

UVU Compliance to the *Utah Indoor Clean Air Act*

Adopted by President's Council on February 21, 2013

Utah Valley University complies with federal and state law (see UVU Policy 101 *Policy Governing Policies*) and Board of Regents policy.

UVU Policy 101 Section 4.1.6, states, "In the event of a conflict between documents at different levels in the hierarchy of authority, the higher-level authority governs and the subordinate, lower-level document shall be read consistently with the higher authority and shall be revised to that effect." In other words, state and federal code prevail over UVU policy.

Recently, questions have arisen regarding the use of e-cigarettes on campus. UVU Policy 158 *Tobacco* states that UVU operates in compliance with the *Utah Indoor Clean Air Act*.

The *Utah Indoor Clean Air Act* defines smoking as follows:

"Smoking" means the possession of any lighted or heated tobacco product in any form; inhaling, exhaling, burning, or heating a substance containing tobacco or nicotine intended for inhalation through a cigar, cigarette, pipe, or hookah; . . . using an e-cigarette; or using an oral smoking device intended to circumvent the prohibition of smoking in this chapter.

The *Utah Indoor Clean Air Act* defines e-cigarettes as follows:

"E-cigarette": means any electronic oral device; that provides a vapor of nicotine or other substance; and which simulates smoking through its use or through inhalation of the device; and includes an oral device that is: composed of a heating element, battery, or electronic circuit; and marketed, manufactured, distributed, or sold as: an e-cigarette; e-cigar; e-pipe; or any other product name or descriptor . . ."

The *Utah Indoor Clean Air Act* prohibits smoking indoors at all publically owned buildings; this includes "all enclosed indoor places of public access." Utah Rule R392-510-10 states clearly that "Smoking is prohibited in facilities used by, vocational schools, colleges, and universities".

UVU's Policy 158 prohibits the "use of tobacco." However, in compliance with the *Utah Indoor Clean Air Act*, UVU prohibits "smoking":

- Inside campus buildings.
- Within 25 feet of entrances, windows, and air intake vents.
- Partially enclosed areas (such as covered walkways, walkways between sections of buildings, courtyards, and bus stop shelters) and exterior stairways and landings.
- At UVU-sponsored outdoor events.

Under state law, any employee of Utah Valley University who observes a person smoking in campus areas where smoking is prohibited may request the person to stop smoking. If the person does not stop smoking, the university employee may ask the person to leave the premises and can report the incident. Under university policy, students in violation will be reported to Campus Police; employees will be reported to their direct supervisor, to their appropriate vice president, to Campus Police, or to Human Resources for investigation of the violation. Judicial Affairs will determine appropriate action for student violations; Human Resources will determine appropriate action for employee violations.