



Book	Administrative Procedures
Section	Chapter 3: General Institution
Title	Smoking and Tobacco/Nicotine Use
Number	AP 3570
Status	Active
Adopted	July 21, 2004
Last Revised	May 12, 2016

### **AP 3570-Smoking and Tobacco/Nicotine Use**

#### *References:*

*Government Code Sections 7596, 7597, 7597.1, and 7598*

*Health and Safety Code Sections 118875-118915*

*Labor Code 6404.5*

*Title 8, Section 5148*

*Education Code 76030, 76031, 76033, 87660 et.seq, 88001 e), h), 88013, and 88016*

**Effective: August 1, 2016**

#### **Background**

The Surgeon General of the United States has concluded that there is no “risk-free” level of exposure to secondhand tobacco/nicotine smoke. The United States Environmental Protection Agency (EPA) has found secondhand tobacco/nicotine smoke to be a risk to public health and has classified secondhand smoke as a group “A” carcinogen, the most dangerous class of carcinogen. Furthermore, the California Air Resources Board has categorized secondhand smoke as a toxic air contaminant. Exposure to tobacco/nicotine smoke is hazardous to smokers and non-smokers alike.

#### **Definition**

“Smoking” means the carrying or holding of lighted cigarettes, cigars, cloves, bidis, pipes, hookah, and electronic cigarettes, or other similar smoking device or equipment, or emitting or exhaling the smoke of cigarettes, cigars, cloves, bidis, pipes, hookah, and electronic cigarettes, or other similar smoking device or equipment.

#### **Provisions**

The use of any form of tobacco/nicotine is prohibited on all District properties, grounds & buildings within the Yuba Community College District. Clear and consistent signage will be displayed at all entrances to the campuses and centers, as well as other conspicuous locations, to notify the public that smoking and tobacco/nicotine use is otherwise prohibited on the grounds and in buildings.

This policy applies to all employees, students, vendors, volunteers and visitors.

The smoking prohibition applies to all District/College owned mobile equipment.

No tobacco/nicotine related advertising or marketing shall be permitted on District property or in publications produced by the District/College.

The smoking prohibition includes but is not limited to cigarettes, cigars, cloves, bidis, pipes, hookah, electronic cigarettes and smokeless tobacco/nicotine products.

The use of mouth or smokeless tobacco/nicotine (to include dipping, chewing, etc.) is also prohibited under this procedure and is subject to the same restrictions.

The sale of tobacco/nicotine products on District/College property is prohibited.

The District/College has the responsibility of communicating this procedure to students and staff. This procedure shall be communicated to all students and employees and published in the Schedule of Classes, Catalog, handbooks, Web sites, and other appropriate locations.

### **Applicable Code Sections**

The use of any form of tobacco/nicotine is prohibited on all District properties, grounds & buildings within the Yuba Community College District.

This policy is in addition to Government Code Section 7597 which prohibits smoking within 20 feet of a main entrance, exit and operable window of all public buildings (buildings owned and occupied, or leased and occupied by the state, county or city) as well as buildings on the campuses of the University of California (UC), California State University (CSU), and California Community Colleges (CCC), effective January 1, 2004. For the law to be effective, a sign must be posted describing the smoking prohibition. A violation of these provisions is an infraction.

California Government Code Section 7596(a) of the law defines a public building as "...a building owned and occupied, or leased and occupied, by the state, a county, a city, a city and county, or a California community college district." The law applies to all state, county and city government buildings. The law does not apply to privately owned buildings, unless they are leased or occupied by a state, county or city agency.

### **Enforcement**

The success of this procedure will depend upon the thoughtfulness, consideration, and cooperation of smokers and nonsmokers. All employees and students share in the responsibility for adhering to and enforcing the procedure. Any conflicts should be vetted through the appropriate administrative channels. It is the responsibility of all employees to inform students of this procedure. It is the responsibility of the administration to ensure compliance with this procedure.

### **Drug Free Environment**

Administrative Procedure 3550: Drug Free Environment and Drug Prevention, and Board Policy 3550, is tied to Administrative Procedure and Board Policy 3570, Smoking/Use of Tobacco Products, as it pertains to marijuana smoking.

### **BP 3550: Drug Free Environment and Drug Prevention Program**

*Reference: Drug Free Schools and Communities Act, 20 U.S.C. Section 1145g and 34 C.F.R. Section 86.1 et seq.; Drug Free Workplace Act of 1988, 41 U.S.C. Section 702*

The District shall be free from all illicit drugs and from the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in all facilities under the control and use of the District.

Any student or employee who violates this policy will be subject to disciplinary action consistent with local, state, or federal law pursuant to 34 C.F.R. Section 86.100, which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion, or dismissal.

The Chancellor shall assure that the District annually makes available to each student and employee the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act. See Administrative Procedure 3550.