Smoking, Tobacco, and Nicotine Use

STATE LAW AND CAMPUS POLICIES

Washington state law (RCW Chapter 70.160) prohibits smoking in any University owned, leased, or rented public place or place of employment.

WSU Pullman, WSU Spokane, WSU Tri-Cities, and WSU Vancouver have additional restrictions regarding tobacco and nicotine use on campus. See below.

NOTE: Such restrictions do not apply to tobacco cessation programs or approved research.

WSU Pullman

WSU Pullman's campus policy in Washington Administrative Code (WAC) Chapter 504-38 prohibits all forms of tobacco and any nicotine-delivery devices, including electronic cigarettes, in or on WSU Pullman campus grounds and state-owned vehicles and equipment. This includes noncontiguous WSU-owned property located within the city limits of Pullman, WA and within Whitman County.

To view the complete WSU Pullman policy, go to:

apps.leg.wa.gov/wac/default.aspx?cite=504-38

WSU Spokane

WSU Spokane's campus policy prohibits the use and sale of tobacco products, including electronic cigarettes, in or on all Spokane campus grounds and state-owned vehicles and equipment. To view the complete WSU Spokane policy, go to:

spokane.wsu.edu/facilities/environmental-health-and-safety/tobacco-free-campus/

WSU Tri-Cities

WSU Tri-Cities' campus policy prohibits the use, sale, and advertising of tobacco products, including electronic cigarettes, in or on all Tri-Cities campus grounds (including leased properties) and state-owned vehicles and equipment. To view the complete WSU Tri-Cities policy, go to:

tricities.wsu.edu/ehs/tobaccofreecampus

WSU Vancouver

WSU Vancouver's campus policy prohibits all forms of tobacco and any nicotine-delivery devices, including electronic cigarettes that have not been approved for smoking-cessation purposes in or on WSU Vancouver campus grounds and state-owned vehicles and equipment. To view the complete WSU Vancouver policy, go to:

www.vancouver.wsu.edu/safety-plan/smoking-and-tobacco-use-policy
Smoking, Tobacco, and Nicotine Use

Other WSU Locations

Smoking is prohibited in places of employment and within 25 feet of entrances, exits, windows that open, and ventilation intakes.

RESPONSIBILITY

WSU employees, students and visitors are responsible for complying with Washington state law (RCW Chapter 70.160, Clean Indoor Air Act) and any applicable campus tobacco and nicotine use policy (see above).

The following WSU staff or department representatives are responsible for ensuring that the requirements of the state law and applicable campus policies are communicated to applicable employees, students, visitors, and others:

• Human Resource Services regarding employees
• New Student Programs, Student Affairs, and the Graduate School regarding students
• Department supervisors and leads regarding their employees, visitors, guests, and contractors
• Communications and scheduling offices for events regarding their attendees, guests, and visitors
• Finance and Administration regarding outside contractors and vendors
• President's Office regarding partner institutions, visitors, and guests
• Athletics regarding their patrons, visitors, and guests

DEFINITIONS

Smoke or Smoking

Smoke or smoking refers to the carrying or smoking of any kind of lighted pipe, cigar, cigarette, electronic cigarette, or any other lighted smoking equipment.

Place of Employment

Place of employment refers to any area under the control of Washington State University through which employees are required to pass during the course of employment, including, but not limited to:
Smoking, Tobacco, and Nicotine Use

Place of Employment (cont.)

- Entrances and exits to the places of employment, and including a minimum distance of twenty-five feet from:
  - Entrances
  - Exits
  - Windows that open
  - Ventilation intakes that serve an enclosed area where smoking is prohibited

- Work areas
- Restrooms
- Conference and classrooms
- Break rooms and cafeterias
- Other common areas

Public Place

Public place means that portion of any WSU owned, leased, or rented building or vehicle, and includes a minimum distance of 25 feet from:

- Entrances
- Exits
- Windows that open
- Ventilation intakes that serve an enclosed area where smoking is prohibited

Public places include, but are not limited to:

- Classrooms
- Laboratories
- Offices
- Residence halls
- Elevators
- Public conveyances or transportation facilities, including:
  - Transit shelters
  - Museums
  - Concert halls
  - Theaters
  - Auditoriums
  - Exhibition halls
  - Indoor and outdoor sports arenas
  - Hospitals
  - Nursing homes
  - Health care facilities or clinics
  - Enclosed shopping centers
  - Retail stores
  - Retail service establishments
  - Financial institutions
  - Educational facilities
Smoking, Tobacco, and Nicotine Use

Public Place (cont.)

