

## **ACTION ITEM #2**

### **WSU Vancouver, Addition of WAC Chapter 504-37 Health and Safety Regulations Specific to WSU Vancouver (Mel Netzhammer)**

TO ALL MEMBERS OF THE BOARD OF REGENTS

**SUBJECT:** WSU Vancouver, Addition of WAC Chapter 504-37, Health and Safety Regulations Specific to WSU Vancouver

**PROPOSED:** That the Board of Regents adopt the addition of WAC Chapter 504-37 addressed in the attached summary of proposed changes.

**SUBMITTED BY:** Mel Netzhammer, Chancellor, WSU Vancouver

**SUPPORTING INFORMATION:** The Board of Regents has authority pursuant to Chapter 28B.30 RCW and Chapter 34.05 RCW to adopt, amend, and repeal rules published in the Washington Administrative Code. WAC Chapter 504-37 concerns implementation of a smoking and tobacco free WSU Vancouver campus. The proposed amendments have been published in the Washington State Register, Volume **WSR 13-17-099**, at <http://public.wsu.edu/~forms/ProposedWAC.html>. The proposed amendment is a WAC addition to create a Tobacco/Smoke Free campus at WSU Vancouver. A detailed summary of the proposed WAC 504-37 is attached.

This document supports a request for placement as a future action item. The Office of Procedures, Records, and Forms held a public hearing at 4:00 PM on October 3, 2013, at the French Administration Building room 448J in Pullman as well as via video link with a live moderator at the Engineering and Computer Science Building (VECS) room 105 on the Vancouver campus to solicit public comments regarding the amendments. The hearing was held and advertised in accordance with RCW 34.05.325(4). No comments were received, oral or written, from the public regarding this proposal.

**Attachments:** Proposed WAC Chapter 504-34 (Vancouver Campus, Tobacco/Smoke Free Campus)

**Summary of Proposed Changes to WAC Chapter 504-37  
(Vancouver Campus, Tobacco/Smoke Free Campus)**

**NEW CHAPTER**

WAC 504-37 Health and safety regulations specific to WSU Vancouver

**NEW SECTION**

WAC 504-37-010 Smoking and tobacco use -Authority

- States that pursuant to RCW 28B.30.150 (1), WSU board of regents is granted authority to establish rules and regulations for tobacco use on university property

**NEW SETION**

WAC 504-37-020 Smoking and tobacco products

- Acknowledges findings from the US surgeon general that tobacco use in any form is harmful to health.
- Acknowledges that per the US environmental protection agency, environmental tobacco smoke is a class A carcinogen
- Establishes restrictions in this section WAC 504-37-010, WAC 504-37-030 collectively referred to as the WSU Vancouver smoking and tobacco use policy.
  - (1) Smoking or other tobacco use is not permitted within the perimeter of WSU Vancouver property,
  - (2) The WSU Vancouver smoking and tobacco policy applies to all students, staff, faculty, or other persons using university facilities
  - (3) The WSU Vancouver smoking and tobacco policy is not intended to impede IRB research projects. IRB research projects are exempt from this policy
  - (4) Defines the terms “tobacco products”, and “premises” for the purposes of this chapter.
  - (5) Restricts sale and distribution of tobacco products on university property
  - (6) Prohibits tobacco-promoting organizations from sponsoring campus events.
  - (7) Prohibits advertising of tobacco products at campus events regardless of sponsorship
  - (8) Describes disciplinary action and consequences of violating policy specific to students, staff, and visitors
  - (9) Describes signs advertising a tobacco-free campus and placement on campus

**NEW SECTION**

WAC 504-37-030 Smoking and tobacco use-communication and compliance

- (1) Identifies that enforcement of regulations in these sections is the responsibility of WSU Vancouver Public Safety with assistance from all members of the WSU Vancouver community.
- (1) Identifies departments primarily responsible for ensuring the WSU Vancouver smoking and tobacco policy is communicated to employees, students, visitors and others
  - (a) Human resources regarding employees
  - (b) Student affairs regarding students
  - (c) Department leads regarding contractors and other visitors
  - (d) Communications and scheduling offices for events with external visitors
  - (e) Facilities operations for outside contractors and vendors working on campus
  - (f) Public Safety regarding campus visitors

- (g) Chancellor's office regarding partner institutions
- (2) Listed responsible departments and persons may establish procedures and protocols consistent with each other to eliminate tobacco use from campus, increase compliance, and assist tobacco users in availing themselves of tobacco dependency treatment options.
- (3) Specifies consequences for repeatedly violating this policy and authorizes Public Safety to control and regulate facilities use as prescribed by this policy
- (4) Any person interfering with a university public safety officer in the discharge of the WSU Vancouver smoking and tobacco use policy may be in violation of WSU Vancouver policy and state law (RCW)

**Chapter 504-37 WAC**  
**HEALTH AND SAFETY REGULATIONS SPECIFIC TO WASHINGTON STATE UNIVERSITY**  
**(WSU) VANCOUVER**

NEW SECTION

**WAC 504-37-010 Smoking and tobacco use—Authority.** Pursuant to RCW 28B.30.150(1), the Washington State University (WSU) board of regents is granted authority to establish rules and regulations for tobacco use on property owned, operated, and/or maintained by the university.

