



## Revision to the Policy on Smoking at the University of Maryland

**PRESENTED BY** Jo Zimmerman, Chair

**REVIEW DATES** SEC – April 3, 2020 | SENATE – April 22, 2020

**VOTING METHOD** In a single vote

**RELEVANT POLICY/DOCUMENT** [Policy on Smoking at University of Maryland](#)

**NECESSARY APPROVALS** Senate, President

### ISSUE

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In September 2019, the Senate Office was asked whether the definition of “smoking” in the Policy on Smoking at University of Maryland restricts the use of vaping devices and e-cigarettes. After consulting with stakeholders involved in implementing the policy, the Senate leadership found that the current policy lacks clarity on whether it prohibits or permits the use of such devices, and determined that the Campus Affairs Committee should consider whether vaping should be explicitly addressed in the policy. The SEC charged the committee with reviewing past Senate action on the University’s approach to smoking, reviewing recent actions at the state and federal level addressing vaping devices and e-cigarettes, examining definitions of smoking at Big 10 and peer institutions, considering the impact of vaping devices and e-cigarettes on members of the campus community and whether their use is consistent with the principles of the University’s Policy on Smoking, and recommending whether the policy should be revised to prohibit the use of vaping devices and e-cigarettes.

### RECOMMENDATIONS

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The Campus Affairs Committee recommends that the Policy on Smoking at University of Maryland (VI-8.10[A]) be revised as indicated in the policy document immediately following this report.

The Campus Affairs Committee recommends that the University should consider whether current smoking cessation resources will be adequate to meet the needs of incoming cohorts of students disproportionately affected by vaping and e-cigarette use.

### COMMITTEE WORK

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The committee reviewed a range of resources identified in its charge, and consulted with the Office of General Counsel (OGC) and the Division of Administration and Finance on the current policy and its implementation. After reviewing recent research on the effects of secondhand emissions from vaping devices and e-cigarettes, the committee determined that explicitly prohibiting the use of vaping devices and e-cigarettes was clearly consistent with the intention of both the USM and University policies on smoking, which were designed to create a smoke-free environment and reduce risks to bystanders. The committee worked to develop a new definition that was sufficiently flexible to address new technologies and mechanisms that simulate smoking.

The committee also consulted with a representative of the University Health Center (UHC), and learned that current staffing levels in the UHC do not allow it to meet the existing demand for smoking cessation services. The committee noted that the significant rise in the use of vaping devices and e-cigarettes among middle- and high-school students will result in large cohorts of matriculating students who may need nicotine-cessation services, which led to the committee's administrative recommendation.

In addition to revising the definition of smoking, the committee made technical changes to the policy and shared its proposed revisions with the OGC, which had no concerns. After due consideration, the Campus Affairs Committee voted to approve the revised Policy on Smoking at University of Maryland and an administrative recommendation at its February 26, 2020, meeting.

## **ALTERNATIVES**

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The Senate could reject the proposed revised policy and the University would retain the current policy. However, the University would lose the opportunity to better protect the health and safety of members of the campus community.

## **RISKS**

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There are no associated risks to the University in adopting these recommendations.

## **FINANCIAL IMPLICATIONS**

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Depending on how the recommendation is implemented, financial resources may be required to provide nicotine-cessation services for those who use vaping devices or e-cigarettes.



## Revision to the Policy on Smoking at the University of Maryland

### 2019-2020 Committee Members

**Jo Zimmerman** (Chair)  
**Yanne Chembo** (Faculty)  
**Venkat Chintha** (Graduate Student)  
**David Cronrath** (Ex-Officio Provost's Rep)  
**Andy Fellows** (Faculty)  
**Stacy Garza** (Staff)  
**Melody Hashemi** (Undergraduate Student)  
**Luke Jensen** (Ex-Officio Chief Diversity Officer Rep)  
**Ireland Lesley** (Ex-Officio SGA Rep)  
**Anne Martens** (Ex-Officio VP Administration and Finance Rep)  
**Max McKittrick** (Undergraduate Student)  
**Pamela McNally** (Staff)  
**Annie Rappeport** (Ex-Officio GSG Rep)

**Joel Seligman** (Ex-Officio VP University Relations Rep)  
**Anjali Sharma** (Undergraduate Student)  
**Sue Sherburne** (Ex-Officio Chair of Coaches Council Rep)  
**Elizabeth Warner** (Faculty)  
**Elizabeth Wasden** (Faculty)  
**Joshua Westgard** (Faculty)  
**Carly Woods** (Faculty)  
**John Zacker** (Ex-Officio VP Student Affairs Rep)

### Date of Submission

**March 2020**

## BACKGROUND

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In September 2019, the Senate Office was asked whether the definition of “smoking” in the Policy on Smoking at University of Maryland restricts the use of vaping devices and e-cigarettes. After consulting with stakeholders involved in implementing the policy, the Senate leadership found that the current policy lacks clarity on whether it prohibits or permits the use of such devices, and determined that the Campus Affairs Committee should be charged with considering whether vaping should be explicitly addressed in the policy.

