances Act](#).

Scope of Policy

This policy affects everyone on campus-owned or -leased property.

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Why We Have This Policy

According to the Centers for Disease Control and Prevention, tobacco use is the leading cause of preventable death in the United States, and according to the US Surgeon General, there is no safe level of second-hand smoke. In the United States, tobacco use is responsible for about one in five deaths annually (i.e., about 443,000 deaths per year, with an estimated 49,000 of these smoking-related deaths attributed to secondhand smoke exposure).¹

In addition to causing direct health hazards, smoking and other tobacco use contribute to University costs associated with absenteeism, health care, medical insurance, fire damage, cleaning, and maintenance costs.

¹ http://www.cdc.gov/tobacco/data_statistics/fact_sheets/fast_facts/

This policy:

- Creates a healthier environment for students, faculty, staff, and visitors;
- Supports tobacco users who are trying to quit; and
- Reduces the number of new tobacco users by promoting the social norm of a tobacco-free environment.

Procedures

Summary

This policy relies on the consideration and cooperation of all individuals on the UC Berkeley campus and on UC Berkeley leased properties. Every member of the campus community has the responsibility to adhere to the tobacco-free policy.

UHS provides smoking cessation services and can also refer interested persons to external resources provided by health plans and/or other service providers.

Vice chancellors, deans, and department heads are responsible for ensuring that students, faculty, staff, and visitors within their area are informed of this policy. Enforcement will be primarily via education and communication. Violators of this policy may be subject to disciplinary action in accordance with appropriate personnel policies or union contracts. Any non-affiliated person who violates this policy may be asked to leave the campus. Additionally, any individual who violates the provisions of this policy may be cited and fined per [California Government Code 7597](#) et. seq.

For property acquired or received by gift or bequest after January 1, 2014, this policy shall apply (i) 30 days following the date of such acquisition or receipt, if the property is then unoccupied; or (ii) if the property is occupied at the time of acquisition or receipt, 30 days following the expiration of such pre-existing occupancy agreement.

The sale and advertising of tobacco products is prohibited on campus-owned or -leased property.

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Noncompliance Protocol

Repeated violations of this policy by faculty or staff will be handled through regular University disciplinary policies and procedures. Information on resources and referrals will be provided to anyone identified in this section with reference to the campus website (tobaccofree.berkeley.edu).

- Violations by faculty and staff should be brought to the attention of the employee's supervisor, who will take appropriate action.

Violations by students should be brought to the attention of Student Affairs, which will take appropriate educational or disciplinary action (in cases of repeat offenses). Student Affairs will also involve services for Students in Recovery if deemed necessary.

- Violations by visitors should be brought to the attention of the host department, which will take appropriate action.
- Violations by vendors or contractors should be brought to the attention of the department that has hired the vendors or contractors. The department will take appropriate action, which may include educating the vendors or contractors about the campus policy.
- Violation by tenants should be brought to the attention of Property Management, which will take appropriate action.
- Units who contract construction or other work performed on campus grounds should notify and enforce the policy among the contracted workforce (including notice in the contract documents).
- Per [California Government Code 7596](#) et. seq., UCPD may cite and fine public employees or members of the public for using any tobacco product on campus property.
- Noncompliance protocols refers to specific policies in manuals (PPSM, APM) and that, according to California Government Code 7597.1, each campus has the authority to establish fines for violations that may not exceed \$100.00.

Violations of this policy may also be reported to tobaccofree@berkeley.edu. There will be no reprisal against anyone seeking assistance in enforcing this policy.

Exceptions

Tobacco use may be permitted under the following circumstances:

- In sponsored research involving tobacco, tobacco products, or cannabis products, provided the University employee obtains the prior approval of the Vice Chancellor-Research and the Director of Environment, Health & Safety or their designees. Research funded by a tobacco industry sponsor must be reviewed and approved in accordance with Regental resolution RE-89 and [University of California Regents Policy 2309](#). Smoke, like any other laboratory air contaminant, must be controlled.
- By artists or actors who participate in University-authorized performances that require smoking as part of the artistic production.
- For University-approved ceremonial purposes in a space designated for the ceremony.
- For educational or clinical purposes with prior approval of either the dean responsible for the

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facility or the Vice Chancellor-Research.

- For FDA-approved nicotine replacement therapies used by individuals for cessation purposes.

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Responsibilities

Everyone at UC Berkeley:

- Adhere to this policy and its procedures.
- Treat smokers and non-smokers alike with thoughtfulness, consideration, and cooperation.
- Remind violators of this policy in a respectful manner.

