

UH Executive Policy E10.102 on Tobacco Products

Prepared by the Office of the Vice President for Administration and Chief Financial Officer
This policy replaces E10.102 dated January 2003

UNIVERSITY OF HAWAII

EXECUTIVE POLICY — ADMINISTRATION April 2012

E10.102 Tobacco Products Policy

I. INTRODUCTION

Act 245, Session Laws of Hawai'i 1987 went into effect to protect the health of members of the public visiting or using State facilities and State employees. This Act, relating to smoking tobacco products in public places and to smoking of tobacco products in the workplace, requires all State departments to adopt, implement, and maintain a written policy. In October 1997, the Governor issued Executive Memorandum 97-14 regarding Smoking and Tobacco Use in State Buildings under the Executive Branch, announcing a policy of the executive branch to establish a smoke-free environment for State employees and members of the public visiting or using State facilities.

The U.S. Surgeon General in a 1986 report on Involuntary Smoking concluded that involuntary smoking is a cause of disease, including lung cancer, in healthy nonsmokers, and that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to environmental smoke. In 1993, the Federal Environmental Protection Agency classified secondhand smoke as a "Group A" Carcinogen, a substance known to cause cancer in humans. The EPA does not recognize a safe level of exposure to Group A Carcinogens.

Our initial policy was adopted in September 1987, and amended in March 1988. Our policy is amended to reflect subsequent changes in requirements under law and executive order, as well as changes in the scientific understanding of the harms caused by tobacco products to users and non-users, and the effectiveness of available harm reduction methodologies.

As recognized by the Core Values articulated in the University of Hawaii System Strategic Plan of June 2002, Aloha is "central and unique to Hawai'i's university" and includes a "forward-looking concern for the well-being of these islands". This policy is put forward with the spirit of Aloha that requires the thoughtfulness, consideration, and cooperation of all of the University's community members.

II. OBJECTIVE

To provide comprehensive systemwide executive support to implement the "Smoking in Public Places" statute, HRS Chapter 328K — Part I, the "Smoking in the Workplace" statute, HRS Chapter 328K — Part II, the Governor's Executive Memorandum No. 97-14 (October 10, 1997), and in furtherance of the University's System Mission, which defines within the primary purpose of the University the value of "help[ing] ensure the survival of the present and future generations with improvement in the quality of life."

III. POLICIES

A. Overview

It is the policy of the University to provide a safe and healthy learning and working environment for students and employees. In recognition of the scientifically proven harms associated with exposure to environmental tobacco smoke, University community members have a right not to be exposed to smoke-contaminated air. Moreover, tobacco is an addictive product that will prematurely kill one-third of its users. Our community is best served by policies that reduce tobacco product use initiation, reduce consumption among current users, and support cessation efforts among those current users who wish to quit.

B. Definitions

1. "Smoking" means smoking as defined in HRS Chapter 328K-12 which includes inhaling and exhaling the fumes of burning tobacco or any other plant material, or burning or carrying any lighted equipment for smoking tobacco or any other plant material, or the personal habit commonly known as smoking.
2. "Tobacco product" means any substance that contains tobacco, including, but not limited to, chewing tobacco, cigarettes, cigars, pipes, snuff, smoking tobacco, and smokeless tobacco.

C. Protection from Secondhand Smoke Exposure

1. Except as provided in paragraph 2, smoking is prohibited in the following areas:
 - a. All interior space owned, rented, or leased by the University;
 - b. In building courtyards, breezeways, and terraces, on exterior stairways and access ramps, and outdoor dining patios, terraces, and lanais;
 - c. Within 25 feet of building entrances and exits;
 - d. Within 25 feet of air intake ducts and vents, and of operable windows of buildings;
 - e. Within 50 feet of designated pick-up and drop-off points for campus and public bus transportation;
 - f. Within the gates of the University's outdoors sports and performing arts stadiums and arenas, including walkways, corridors, and seating areas; and,

- g. Any area that has been designated by the person having control of the area as a non-smoking area and marked with a no smoking sign.

2. Exceptions.

a. Residential Facilities.

Until the start of the 2004-2005 academic year, smoking may be permitted in private rooms in University residential facilities in designated smoking-permitted sections and where all occupants thereof agree.

Managers of University residential facilities are directed to create and implement phased-in plans to establish non-smoking housing facilities along the following guidelines:

- at least 40 % of the private areas of University housing facilities shall be designated non-smoking by January 2003;
- at least 80% of the private areas of University housing facilities shall be designated non-smoking by the start of the 2003-2004 academic year; and
- 100% of the private areas of University housing facilities shall be designated non-smoking by the start of the 2004-2005 academic year.

Managers of University residential facilities are directed to ensure that housing contracts for University residential facilities are revised to incorporate the changes required by this section.

- Designated smoking areas may be established in outdoors stadiums and arenas, physically removed from seating and other crowded areas.

3. Implementation.

- a. University administrators are directed to implement the provisions of this section. Materials explaining this policy shall be sent to all employees and included with information given to all admitted students and newly hired employees. Announcements should also be widely distributed through campus newspapers and electronic messaging to ensure that everyone understands the new policy.
- b. Clear and recognizable signage indicating the locations of designated smoking and non-smoking areas shall be posted and regularly maintained. Ashtrays and other cigarette butt receptacles shall be removed from non-smoking areas or relocated to areas where smoking is permitted.

4. Ending the Marketing and Promotion of Tobacco Products on University Campuses

- a. All advertising and sales of tobacco products on University campuses are prohibited. This section shall not apply to the sale or free distribution of non-University supported magazines and newspapers that incidentally contain tobacco product advertising.
- b. The distribution of samples of tobacco products or coupons redeemable for tobacco products on University campuses is prohibited.

- c. The sponsorship of campus events or campus organizations by tobacco industry or tobacco promoting organizations is prohibited.

D. Tobacco Use Prevention Education and Support for Cessation

University administrators are directed to create and implement meaningful plans to discourage the initiation of tobacco product use, the transition from occasional to nicotine-dependent tobacco product use, and to assist the substantial number of tobacco product users who are trying to quit. This shall include offering prevention and education initiatives that support non-use and address the risks of tobacco product use, as well as programs and services that include practical steps to quit using tobacco products on campus.

Tobacco product cessation guidance will be made available to assist and encourage individuals who wish to quit. Supervisors may authorize employees who wish to avail themselves of such programs to do so without any loss in pay.

E. Complaint Procedure

This policy applies to the entire university community, including faculty, staff, students and visitors. While it relies on the thoughtfulness, consideration and cooperation of smokers and nonsmokers and will not be enforced through disciplinary measures, other University policies and State laws and rules may be applicable.

The Vice President for Administration and Chief Financial Officer shall be responsible for policy implementation and compliance in collaboration with heads of all UH campuses. Questions, comments, or complaints relating to this policy and/or its implementation should be directed to each respective campus head or designees.