



UNIVERSITY OF GUAM
UNIBETSEDĀT GUAHAN
BOARD OF REGENTS

RESOLUTION NO. 13-24

RELATIVE TO AMENDING THE UNIVERSITY OF GUAM'S POLICY BANNING THE SALES, SMOKING AND THE DISTRIBUTION AND USE OF TOBACCO AND TOBACCO-BASED PRODUCTS ON THE UNIVERSITY OF GUAM CAMPUS

WHEREAS, the University of Guam (UOG) is the primary U.S. Land Grant institution accredited by the Western Association of Schools and Colleges (WASC) serving the post-secondary needs of the people of Guam and the region; and

WHEREAS, the governance and well-being of UOG is vested in the Board of Regents (BOR); and

WHEREAS, the BOR adopted Resolution No. 06-04, also referred to as the "Tobacco Free Policy," on January 19, 2006, which authorized the UOG administration to implement a total ban on sales, smoking and the distribution and use of tobacco and tobacco-based products on the UOG campus by August 1, 2006; and

WHEREAS, Public Law 28-80 the Natasha Perez Protection Act of 2005, prohibits smoking in Guam restaurants, except for restaurants that turn into bars late at night; and,

WHEREAS, according to the World Health Organization, scientific evidence has firmly established that there is no safe level of exposure to second-hand tobacco smoke, a pollutant that causes serious illness in adults and children, and that implementing 100% smoke-free environments is the only effective way to protect the population from the harmful effects of exposure to second-hand smoke; and

WHEREAS, 10 GCA Health and Safety, Chapter 90 Natasha Protection Act of 2005, § 90105 (b) supports any owner, operator, manager, or other person who controls any establishment, facility or area, may prohibit smoking to occur within the entire establishment, facility or area; and

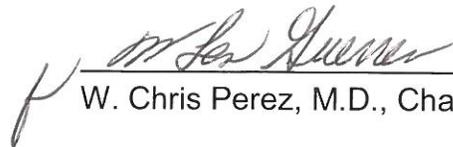
WHEREAS, after testing a number of e-cigarettes from two leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze ("Summary of Results: laboratory analysis of electronic cigarettes conducted by FDA," *Food and Drug Administration (FDA)*, July 22, 2009); and,

WHEREAS, the use of e-cigarettes can create difficulties in enforcing the smoking prohibitions in workplaces and public places where smoking of traditional tobacco products is prohibited; and

WHEREAS, the administration, with the support of the Staff Council and Faculty Union, through the Administrative Council, desires to amend the Tobacco Free Policy to include a ban on the use of e-cigarettes, and to expand the policy to apply to all University of Guam properties, to include areas that are not located on the main campus grounds.

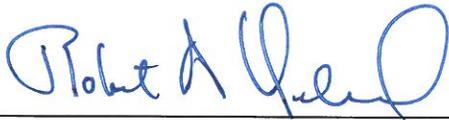
NOW, THEREFORE BE IT RESOLVED, that the Board of Regents hereby adopts the amended policy as attached.

Adopted this 19th day of September, 2013.



W. Chris Perez, M.D., Chairman

ATTESTED:



Dr. Robert Underwood, Executive Secretary

UOG Rules, Regulations and Procedures Manual

Article VI. Policies Common to Administrators, Faculty, Staff and Students

F. TOBACCO-FREE POLICY

Pursuant to Board of Regents Resolution No. 13-24, the University of Guam (UOG) has a total ban on the sales, smoking and the distribution and use of tobacco and tobacco-based products on the UOG Campus, and properties.

The purpose of this policy is to protect the public health and welfare by prohibiting smoking and the use of tobacco products or simulated smoking devices, including but not limited to E-cigarettes, on the UOG campus and properties; to guarantee the right of nonsmokers to breathe smoke-free air, while recognizing that the need to breathe smoke-free air shall have priority over the desire to smoke; and to encourage a healthier, more productive living/learning environment for all members of our University community.

Definitions.

A. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, including a hookah pipe, or any other lighted or heated tobacco or plant product, including but not limited to marijuana, intended for inhalation, in any manner or in any form. "Smoking" also includes the use of an e-cigarette which creates a 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 substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, blunts, clove cigarettes, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body by inhalation or digestion; but does not include any cessation product specifically approved by the U.S. Food and Drug Administration for use in treating nicotine or tobacco dependence.

C. "E-cigarette" means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.

This Tobacco-Free Policy applies to all UOG facilities and vehicles, owned or leased, regardless of location. Smoking and the use of tobacco products or e-cigarettes shall not be permitted in any enclosed place, including privately owned vehicles, residential areas/dormitories, and businesses within University of Guam campus and properties. Smoking and the use of tobacco products or e-cigarettes shall also be prohibited outdoors on all UOG properties, including the campus and parking lots. This policy applies to all students, UOG employees, and other persons on campus and on UOG properties, regardless of the purpose for their visit.

Copies of this policy shall be distributed to all University employees and shall be included with information given to all admitted students. Announcements shall also be printed in campus newspapers to insure that everyone understands the policy. All contracts with activities or services on campus or University properties shall also reflect this policy in writing with intent to actively announce and enforce compliance. Signs prohibiting smoking and the use of tobacco products shall be posted at points of entry to the University of Guam campus and at all University of Guam building entrances. No ashtrays shall be provided at any location on University properties. No tobacco products or paraphernalia shall be sold or distributed as samples on university grounds, either in vending machines or any area on campus or on University properties.

The success of this policy will depend on the thoughtfulness, consideration, and cooperation of smokers and nonsmokers. All students and University employees share in the responsibility for adhering to this policy. Violations of this policy will be addressed in accordance with UOG disciplinary procedures and other enforcement action as permitted by UOG policy.

Tobacco cessation programs and other resources to assist and encourage individuals who wish to quit using tobacco products will be made available by UOG. Questions regarding this policy and its enforcement should be handled through existing departmental administrative channels and administrative procedures.

Tobacco-related advertising or sponsorship shall not be permitted on UOG properties at UOG-sponsored events, or in publications produced by the University of Guam, with the exception of advertising in a newspaper or magazine that is not produced by the UOG and which is lawfully sold, bought, or distributed on UOG properties. For the purposes of this policy "tobacco related" applies to the use of a tobacco brand or corporate name, trademark, logo, symbol, or motto, selling message, recognizable pattern or colors, or any other indicia of product identical to or similar to, or identifiable with, those used for any brand of tobacco products or company which manufactures tobacco products.

Individuals and/or businesses convicted of violating Guam law regarding prohibitions of smoking are subject to significant fines and penalties, in accordance with 10 GCA Ch. 90 Natasha Protection Act of 2005 or other related mandates.