

MICHIGAN STATE UNIVERSITY

September 10, 2021

MEMORANDUM

To: Committee on Academic Affairs

From: Samuel L. Stanley, Jr., M.D. *Al 2 Al 0*
President

Subject: Revisions to Ordinance 29.00 (Smoking) and Policy 02-09-04 (Smoke and Tobacco-Free)

RECOMMENDATION

The Trustee Committee on Academic Affairs recommends that the Board of Trustees amend Ordinance 29.00 (Smoking) and Policy 02-09-04 (Smoke and Tobacco-Free) as shown in Attachment A.



RESOLUTION

BE IT RESOLVED, that the Board of Trustees of Michigan State University hereby amends Ordinance 29.00 (Smoking) and Policy 02-09-04 (Smoke and Tobacco-Free) as shown in Attachment A.

Office of the President

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BACKGROUND

Ordinance 29.00 (Smoking) and Policy 02-09-04 (Smoke and Tobacco-free) prohibit smoking and the use of tobacco on property governed by the Board of Trustees with limited exceptions.

Many Native Americans, including MSU community members, use tobacco as part of longstanding traditions. Tobacco is offered with prayers in various ceremonies and rites. Exceptions to the ordinance and policy for traditional Native American use of tobacco have previously been granted on a case-by-case basis. However, the process to apply for an exemption for each use of tobacco can be burdensome for faculty, staff, and students who use tobacco to engage in traditional practices on a regular basis. Adoption of the proposed revisions will support Native American faculty, staff, students, and guests by permitting use of tobacco in their traditional spiritual, ceremonial, and cultural practices without requiring prior approval in each instance. Prior notice will be required for indoor use.

Educating Anishinaabe: Giving, Learning, Empowering (EAGLE), the Native American Staff and Faculty Association at MSU, supports the adoption of the proposed revisions. The appropriate administrative units, including the MSUPD Fire Inspector Unit, has also reviewed and approved the proposed procedures.

cc: Board of Trustees, S. Stanley, T. Woodruff, N. Beauchamp, M. Woo, B. Quinn, M. Zeig, M. Lynch, V. Gore, J. Bennett

29.00 SMOKING, USE AND SALE OF TOBACCO PRODUCTS

29.01 * Use of Tobacco Products and Smoking Prohibited

29.02 * Sale of Tobacco Products Prohibited

29.03 Definitions

29.04 Exceptions

.01 * No person shall (a) smoke, or (b) otherwise use any product derived from or containing tobacco, on any property governed by the Board.

.02 * Products derived from or containing tobacco may not be sold on any property governed by the Board.

.03 For the purpose of this Ordinance:

To “smoke” means inhaling, exhaling, burning, or carrying any lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic. To “smoke” also includes the use with any such tobacco or plant product of a pipe or hookah; of any electronic smoking device which creates, in any manner, an aerosol or vapor, in any form; or of any other oral smoking device.

“Products derived from or containing tobacco” include, without being limited to, cigarettes (including clove, bidis, kreteks), electronic cigarettes, aerosol or vapor nicotine delivery devices, cigars and cigarillos, pipe tobacco, hookah-smoked products, and oral tobacco (spit and spitless, smokeless, chew, snuff).

.04 Notwithstanding the foregoing, all FDA-approved nicotine replacement therapy products are permitted when used for purposes of cessation. Traditional Native American spiritual, ceremonial, or cultural use of tobacco, including but not limited to possessing, gifting, smoking, combusting (without smoking), and depositing on the ground or in the water, is permitted. Indoor use requires prior notice. Traditional Native American smudging using tobacco, sage, cedar, or sweetgrass is also permitted. Other exceptions to this Ordinance may be authorized by the Secretary of the Board pursuant to guidelines issued by the Secretary of the Board.

Enacted: September 15, 1964

Amended: May 16, 1969

Amended: December 10, 1994

Amended: October 13, 1995

Amended: August 15, 2016

Amended: [September 10, 2021](#)

* Denotes Civil Infraction

SMOKE AND TOBACCO-FREE POLICY

Michigan State University (the “University”) is committed to eliminating harmful exposure to smoke, tobacco, and environmental tobacco byproducts and adopts the following smoke and tobacco-free policy.