The SEC charged the committee with reviewing past Senate action on the University’s approach to smoking, reviewing recent actions at the state and federal level addressing vaping devices and e-cigarettes, examining definitions of smoking at Big 10 and peer institutions, and considering how the definition of smoking in the current Policy on Smoking could be revised to more clearly indicate that it encompasses vaping devices and e-cigarettes (Appendix 8). After initial work by the committee, the SEC adjusted the scope of the committee’s review. The revised charge focuses on considering the impact of vaping devices and e-cigarettes on members of the campus community, assessing whether the use of such devices is consistent with the principles of the University’s Policy on Smoking, and recommending whether the policy should be revised to prohibit the use of vaping devices and e-cigarettes (Appendix 9).

## CURRENT PRACTICE

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In June 2012, the University System of Maryland (USM) instituted [a policy](#) requiring smoke-free environments across the USM. The policy was intended primarily to protect non-users from the risks associated with secondhand smoke, rather than focused on the impact of smoking on individual tobacco users. Institutions were given until June 30, 2013, to establish policies that would ensure smoke-free environments. In August 2012, the SEC charged the Campus Affairs Committee with

developing a new policy consistent with the USM directive. In April 2013, the Senate voted to approve the committee's report calling for a new Policy on Smoking at University of Maryland (Appendix 1).

The policy prohibits "smoking," which is defined as "carrying or smoking a lighted tobacco product or the burning of any material to be inhaled including, but not limited to, cigarettes, cigars, hookahs, and pipes." The policy indicates that the University Health Center will provide smoking cessation services for students, faculty, and staff. The policy also permits the President to establish designated areas on campus where smoking will still be permitted; four such locations have been established.

## COMMITTEE WORK

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To address its charge, the Campus Affairs Committee reviewed past Senate action on smoking and considered definitions of smoking in policies at Big 10 and other peer institutions (Appendix 2). The committee consulted with the Office of General Counsel (OGC) and the Division of Administration and Finance on the current policy and its implementation. The committee also considered recent state legislation regulating the sale of electronic smoking devices, and testimony by the acting commissioner of the Food and Drug Administration addressing federal regulation of electronic nicotine delivery systems (Appendices 3 and 4). In the course of its work, the committee received letters from Public Health Action Through Civic Engagement (PHACE) and the Student Government Association advocating for the prohibition of vaping devices and e-cigarettes (Appendices 5 and 6).

The committee considered recent research on the effects of secondhand aerosol (SHA) emissions from vaping devices and e-cigarettes (Appendix 7). The literature indicates that vaping devices and e-cigarettes represent a much less harmful method of ingesting nicotine for those attempting to stop smoking traditional tobacco products. It is also the case, however, that SHA emissions include volatile organic compounds that are exhaled by those using vaping devices and e-cigarettes. While the long-term effects of exposure to SHA remain to be determined, there is evidence that preventing SHA exposure would have protective benefits for members of the campus community.

The committee determined that explicitly prohibiting the use of vaping devices and e-cigarettes was clearly consistent with the intention of both the USM and University policies on smoking, which were designed to create a smoke-free environment and reduce risks to bystanders. The committee worked to develop a new definition that was sufficiently flexible to address new technologies and mechanisms that simulate smoking. Its proposed definition of smoking includes a prohibition on "burning, vaporizing, or aerosolizing tobacco, nicotine, or any other material or substance to be inhaled." The committee carefully considered whether such a definition would prohibit legitimate activities and therapies, such as nebulizers. The committee determined that when the revised policy is read in its entirety, the full context of the language is clear. The committee's intent is to prohibit activities that have the potential to harm others, and the policy is not intended to restrict legitimate medical therapies authorized for use on campus.

The committee also consulted with a representative of the University Health Center (UHC) on current smoking cessation services. In addition to serving students who voluntarily seek out such services, the UHC also receives referrals from the Department of Resident Life when students are found responsible for using vaping devices or e-cigarettes in the residence halls. Current staffing levels in the UHC do not allow it to meet the existing demand for smoking cessation services, and students are often directed to outside resources, such as Maryland Quitline ([mdquit.org](http://mdquit.org)), for support. The committee noted that the significant rise in the use of vaping devices and e-cigarettes among middle- and high-school students will result in large cohorts of matriculating students who may need nicotine-cessation services, which led to the committee's administrative recommendation.

The committee made additional, technical changes to the policy and shared its proposed revisions with the OGC, which had no concerns. After due consideration, the Campus Affairs Committee voted to approve the revised Policy on Smoking at University of Maryland and an administrative recommendation at its February 26, 2020, meeting.