All Campus Units:

- Enforce compliance through education and communication, as well as departmental personnel actions or code of conduct actions as appropriate.

Supervisors and Senior Managers:

- Communicate this policy to their employees and volunteers
- Event organizers are to communicate this policy to event attendees.

UHS:

- Administer and update this policy as appropriate.
- Coordinate educational enforcement (providing informational material) and marketing/outreach.
- Provide and promote smoking cessation services to students, faculty, and staff.

UCPD:

- Enforce this policy per [California Government Code 7596](#) et. seq. when educational avenues have been exhausted.

Environment, Health & Safety:

- Store and deliver A-frame signage for special events.
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Web Site Address for This Policy

<http://campuspol.berkeley.edu/policies/tobaccofree.pdf>

Glossary

Executive Officers of University Locations: Chancellors, Medical Center Chief Executive Officers, Vice President of Agriculture and Natural Resources, and the Executive Vice President & Chief Operating Officer of the Office of the President.

Cannabis/Marijuana: All parts of the plant *Cannabis sativa L.*, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin.

Such term does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative,

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mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

Members of the UC Campus Community: Academic appointees, staff, students, volunteers, contractors, patients, visitors, and anyone else at any University location.

Smoke or Smoking: The act of inhaling, exhaling, burning, or carrying of any lighted or heated plant product intended for inhalation, whether natural or synthetic, including tobacco and marijuana. This includes the use of any electronic smoking device that creates an aerosol or a vapor in any manner or in any form or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

Smoke/Tobacco-Free: The attainment of no smoking, no use of smokeless tobacco products, no use of nicotine products not regulated by the U.S. Food and Drug Administration (FDA) to help individuals who use tobacco to quit, no use of electronic smoking devices (e.g., electronic cigarettes), no smoking or vaping of marijuana, and no smoking of other plant-based products at all University locations.

Tobacco or Tobacco Product: Any one of the following:

- A product containing, made, or derived from the leaves of the genus *Nicotiana* or from synthetic nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, shisha, pipe tobacco, snuff, and all other forms of smokeless and oral tobacco.
- An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, cigars, pipes, hookahs, and electronic smoking devices (e.g., electronic cigarettes).
- Any component, part, or accessory of a tobacco product, whether or not sold separately.

Tobacco product does not include a product that has been approved by the FDA for sale as a tobacco cessation product marketed and sold solely for such an approved purpose.

Use: Smoking, heating, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means.

UC (or Campus) Controlled Properties: University-owned properties, including those leased to others, and properties leased to the University.

Related Documents

- University Smoke-Free Policy Proposal
(http://www.ucop.edu/risk-services/_files/smoke-free_policy.pdf)
- President Yudof Letter of 01/09/12 to the UC Chancellors
(http://www.ucop.edu/risk-services/_files/chancellors-smokefree-policy010912.pdf)

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- California Government Code 7597.1
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=7597.1&lawCode=GOV
- UC Guidance on the use and possession of marijuana on UC property
<http://www.ucop.edu/marijuana-and-drug-policy/>
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- UC Research Policy Analysis and Coordination Guidance Memo 18-01 (replaces Memo 17-01), July 24, 2018
Updated Information for Researchers on Conducting Marijuana Research at the University of California
<https://researchmemos.ucop.edu/php-app/index.php/site/document?memo=UIBBQy0xOC0wMQ==&doc=3743>
- BUS-50 Controlled Substance Policy
<https://policy.ucop.edu/doc/3520503/BFB-BUS-50>

UC Berkeley Tobacco-Free Web Page:
tobaccofree.berkeley.edu

Revision History

Proposed Revision Date Effective January 1, 2020 - Revisions bring current Berkeley policy in line with the revised UC Office of the President policy, approved in June 2018. The UCOP policy went through a year of revisions and was written and reviewed by the UCOP Policy Advisory Committee (with input from Student Affairs, UC Health, Academic Senate, and Academic Personnel) and UCOP OGC, and Policy Steering Committee (with input from UC campus Policy Coordinators).

Proposed changes address:

- Incorporation of cannabis;
- Language to broaden the scope of products included in the policy (electronic smoking devices);
- Clarifications of exemptions allowed;
- Addition of referral to resources under the section on Non-Compliance Protocol and
- Minor revisions to clarify and clean up the policy.

June 12, 2017: The Responsible Executive and Contact information on the first page was changed to reflect organizational restructuring. Outdated links were either updated or deleted. The responsibilities previously assigned to Environment, Health & Safety were assigned to

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University Health Services, and Environment, Health & Safety was given responsibility for storage and delivery of A-frame signage for special events.