



Smoke and Tobacco Free Environment

Responsible Officer:	Chief Risk Officer
Responsible Office:	RK – Risk / EH&S
Issuance Date:	5/11/2021
Effective Date:	5/11/2021
Last Review Date:	4/21/2021
Scope:	UC students, staff, academic appointees, visitors, patients, contractors, and volunteers. This Policy does not apply to Lawrence Berkeley National Laboratory.

Contact:	Ken Smith
Title:	EH&S Executive Director
Email:	Ken.Smith@ucop.edu
Phone:	(510) 987-0170

TABLE OF CONTENTS

I. POLICY SUMMARY	1
II. DEFINITIONS	2
III. POLICY TEXT.....	3
IV. COMPLIANCE/RESPONSIBILITIES.....	3
V. PROCEDURES.....	4
VI. RELATED INFORMATION	5
VII. FREQUENTLY ASKED QUESTIONS	5
VIII. REVISION HISTORY	5

I. POLICY SUMMARY

As a public institution of higher education with units that research and treat the effects of smoking, tobacco and marijuana use, the University of California (UC) recognizes its responsibility to exercise leadership in the promotion of a healthy, smoke/tobacco-free environment for all students, academic appointees, staff, and visitors. This Presidential Policy and associated procedures are intended to provide a healthier, safer, and more productive work and learning environment for the entire UC community.

II. DEFINITIONS

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.

Marijuana: All parts of the plant *Cannabis sativa L.*, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis; 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, 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 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.

University Controlled Property: Any property or building that is owned or leased by the University and any location to which the University controls access, except Lawrence Berkeley National Laboratory.

University Location: Locations include, but are not limited to, the University of California Campuses, Medical Centers, Division of Agriculture and Natural Resources (ANR), and the Office of the President.

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

III. POLICY TEXT

The University of California prohibits smoking and tobacco use at all University controlled properties.

In a [letter dated January 9, 2012](#), President Yudof announced to all Chancellors that UC, as a national leader in healthcare and environmental practices, would be smoke and tobacco-free effective January 2, 2014. This announcement covered all University controlled properties. In the announcement, each University location was charged with developing location-specific procedures to implement the smoke and tobacco-free directive.

This Policy applies to all members of the UC community. Effective implementation depends on the respect and cooperation of all members of the University community, all of whom have a collective responsibility to promote the safety and health of the UC campus and medical center communities.

In an ongoing effort to enhance awareness and encourage a culture of compliance, members of the UC community are encouraged to respectfully inform others about the Policy.

IV. COMPLIANCE/RESPONSIBILITIES

All members of the UC community at University locations are expected to adhere to this Policy and to the required procedures described in this Policy.

Executive Officers of University locations, or their designee, have the authority to develop procedures and supplementary information to support and enforce the implementation of this Policy.

- It is the responsibility of Supervisors and Managers, as well as Deans, Directors, and Department Heads, to communicate this Policy to their employees and volunteers and for event organizers to communicate this to event attendees.
- In addition, visitors, guests, volunteers, trainees, vendors, contractors, and supplemental staff employed through contract agencies must be made aware of and are expected to adhere to this Smoke and Tobacco-free Policy.
- A comprehensive education and outreach campaign, including resources and referrals for cessation will be made available.

University of California – Smoke and Tobacco Free Environment Policy
Smoke and Tobacco Free Environment

Noncompliance with the Policy is handled in accordance with Personnel Policies for Staff Members (PPSM) policies 62-64 pertaining to disciplinary actions; Academic Personnel Manual (APM) 015-016 pertaining to the Faculty Code of Conduct and administration of discipline; APM 140 and 150 pertaining to Non-Senate Academic Appointees; and University location-specific policies for students through Student Conduct offices.

Through the authority provided in California Government Code 7597.1, the governing body of the University of California has the authority, in establishing a policy for smoking and tobacco use, to set enforcement standards at University locations. Each University location has the authority to establish fines for violations of this Policy, but such fines must not exceed \$100.00 per violation. At minimum, Executive Officers of University locations should consult with Campus Counsel and UCPD before proposing any enforcement standard that establishes a fine.

There will be no reprisal against anyone seeking assistance in enforcing this Policy.

V. PROCEDURES

Each University location shall develop a local implementing procedure for this Policy that includes all of the following minimum requirements:

- a. Smoking and tobacco use are strictly prohibited in indoor and outdoor spaces, including parking lots.
- b. The procedure must apply to all University controlled properties, whether owned or leased.
 - i. For property acquired or received by gift or bequest after the effective date of this Policy, the provisions of this Policy must apply 30 days following the date of such acquisition or receipt, if the property is then unoccupied; or if the property is occupied at the time of acquisition or receipt, 30 days following the expiration of such preexisting occupancy agreement.
- c. The sale and advertising of tobacco products and marijuana is prohibited at all University controlled properties.
- d. The implementing procedure must apply to all members of the UC community as defined in this Policy.
- e. Enforcement should be primarily educational with an emphasis on cessation resources.

Exemptions:

1. The following exemptions are allowed under this Policy and in local policies and procedures:
 - a. Smoking and/or tobacco use for traditional ceremonial activities of recognized cultural and/or religious groups, upon written request and written approval, as specified by local procedures

- b. Research involving tobacco and marijuana upon request and written pre-approval, as specified by local procedures.

VI. RELATED INFORMATION

- 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>)
- 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/>
- UC Research Policy Analysis and Coordination website with information on cannabis and hemp research: <https://www.ucop.edu/research-policy-analysis-coordination/policies-guidance/cannabis/index.html>
- BUS-50 Controlled Substance Policy <https://policy.ucop.edu/doc/3520503/BFB-BUS-50>

Personnel Policies for Staff Members <https://policy.ucop.edu/manuals/personnel-policies-for-staff-members.html>

Academic Personnel and Programs <https://www.ucop.edu/academic-personnel-programs/academic-personnelpolicy/policy-issuances-and-guidelines/revised-apm-015-and-016.html>

Non Senate Academic Appointees <https://www.ucop.edu/academic-personnel-programs/files/apm/apm-140.pdf>

VII. FREQUENTLY ASKED QUESTIONS

For a list of frequently asked questions, visit the UC Smoke/Tobacco-Free website at <http://www.ucop.edu/risk-services/loss-prevention-control/uc-smoke-tobacco-free.html>. The website also provides links to related resources, including links to other UC campuses and medical centers.

VIII. REVISION HISTORY

5/11/2021: Implemented a technical fix to the policy to revise the definition of marijuana to reflect change put forth by the [Agricultural Improvement Act of 2018](#) (commonly known as the [2018 Farm Bill](#)) and the DEA's subsequent implementation of it.

5/31/2018: Incorporation of marijuana clearly stated in policy language; revised language used to broaden the scope of products included in the policy (electronic smoking

University of California – Smoke and Tobacco Free Environment Policy
Smoke and Tobacco Free Environment

devices); removed/clarified exemptions allowed.

This Policy was also remediated to meet Web Content Accessibility Guidelines (WCAG) 2.0.

1/9/2014: Original date of issuance with an effective date of **1/1/2014**.