



# Butte-Glenn Community College District ADMINISTRATIVE PROCEDURE

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## AP 3570 – Smoking and Tobacco Use

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Approved by Leadership: August 2010

*References: Government Code Sections 7596, 7597 and 7598  
Health and Safety Code Sections 118875-118915  
Labor Code 6404.5  
Title 8, Section 5148  
Butte County Ordinance No. 3039  
Glenn County Ordinance No. 1011*

### **Background**

The Surgeon General of the United States has concluded that there is no “risk-free” level of exposure to secondhand tobacco smoke. The United States Environmental Protection Agency (EPA) has found secondhand tobacco 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 smoke is hazardous to smokers and non-smokers alike. (Source: California Youth Advocacy Network template)

### **Applicable Code Sections**

Government Code Section 7597 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.

California Government Code Section 7597.1 allows for the California State Universities, the University of California and each community college district to have the authority to set enforcement standards for their local campuses. They may impose a fine for the first, second and third offense and each subsequent offense in the amount to be determined by the local governing body. The civil fine shall not exceed one hundred dollars (\$100).

Butte County Ordinance No. 3039, “Regulation of Smoking in Work Places and Enclosed Public Places,” prohibits smoking in all public places and work places.

Glenn County Ordinance No. 1011, "Controlled Use of Tobacco Products in Public Buildings and vehicles," bans smoking in any public place, building, or vehicle.

### **Definition**

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

### **Provisions**

The use of any form of tobacco can only be in designated smoking areas. The District will identify designated smoking areas. It will ensure that clear and consistent signage are displayed at all entrances to the campus, as well as other conspicuous locations, to notify the public that smoking and tobacco use is permitted only in the officially designated areas and is otherwise prohibited on the campus grounds or in campus buildings.

The smoking prohibition applies to District owned vehicles and all other District owned mobile equipment.

No tobacco related advertising or marketing shall be permitted on District Property or in publications produced by the District.

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

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

The sale of tobacco products on District property is prohibited.

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

The District may provide interested students, visitors, and staff with information on, or refer them to, smoking cessation services.

### **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 brought to the attention of the appropriate supervisory personnel. It is the responsibility of all District employees to inform students of this procedure. It is the responsibility of District managers to ensure compliance with this procedure by employees.

### **Violations**

Violations of this procedure shall be enforced by the College Police Department. A citation will be issued to each violator indicating the person's identifying information, date and time of the violation, the location of the offense and the legal statues authorizing the issuance of the citation. The fine for the first violation shall be \$50, \$75 for a second violation, and \$100 for third and subsequent violations. The College Police Department will maintain a database of citations issued to assist in determining the correct fine amount. When a subject is issued a third citation, the violator's

information will be forwarded to the Vice President for Student Services in the case of a student, or the Director for Human Resources in the case of an employee. A fourth or subsequent violation may result in student judicial proceedings or personnel action as permitted by labor agreements. Should the District establish a smoking cessation education program, violators will have the option of participating in this program to reduce the fine by \$25. Violators will only be allowed to participate in this program once.

### **Appeals**

An appeal process shall be created to ensure the due process of any person cited in accordance with District policy. For students, the first level appeal will be in writing to the Vice President for Student Services (or designee) and the second and final level appeal will be an in-person hearing with the Vice President for Student Services. The findings of the Vice President for Student Services will be final and binding. Failure to pay a fine may result in a hold on college records or registration as provided for by existing policy. For employees, the first level appeal will be in writing to the Director for Human Resources and the second level appeal will be an in-person hearing with the Director for Human Resources. The findings of the Director for Human Resources will be final and binding.

### **Fines**

Fines will be collected by the Admissions and Records Department and deposited into a special object code account. Those monies collected will be divided as follows; seventy percent (70%) will be retained by the College Police Department for enforcement activities (including but not limited to; personnel to manage the smoking citation program, supplies and staffing for enforcement activities). Thirty percent (30%) will be transferred to the Health Services object code account for smoking cessation treatment options.