

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES
FLORIDA BOARD OF GOVERNORS**

NOTICE OF PROPOSED AMENDMENT TO REGULATION

REGULATION TITLE: Smoke and Tobacco-Free Campus

REGULATION NO.: FIU-113

SUMMARY OF THE REGULATION: This regulation is being amended to include clarifying language and definitions consistent with the changes made to Florida's Indoor Air statute by Senate Bill 7012, which became effective July 1, 2019; and to promote a smoke and vapor-free campus by prohibiting the sale of tobacco products and vapor-generating electronic devices on campus.

TEXT OF REGULATION: The full text of the Proposed Regulation can be viewed below and on the website of The Florida International University Board of Trustees, <http://regulations.fiu.edu/>. If you would like a copy of the Proposed Regulation, please contact Eli Deville, Department Administrator, Office of the General Counsel, (305) 348-2103.

AUTHORITY: Board of Governor's Regulation 1.001(7) (g); Florida Statutes Section 1001.706(7)(b).

NAME OF PERSON INITIATING PROPOSED REGULATION: Dr. Elizabeth Bejar, Senior Vice President, Academic and Student Affairs.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

CONTACT PERSON REGARDING THE PROPOSED REGULATION:

Eli Deville, Departmental Administrator, Office of the General Counsel, Florida International University, 11200 SW 8th Street, PC 511, Miami, FL 33199.

Email: devillee@fiu.edu. Phone: 305-348-2103. Fax: (305) 348-3272

DATE OF PUBLICATION: August 2, 2019

THE FULL TEXT OF THE PROPOSED AMENDED REGULATION IS PROVIDED BELOW:

FIU-113 Smoke, Vape-Free and Tobacco-Free Campus

(1) Definitions:

(a) “Smoking” means possession of a lighted cigarette, cigar, ~~tobacco~~, tobacco product, pipe, water-pipe or hookah or any product consumed in a similar manner; and the use of an unlit cigarette, cigar, ~~tobacco product~~, pipe, water-pipe or hookah, or the use of a vapor-generating electronic device., ~~or the use of an electronic cigarette, cigar, pipe or any other device intended to simulate smoked tobacco.~~

(b) “Vaping” or “use of a vapor-generating electronic device” means to inhale, or exhale vapor produced by a vapor-generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor-generating electronic device.

(c) “Tobacco products” means cigarettes, cigars, pipes, smokeless tobacco, snuff, chewing tobacco, smokeless pouches, and any other form of loose-leaf, smokeless tobacco.

(d) “Vapor-generating electronic device” means any product that employs an electronic, a chemical, or a mechanical means capable of producing vapor or aerosol from a nicotine product or any other substance, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of a solution or other substance intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product.

(e) “University campus” or “campus” shall include all those lands occupied or controlled by Florida International University; which includes, but is not limited to the inside of all buildings, parking garages, parking lots, athletic fields, and all stadium seating.

(2) Smoking and/or vaping and/or use of any tobacco or product is ~~is~~ are prohibited in all areas of the University campus.

(3) Sale of all tobacco products and vapor-generating electronic devices ~~is~~ are prohibited on the University campus.

(4) Smoking and/or vaping and/or the use of tobacco products may be permitted in specific designated areas as part of a University approved research or education program.

(5) ~~Effective date for this regulation shall be January 1, 2011. _____, 2019.~~

Specific Authority: Board of Governors Regulation 1.001(7)(g); Florida Statutes Section 1001.706(7)(b). History: New 11-17-10, Amended _____.