

AP 3570 Smoking and Tobacco Use

References: GovCode 7596-7598, EdCode 76030-76034, Penal Code 374.4, 627 et seq.
Labor Code 6404.5, and Vehicle Code 21113

I. Introduction

The San Luis Obispo Community College District (District) recognizes the overwhelming scientific evidence assembled by the U.S. Surgeon General, Centers for Disease Control, Environmental Protection Agency, and World Health Organization, which demonstrates that tobacco is a profound agent of deadly diseases, responsible for millions of deaths worldwide each year, both to tobacco users and non-users. Tobacco use is inconsistent with a culture of wellness. While acknowledging the hazards of smoking, the District has, more importantly, dedicated itself to providing safe, healthy, comfortable, and productive learning environments throughout its campuses for visitors, employees and students. Accordingly, pursuant to Board Policy 3570, Smoking and Tobacco Use, the District issues this Smoking- and Tobacco-Free Policy, effective January 1, 2019.

The success of this policy will depend on the thoughtfulness, consideration, and cooperation of tobacco users and non-tobacco users. It is the responsibility of all members of the District community to comply with this policy as well as all other District policies. Members of our various campus communities are empowered and expected to professionally and respectfully inform others about the policy in an ongoing effort to enhance awareness and encourage compliance. Furthermore, employees and student leaders are expected to serve as role models for the entire campus community. Violations of this policy will be handled in a manner that is consistent with all District policies and procedures. Smoking waste management products, such as ashtrays, shall be removed from all campus premises within a reasonable time frame.

II. Definitions

- A. Smoking—inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe or other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. “Smoking” includes the use of electronic cigarettes and other electronic smoking devices which create 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 in this policy.
- B. Tobacco product—means any of the following:
 - 1. 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, hookah-smoked products, clove cigarettes, bidis, kreteks, electronic cigarettes, smokeless tobacco, and snus.

2. 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.
3. Any component, part, or accessory of a tobacco product, whether or not sold separately.

Note: This definition does not include any product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco use cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose.

C. Tobacco Company—is defined as a company that produces and/or markets branded tobacco products, including any subsidiaries, but not including parent companies which engage in business.

III. Smoking and Tobacco-Free Policy

A. Smoking and use of tobacco is prohibited by all persons:

1. In and/or around all campus buildings, facilities or property owned or leased by the District;
2. In vehicles that are the property of, or leased by the District; and
3. On all District property and grounds, including parking lots.

B. The sale or free distribution of tobacco products, including merchandise on campus or at District events is prohibited.

C. District campus organizations, and student organizations are prohibited from accepting money or gifts from tobacco companies including:

1. Parties sponsored by tobacco companies and allowing them to distribute free, reduced-price, or fully priced tobacco products (T-shirts, hats, etc.) on campus; and
2. All tobacco advertising, such as billboards and signs on property owned and operated by the District.

D. Tobacco advertisements are prohibited in college-run publications and on grounds or facilities, including athletic facilities, owned or operated by the District.

E. The District will provide information on free and accessible tobacco treatment resources on campus.

1. These tobacco treatment resource programs shall be publicized regularly in student and staff publications, posted in academic buildings and athletic facilities, via Human Resources and the Student Health Center (or alternative appropriate means deemed necessary).

2. District Human Resources and respective campus Student Health Center Departments will house all present and future cessation tobacco use information. Either of the foregoing can be contacted for more information regarding on and off campus cessation programs and services.

F. Any person observed littering (such as throwing a cigarette on the ground) will be issued a citation, consistent with California Penal Code § 374.4

IV. Enforcement

The Cuesta College Police Department shall enforce the smoking and tobacco use policy. College Police may warn or cite any person who is in violation of this policy. Visitor violators are subject to stay-away orders.

College Police, depending on the circumstances of the violation, may report students who violate this policy to the appropriate administrator for disciplinary proceedings under Education Code § 76033(e).

Additional sanctions may also be implemented through other administrative means, such as the Student Code of Conduct or District Board Policies and Administrative Procedures.

Any person who desires to register a complaint hereunder may initiate enforcement consideration with the Cuesta College Police Department.

V. Notice

Signs communicating the District's smoking and tobacco use policy and enforcement measures shall be prominently posted and properly maintained where tobacco use and smoking are regulated by this policy, including all building entrances and grounds. The District shall also notify students, parents/guardians (in the case of minor students), employees, contractors and other school visitors annually of the Smoking and Tobacco-free policy in written materials such as, but not limited to, websites, manuals, contracts, catalogs, schedules of classes, newspapers, and newsletters.

VI. Policy and Procedure Review

Specific responsibility for completing revisions and associated outreach will be maintained by Human Resources and the respective campus Office of Student Services.

Approved: 5/5/2004
Renumbered: 12/5/2014
Reviewed: 12/7/2017
Revised: 9/12/2018