## **RECOMMENDATIONS**

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The Campus Affairs Committee recommends that the Policy on Smoking at University of Maryland (VI-8.10[A]) be revised as indicated in the policy document immediately following this report.

The Campus Affairs Committee recommends that the University should consider whether current smoking cessation resources will be adequate to meet the needs of incoming cohorts of students disproportionately affected by vaping and e-cigarette use.

## **APPENDICES**

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Appendix 1—Report on Senate Document #12-13-07

Appendix 2—Peer Smoking Definitions Research

Appendix 3—HB 1169 Fiscal and Policy Note

Appendix 4—Testimony on Federal Regulation of E-Cigarettes

Appendix 5—PHACE Letter

Appendix 6—SGA Letter

Appendix 7—Brief Synopsis of Research on the Secondhand Effects of Vaping

Appendix 8—Charge from the Senate Executive Committee

Appendix 9—Revised Charge from the Senate Executive Committee

VI – 8.10(A) **UNIVERSITY OF MARYLAND** POLICY ON SMOKING ~~AT UNIVERSITY OF MARYLAND~~

(Approved by the President May 2, 2013)

I. Purpose and Scope

- a. Purpose. This policy establishes standards and requirements to provide a smoke-free environment for all UMD faculty, staff, students, and visitors, in compliance with the Board of Regents Policy on Smoking at USM Institutions (VI – 8.10).
- b. Scope. This policy applies to all UMD students, faculty, staff, contractors and employees of contractors providing services at UMD, agents, guests, and visitors.
- ~~c. The following policy, VI 8.10(A) Policy on Smoking at University of Maryland, replaces any policies or procedures previously established at the University of Maryland that are in conflict with the purpose, applicability, or intent herein.~~

II. Definitions

- a. “Institutional Property” means any property owned, leased, or otherwise controlled or operated by UMD, including buildings, other structures and grounds, and vehicles owned or leased by the institution.
- b. “Smoking” ~~means carrying or smoking a lighted tobacco product or the burning of any material to be inhaled including, but not limited to, cigarettes, cigars, hookahs, and pipes.~~ **includes:**
  - i. Inhaling, exhaling, or carrying lighted tobacco products; **and**
  - ii. Burning, **vaporizing, or aerosolizing tobacco, nicotine, or any other material or substance** to be inhaled ~~including, but not limited to, cigarettes, cigars, hookahs, and pipes; and.~~
  - ~~iii. Using electronic cigarettes, vaporizing systems, or other devices that burn or vaporize tobacco or any other material or substance.~~

III. Prohibitions on Institution Property

- a. Prohibitions against Smoking
  - i. Consistent with Maryland law, **s**Smoking is not permitted in any institution building, including academic buildings, residence halls, administrative buildings, other enclosed facilities, or vehicles, except as provided in Section III(~~a.~~)iii, below.
  - ii. Smoking is prohibited on all institution grounds and property, including walkways, parking lots, and recreational and athletic areas, except as provided in Section III(~~a.~~)iii, below.

- iii. Smoking in and on ~~i~~Institutional ~~p~~Property will be permitted only as follows:
  - 1. For controlled research, and educational, theatrical, or religious ceremonial purposes, with prior approval of the President or the President's designee;
  - 2. In limited and specifically designated areas on ~~University~~ ~~Institutional~~ ~~p~~Property ~~and areas leased to third parties~~ as may ~~from time to time~~ be approved by the President; or
  - 3. Subject to any other exception to this policy recommended by the President and approved by the Chancellor.
- b. Prohibitions against Sale. The sale of tobacco and smoking-related products is prohibited on ~~i~~Institutional ~~p~~Property.

#### IV. Smoking Cessation Assistance

- a. Assistance Programs. The University Health Center shall make available smoking cessation assistance to students, faculty and staff, which may include opportunities to participate in smoking cessation seminars, classes, and counseling and the availability of smoking cessation products and materials.
- b. Smoking Cessation Information. The University Health Center shall be designated to answer questions, refer students and employees to on-campus and outside resources, and otherwise provide information about smoking cessation assistance options and opportunities.

#### V. Implementation Process

- a. This policy shall be administered by the Division of Administration and Finance.
- b. Communication. The University shall provide initial and ongoing information to communicate the requirements of this policy, including:
  - i. Dissemination of the key elements of the policy to faculty, staff, students, and others on websites and in appropriate written materials; and
  - ii. The placement of exterior and interior notices and signs announcing that ~~s~~Smoking is prohibited.
- c. Community Outreach. The University will engage in outreach to the community, as appropriate, to facilitate coordination with local government authorities and to assist residents and businesses near the institution in preventing trespass and littering that may result if members of the campus community seek to smoke in nearby off-campus areas.
- d. Consequences. The University may establish appropriate procedures and consequences, which may include fines or disciplinary measures, for violations

of this policy.

~~e. Implementation. The provisions of this policy shall be implemented at the University of Maryland no later than June 30, 2013.~~