NEW SECTION

**WAC 504-37-020 Smoking and tobacco products.** Washington State University Vancouver acknowledges the findings of the United States Surgeon General that tobacco use in any form, active and passive, is a significant health hazard. The university further recognizes that the United States Environmental Protection Agency classifies environmental tobacco smoke as a class A carcinogen. In light of these health risks, and in support of a safe and healthy learning/working environment, WSU Vancouver establishes the restrictions in this section, WAC 504-37-010, and 504-37-030, otherwise collectively referred to as the WSU Vancouver smoking and tobacco use policy.

(1) Smoking or other tobacco usage is not permitted within the perimeter of WSU Vancouver property. Smoking materials must be extinguished and disposed of prior to entering WSU Vancouver property or exiting vehicles. Improper disposal, including spitting smokeless tobacco or discarding cigarette butts on the ground or out of a vehicle, is not permitted.

(2) The WSU Vancouver smoking and tobacco use policy applies to all students, faculty, and staff or other persons using university facilities.

(3) The WSU Vancouver smoking and tobacco use policy is not intended to impede on institutional review board (IRB) research projects. IRB-approved research projects are exempt from this policy.

(4) Definitions. For the purposes of this chapter, the terms "tobacco products" and "premises" are defined as follows:

(a) Tobacco products. Cigarettes, cigars, pipes, hookah, all forms of smokeless tobacco, electronic cigarettes, clove cigarettes and other alternative products made primarily with tobacco.

(b) Premises. All buildings, grounds, state-owned vehicles and equipment (motor pool, maintenance) including, but not limited to, parking lots, bus stops, county-owned and WSU-maintained streets or sidewalks, recreational fields and all open common areas within the WSU Vancouver campus.

(5) The sale and/or free distribution of tobacco products or tobacco-related merchandise is prohibited on university property.

(6) Sponsorship of campus events by tobacco-promoting organizations is prohibited.

(7) Advertisement of tobacco products at university events is prohibited regardless of sponsorship.

(8) Tobacco use on university property or improper disposal of smoking materials may result in disciplinary action. Employees may be subject to corrective or disciplinary action and students may be referred to the WSU Vancouver office of student conduct. Other violators may be trespassed from the WSU Vancouver campus and subject to other sanctions available to enforce the smoking and tobacco use policy.

(9) Signage: Signs declaring WSU Vancouver "tobacco-free" are to be posted at the campus entries and other conspicuous places.

#### NEW SECTION

**WAC 504-37-030 Smoking and tobacco use—Communication and compliance.** (1) The enforcement of the smoking and tobacco use rules and regulations in this section, WAC 504-37-010 and 504-37-020 is the responsibility of campus public safety personnel with the assistance of all members of the WSU Vancouver community. Members of the WSU Vancouver community may notify public safety of repeat offenders and/or of disruptive behavior. The following WSU Vancouver persons and departments are responsible for ensuring that the WSU Vancouver smoking and tobacco use policy is communicated to employees, students, visitors and others in the WSU Vancouver community as indicated:

- (a) Human resources regarding employees;
- (b) Student affairs regarding students;
- (c) Department leads regarding contractors and other visitors;
- (d) Communications and scheduling offices for events with external visitors;
- (e) Facilities operations for outside contractors and vendors working on campus;
- (f) Public safety regarding campus visitors;
- (g) Chancellor's office regarding partner institutions.

(2) Each of the above responsible persons and departments may establish procedures and protocols, consistent with each other and the WSU Vancouver smoking and tobacco use policy, designed to eliminate tobacco use from campus, increase compliance, and assist tobacco users in availing themselves of tobacco dependency treatment options.

(3) Any person who repeatedly violates the WSU Vancouver smoking and tobacco use policy may be asked to leave the premises and/or may be removed and subject to trespass admonition. Employees may be subject to corrective or disciplinary action and students may be subject to student conduct action. Public safety officers are authorized to control, and regulate facilities use as prescribed by this policy.

(4) Any person interfering with a university public safety officer in the discharge of the WSU Vancouver smoking and tobacco use policy may be in violation of WSU Vancouver policy and state law (RCW).