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Owner: *Andy Alvarez: Sr Mgr HR Policy Admin*
Area: *Human Resources*
Codes: *EO 1108*

Policy on Systemwide Smoke and Tobacco Free Environment

I. AUTHORITY AND PURPOSE

This executive order (EO 1108) is issued pursuant to Title 5, California Code of Regulations, Sections 42356, Government Code 7597.1, and the Standing Orders of the Board of Trustees.

A cornerstone of the California State University and higher education is the principle of one's individual freedom to learn, teach, work, think, and take part in their intellectual and career endeavors in a fulfilling, rewarding, safe, and healthy environment.

For decades, the health hazards of tobacco and second-hand smoke to individuals have been well studied and chronicled.

Further, studies have clearly demonstrated the acute health benefits, medical costs savings, and organizational costs savings when individuals quit smoking.

Thus, in order to provide the California State University's faculty, staff, students, guests and the public with campuses that support the principle of one's individual freedom to learn, teach, work, think and take part in their intellectual endeavors in a fulfilling, rewarding, safe and healthy environment, the creation and implementation of a "smoke and tobacco free" policy systemwide is necessary and welcome.

Campus Presidents or their designees shall have the responsibility for implementing the policy on their campuses with an implementation date of September 1, 2017.

II. DEFINITIONS

Members of the CSU Community: This includes all students, faculty, staff, alumni, university volunteers, contractors or vendors and visitors to any California State University campus or properties.

University Properties: These include the interior and exterior campus areas of any California State University campus. This definition includes buildings (including residence halls), structures (including parking structures), parking lots, and outdoor areas owned, leased or rented by the university or one of its auxiliaries. Also included are vehicles owned, leased or rented by the university or one of the university's auxiliaries. Private vehicles on university-owned, leased, or rented land or in university-owned, leased, or rented parking structures will also be subject to compliance with Executive Order 1108.

Smoke Free: "Smoke Free" means the use of cigarettes, pipes, cigars, and other "smoke" emanating products

including e-cigarettes, vapor devices and other like products are prohibited on all University properties.

Smoke or Smoking: "Smoke" or "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, cigarillo, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoke" or "Smoking" also includes the use of an electronic smoking device that creates an aerosol or 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.

Tobacco Product:

- i. A product containing, made or derived from tobacco or 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, pipe tobacco, and snuff.
- ii. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.
- iii. Any component, part, accessory of a tobacco product, whether or not sold separately.
- iv. "Tobacco product" does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is market and sold solely for such an approved purpose.

Tobacco Free: "Tobacco Free" means the use of cigarettes, pipes, cigars, smokeless tobacco, snuffs, and other tobacco products are prohibited on all University properties.

III. POLICY TEXT

Campus Presidents or their designees shall have the responsibility of implementing this Executive Order on their campuses with an anticipated implementation date no later than September 1, 2017.

Scope of this Executive Order:

Effective September 1, 2017, all California State University campuses shall be 100% Smoke Free and Tobacco Free. Smoking, the use or sale of tobacco products, and the use of designated smoking areas are prohibited on all California State University properties. Members of the CSU community are expected to fully comply with the policy.

Any sponsorship and/or advertising in respect to any university activity or event by a tobacco product manufacturer is prohibited unless explicitly authorized by the University President or designee.

Exceptions:

- i. Smoking in university-sponsored theater and dance productions, student-authored or sponsored scenes, showcases or workshops produced as part of the department of theatre as well as ceremonial campus events may be authorized by the President or designee only when a required part of a specific performance. This includes smoking and/or tobacco use for traditional ceremonial activities of recognized cultural and/or religious groups.
- ii. The use of nicotine cessation products regulated by the United States Food and Drug Administration for treating nicotine or tobacco dependencies is permitted under the terms of this executive order.
- iii. Institutional Review Board approved research on tobacco or tobacco-related products.

Collective Bargaining:

Nothing in this executive order shall extend the existing grounds for employee discipline and, to the extent that any of these provisions are in conflict with a Collective Bargaining Agreement, the terms of the Collective Bargaining Agreement shall be controlling.

IV. COMPLIANCE, RESPONSIBILITIES AND ENFORCEMENT

Compliance is grounded in an informed and educated campus community. The success of this policy depends on the thoughtfulness, civility and cooperation of all members of the campus community, including visitors.

Members of the CSU community are individually responsible to comply with the creation of a systemwide smoke and tobacco free environment. While compliance with this executive order is an individual responsibility, members of the CSU community should be aware that enforcement of this policy may occur in the following instances:

- i. University Police shall reserve all enforcement authority with regards to any violation of existing state and federal law.
- ii. Individual agreements that prohibit smoking and proscribe penalties for breaches that are not impacted by this executive order (e.g. University Housing license agreements, other residential licenses, or existing leases).

Educational campaigns, outreach, communication and the promotion of tobacco cessation treatment options will be the primary means to promote compliance. A comprehensive education and outreach campaign, including resources and referrals for cessation will be made available as part of campus implementation programs.

The progress this policy represents in promoting the ability of students, faculty, staff and visitors to have a healthier and pleasant campus experience aligns well with the CSU's mission. Individual campus support and diligence in moving forward with the implementation and amendment of current policies is sincerely appreciated.

Hostile and/or violent interpersonal conduct directed against members of the CSU community requesting that an individual(s) comply regarding compliance with the terms of this executive order will not be tolerated, and will be enforced under systemwide or campus policies, including but not limited to workplace violence policies.

V. IMPLEMENTATION

The Vice Chancellor for Human Resources has overall responsibility for implementing this policy. This policy shall supersede all existing campus policies related to smoking and tobacco. Campus task forces will be responsible for developing an implementation plan, and ensuring all activities associated with implementation are carried out. Campus task forces shall include a student representative. A member of each campus task force will serve on the systemwide Smoke and Tobacco Free Policy Task Force to ensure all campuses are adequately moving forward with implementation of this policy. Exclusive Representatives may nominate an individual to serve on the Systemwide Task Force. To provide adequate time to create awareness, outreach, and educational programs, including smoking cessation and counseling programs, this policy is effective September 1, 2017.

Supersedes

Executive Order 599

Issued by

Timothy P. White, Chancellor

All revision dates:

4/7/2017

Attachments

[Transmittal Letter](#)

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