- Ticket areas
- Public hearing facilities
- Public restrooms
- Libraries
- Restaurants
- Waiting areas
- Lobbies
- Reception areas
- Bowling alleys
- skating rinks
- Reception areas
- Hotel or motel rooms that are rented to guests

A public place does not include a private residence unless the private residence is used to provide licensed childcare, foster care, adult care, or other similar social service care on the premises.

University apartments, but not apartment common areas, are considered private residences.

NOTE: Renters of apartments and dormitory rooms are subject to the provisions of the rental contract with the University.

When a private residence is open for a public event, smoking is prohibited.

SIGNAGE

No Smoking Facilities

WSU posts signs prohibiting smoking at applicable building entrances to meet the requirements of RCW Chapter 70.160.

Tobacco- and Nicotine-Free Campuses

WSU posts signs in prominent locations regarding applicable restrictions.

FIRE DESIGNATION

The campus or local area fire marshal may designate other locations as no smoking areas, e.g., areas having flammable materials.

VIOLATIONS AND ENFORCEMENT

Efforts to gain voluntary compliance should normally precede formal corrective actions when reasonable. However, any person who intentionally violates this policy by smoking or using tobacco or nicotine-delivery devices in a public place or place of employment, litters the remains or remnants of a tobacco product, or any person who defaces or destroys a sign required by this policy, is subject to University corrective action or disciplinary actions, and/or civil fines as applicable under any related laws.
Smoking, Tobacco, and Nicotine Use

VIOLATIONS AND ENFORCEMENT (cont.)

Any person passing by or through a public place while on a public sidewalk or public right of way has not intentionally violated the state law. However, the campus policies at WSU Pullman, WSU Spokane, WSU Tri-Cities, and WSU Vancouver prohibit smoking or tobacco use in campus outdoor spaces (see State Law and Campus Policies).

State Law

Any person who intentionally violates this policy by smoking in a public place or place of employment, or any person who removes, defaces, or destroys a sign required by this policy, is subject to a civil fine of up to $100. *(RCW 70.160.070)*

WSU Personnel

Any student, staff, or faculty member who violates the University or applicable campus smoking, tobacco, and nicotine use policy may also be subject to corrective or disciplinary action by the University.

Enforcement

The WSU Police Department and local law enforcement agencies enforce the smoking prohibition required by state law *(RCW Chapter 70.160)* by issuing a notice of infraction to be assessed in the same manner as traffic infractions. At WSU Spokane, the Spokane Regional Health Department and local law enforcement agencies enforce the smoking prohibition by issuing a notice of infraction.

Environmental Health and Safety (EH&S) and local health departments enforce state law regarding the duties (e.g., signage, etc.) of owners or persons in control of WSU public places and places of employment. *(RCW 70.160.050 and 70.160.070(3))*

Littering

Littering of tobacco and nicotine products and waste (cigarette butts, packaging materials, etc.) is subject to civil fines. Discarding tobacco products and matches capable of starting a fire is subject to a civil fine and court fees and assessments. *(RCW 70.93.060 and 7.80.120)* For further information, see the Washington Department of Ecology Litter Laws and Litter Tax website at:

ecology.wa.gov/Waste-Toxics/Solid-waste-litter/Litter/Litter-laws

Littering of tobacco and nicotine products and waste into storm drains and waterways is also violation of the federal and state Clean Water Act. Such littering is considered an illicit discharge that is prohibited by University policy (see *SPPM 6.58*).
Smoking, Tobacco, and Nicotine Use

DISPUTES

Students, faculty, and staff refer disputes regarding smoking, tobacco, and nicotine use, no smoking areas, and tobacco- and nicotine-free areas to the responsible department administrator.

Department administrators may contact EH&S or the WSU Department of Public Safety for assistance in interpretation of this policy and Washington state law.

TOBACCO AND NICOTINE USE CESSATION PROGRAMS

WSU students may contact Health and Wellness Services for information about tobacco and nicotine use cessation programs; telephone 509-335-3575.

A WSU faculty or staff employee may contact Human Resource Services to access a tobacco and nicotine use cessation program through his or her health insurance provider; telephone 509-335-4589.