1. No person shall (a) smoke, or (b) otherwise use any product derived from or containing tobacco, on any property governed by the Board of Trustees of Michigan State University. Ordinance 29.01.
2. Products derived from or containing tobacco may not be sold on any property governed by the Board. Ordinance 29.02.
3. No person shall (a) smoke, or (b) otherwise use any product derived from or containing tobacco, in any vehicle owned or leased by the University.
4. Notwithstanding the foregoing, all FDA-approved nicotine replacement therapy products are permitted when used for the purpose of cessation. Traditional Native American spiritual, ceremonial, or cultural use of tobacco, including but not limited to possessing, gifting, smoking, combusting (without smoking), and depositing on the ground or in the water, is permitted. Indoor use requires prior notice. Traditional Native American smudging using tobacco, sage, cedar, or sweetgrass is also permitted. Other exceptions to this policy may be authorized by the Secretary of the Board pursuant to guidelines issued by the Secretary of the Board. Ordinance 29.04.

Definitions

For the purpose of this policy:

To “smoke” means inhaling, exhaling, burning, or carrying any lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic. To “smoke” also includes the use with any such tobacco or plant product of a pipe or hookah; of any electronic smoking device which creates, in any manner, an aerosol or vapor, in any form; or any other oral smoking device.

“Tobacco-derived or containing products” include, without being limited to, cigarettes (including clove, bidis, kreteks), electronic cigarettes, aerosol or vapor nicotine delivery devices, cigars and cigarillos, pipe tobacco, hookah-smoked products, and oral tobacco (spit and spitless, smokeless, chew, snuff).

Application of Policy to All Persons

This policy applies to all persons on University property, including students, faculty, employees, contractors, sub-contractors, and visitors, and to all persons who use University vehicles. Conspicuous signage will be posted on University grounds to inform the public that the University campus is smoke and tobacco-free. Exceptions to this policy may be authorized by the Secretary of the Board of Trustees pursuant to established guidelines.

Traditional Native American spiritual, ceremonial, or cultural use of tobacco is permitted with prior notice. To ensure that traditional Native American spiritual, ceremonial or cultural activities

do not inadvertently activate fire alarms or sprinkler systems and that such use confirms to applicable fire codes, regulations and safety practices, event organizers must submit the Tobacco Use Notification Form [LINK](#)—which will notify Infrastructure Planning and Facilities (IPF), Michigan State University Police and Public Safety, and Residence Education and Housing Services (for use in residence halls)—at least 3 days before an indoor event involving combusting or burning. Individuals must submit the Tobacco Use Notification Form at least 3 days before individual indoor use involving combusting or burning. Event organizers and/or individuals may submit one form at the beginning of each semester for use that will occur on consecutive days or on a regular schedule throughout the semester.

For such use:

- Use fire-safe cigarettes.
- Use deep, sturdy smudge bowls and use away from other combustible materials (including mulch and plants by building entrances).
- Place used lit tobacco and smoking materials in a non-combustible container with sand, water, or dirt and ensure it is extinguished. Place container in safe area outside (i.e. an area away from combustible material and vegetation). Event organizers or individuals will inform Custodial Services of the location of the container so that it may be disposed of safely.
- Do not place smoking materials in vegetation (e.g., mulch, potted plants, landscaping, dried grass or leaves).

For use involving open flame or fire:

- Keep the area within 35 feet of any fire free of flammable material.
- Ensure there is a fire extinguisher nearby. Event organizers or individuals can bring their own or request one from IPF.
- At least one individual should remain in the area for thirty (30) minutes after the fire is extinguished as a fire watch.

Education

University leaders, managers, supervisors, and facilities managers are expected to educate employees regarding this policy and to promote compliance in their areas of responsibility and on the larger campus. University managers and supervisors are also expected to facilitate attendance at University-sponsored programs for employees who desire to become tobacco-free.

Residential community supervisors and Student Life staff are expected to educate students regarding this policy and to promote compliance with it.

Enforcement

The success of this policy requires the cooperation of all members of the University community, not only through personal compliance with this policy, but by encouraging others to comply.

Concerns about smoking and tobacco use should be addressed in the moment whenever feasible. Continued concerns should be referred to the appropriate unit responsible for review and action:

- Faculty and Employees (including student employees) – issues should be referred to the employee’s supervisor or the employing unit head

- Students – issues should be referred to residential community supervisors or Student Conduct and Conflict Resolution
- Contractors and Subcontractors – issues should be referred to the campus unit responsible for monitoring performance under the contract
- Visitors – issues should be referred to the visitor’s host or to the University Police

Persons who violate this policy will be subject to disciplinary action.

Smoking Cessation Programs and Products

University-sponsored smoking cessation programs are available to assist students, faculty, and employees who wish to quit smoking.

Effective: August 15, 2016

Amended: [September 10, 2021](#)